

STANDARDS COMMITTEE

6 March 2023

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 6 March 2023

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

CO-OPTED MEMBERS:

David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd and Ian Papworth

APOLOGIES:

None were received

ALSO PRESENT:

Councillor Bernie Attridge

IN ATTENDANCE:

Chief Officer (Governance), Deputy Monitoring Officer, Senior Solicitor, and Democratic Services Officer

51. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Ian Papworth confirmed he declared an interested in item 4 on the agenda as he had applied for a dispensation

Councillor Andrew Parkhurst referred to item 7 and confirmed that he regularly attended Nannerch Community Council meetings in his role as elected member.

52. MINUTES

The minutes of the meeting held on 9 January 2023 were presented for approval.

Matters arising

Councillor Andrew Parkhurst referred to Section 20, The Flintshire Standard, asking when this would be reviewed and that if it was not listed for review could it be included in the Forward Work Programme. The Monitoring Officer confirmed that this could be included in the timetable.

Gill Murgatroyd referred to item 48, the overview of ethical complaints, and wondered if there was an update on this. The Monitoring Officer confirmed that this would be provided when the next report was presented.

The minutes were approved as an accurate record as moved by Gill Murgatroyd and seconded by Councillor Ian Papworth

RESOLVED:

That the minutes be approved as an accurate record.

53. DISPENSATIONS

The Chair reported that one application for a request for dispensation had been received from Councillor Ian Papworth which was being heard under 18C of Part 4 of Schedule 12A of the Local Government Act 1972. Members of the press and public would be allowed to remain at the meeting whilst the application was presented but would be removed to the lobby whilst the committee deliberated and then return to hear the decision.

The Monitoring Officer explained that this related to the Trelawnyd Memorial Hall. This was undergoing governance changes with the Community Council, as the landlord, wishing to grant a new lease to the Trelawnyd Community Association (TCA) of which Councillor Papworth's wife was a committee member. This was a charitable organisation taking the lease of a public asset to run it as a public service. As Councillor Papworth's wife was involved paragraph 10(2)(c) of the Code which stated that any matter affecting the well being or financial position of a family member created a personal interest for him. This was in connection with a lease to an organisation which his wife was in control or management and would give Councillor Papworth as her husband a personal and prejudicial interest.

Councillor Ian Papworth explained that this was causing problems within the Community Council as it had 9 members but currently held two vacancies. He explained that four members of the Council were Community Association members which meant that whenever a vote was required on the Community Association or village hall and declarations of interest were made it left the Council inquorate. The Community Association had signed a 27-year lease to run the village hall and issues had arisen around building insurance and management tax. As the spouse of the secretary of the charity he had a prejudicial interest but derived no benefit from the charity and had no decision-making role within the charity. This was problematic because if members the Trelawnyd Community Association (TCA) were excluded from the meeting, the Council was unable to conduct its business as 4 members were required to vote and he outlined the political balance of the four members who remained.

The Monitoring Officer spoke to raise three questions of detail from Councillor Papworth's comments:-

- To understand when the two vacancies may be filled which could assist the quorate issue
- Were the councillors on the TCA nominated by the Community Council
- Was the TCA looking for financial assistance from the Council and if so, was this valued at £500 or less

In response Councillor Papworth explained that two people had put their names forward but it would be two to three months before there were in post. Referring to the second point Councillor Papworth reported that three members included himself were not representing the Council on the TCA. One member, the

Chair, was a member of the TCA but also represented the Council. The Monitoring Officer stated that the person nominated by the Council automatically had a personal interest under the Code because of an exemption in paragraph 12. This would enable that member to treat any item as personal only provided it did not relate to planning or licensing matters. This would enable four councillors at the community council who would be able to vote.

Referring to the last point Councillor Papworth explained that every year the two village halls in the ward received a grant from the Community Council for its insurance with Gwaenysgor Village Hall receiving £1,000 and Tralawynd Village Hall normally receiving £1,000 but this had not been received this year.

Councillor Andrew Parkhurst asked if the other councillors who were in a similar situation had requested a dispensation. Councillor Papworth confirmed that he had provided them with the forms but was unaware if they had submitted them.

The Monitoring Officer confirmed that he had not received any other forms.

Gil Murgatroyd asked when the two new councillors were appointed would they be eligible to vote on this. Councillor Papworth confirmed they would as they were not members of the TCA.

The Chair referred to the grant money of £1,000 given to the two Halls and asked why the money had not been provided to Trelawynd this year. Councillor Papworth confirmed that the Community Council had been running the hall up until December and had continued the insurance for the duration of the term which was why they did not make the grant this year.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

At this point, the Chair proposed that the meeting move into closed session as provided for under the Local Government (Access to Information) Act 1985. This was moved by Mark Morgan and seconded by David Davies.

RESOLVED:

That the press and public be excluded from the meeting as the item was considered to be exempt by virtue of paragraph 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

Following the debate Councillors Ian Papworth and Bernie Attridge were re-admitted to the meeting and live streaming commenced.

The Monitoring Officer informed Councillor Papworth that the Standards Committee had agreed that in recognition of the need for the community council to be able to transact its business on this important community asset a dispensation was required. A dispensation was granted to enable Councillor Papworth to undertake the following:-

- To write to or speak with officers (with an independent person present with minutes taken of that discussion);
- To write to, speak and/or answer questions at Council/Committee meetings;
- To remain in the room during any debate;
- To vote

The Monitoring Officer confirmed that the duration of the dispensation was for up to 12 months which was the maximum that it could last. This would come to an end one month after at least one of the other councillors without an interest in the TCA was appointed. This would enable the community council to then become quorate and would alleviate the affects of the personal and prejudicial interest upon Councillor Papworth. This was under paragraphs (d), (i) and (j) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. Written confirmation of this would be forward to Councillor Papworth and the Clerk to the Council.

RESOLVED:

That the dispensation be granted to Councillor Ian Papworth

54. SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS

The Chair introduced this report and explained that within each council term a survey of councillors was undertaken to establish whether they wished to use Council resources to publish their ward newsletters. This report was to seek approval for this survey to be undertaken in this term.

The Monitoring Officer explained this was reviewed each term with the Councillors deciding in the last two terms not to allow Council resources to be used. He then read out paragraph 7 of the Code saying there was a public role for Councillors to provide updates to their residents on what was happening at the Council together with outlining what they had undertaken in their wards. Councillors had to be mindful about sharing information and not expressing their own personal or political views. This was a reason why Council resources had never been used to produce newsletters as the Councillors who provided them wanted control over what was included. Newsletters would be required to be vetted if Council resources were used. The Monitoring Officer said the new Councillors may hold a different view on this. The Committee would need to consider what limitations should be imposed on the publications and whether it was the simple issue of principle on do we want to change Council policy on this or not. He reported that a previous survey had been obtained with the questions attached at Appendix 2 and these would be included in the survey and circulated to Councillors. Once all the responses had been received the committee could then decide what the next steps would be.

In response to a clarification question from David Davies the Monitoring Officer said the question could specify “do you produce a newsletter in your role as a county councillor or with another councillor or councillors”. This could be included in the Forward Work Programme if the committee resolved to send out the survey.

Councillor Antony Wren felt as this was a new Council it should be sent out to ensure that all new Councillors agreed with the current situation. Councillor Teresa Carberry agreed that the new Council should make the decision.

The Chair referred to question 1 and wondered if the words “are you intending to produce a newsletter” should be included as there were many new Councillors who may not have considered sending out a newsletter.

The Chair then asked for a proposer that this survey be sent out and it was proposed by Councillor Antony Wren and seconded by Councillor Teresa Carberry.

The Chair said as there was agreement that these be sent out could the results be added to the Forward Work Programme for the committee to consider any opinion and changes made in the survey.

The Monitoring Officer confirmed that once the results of the survey were received it would enable a better understanding of what was required by Councillors. If the new Council did want to allow Council resources to be used then a clear set of guidelines would need to be developed to ensure they complied with Paragraph 7 of the Code and were apolitical. If this was not supported then the situation would remain the same.

RESOLVED:

That the amended survey be sent to Councillors and included as an item on the Forward Work Programme

55. ROLLING REVIEW OF THE EMPLOYEES’ CODE OF CONDUCT

The Monitoring Officer apologised saying the report which was attached to the papers was incorrect as it was the version presented at the last meeting.

Councillor Ian Papworth proposed that this be deferred to the next meeting and this was seconded by Councillor Andrew Parkhurst and agreed by Committee.

RESOLVED:

That this report be deferred to the next meeting.

56 REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCILS

The Chair invited members of the committee to present their reports on visits to Town & Community Councils.

Mark Morgan provided an update on his visit to Penyffordd Community Council on the 14 December 2022.

The Chair provided an update on her visit to Llanfynydd Community Council on the 16 January 2023

David Davies provided an update on his visit to Ysceifiog Community Council on 16 January 2023

David Davies provided an update on his visit to Nannerch Community Council on the 1 January 2023

David Davies provided an update on his visit to Gwernymynydd Community Council on the 16 February 2023

During a discussion around behaviour at meetings the Monitoring Officer confirmed that each council had to produce a training plan for its councillors under the Local Government Elections Act Wales 2021. The Authority provided the Code element for that but not the Chair's element. He said that as part of the training he emphasised the key points which were talking or addressing comments through the Chair with good chairing and well-run meetings negating emotive meetings.

Councillor Teresa Carberry commented that councils who were part of One Voice Wales were able to access a module of training for chairing skills.

Following a lengthy debate on suggestions to be fed back to support Town and Community Councils, the following wording was put agreed:-

“When councils had an orderly debate that reduced the chance of breaches of the code. The best way to achieve this was speaking through the chair, ensuring that meetings were held in an orderly manner and that people did not talk over each other, with any poor behaviour immediately addressed by the Chair.”
This was agreed by the Committee.

The Chair asked the Monitoring Officer how many councils were yet to be visited.

The Monitoring Officer confirmed that 20 councils had been visited with 14 remaining. This included the four councils, Hope, Leeswood, Treuddyn and Higher Kinnerton, which had not been allocated as it was suggested that these were given to the new Town & Community Councillor once appointed. He agreed to circulate the list to members of the Committee. The Chair asked if those members of the committee who still had councils to visit could schedule them into their diaries to enable them to be undertaken as soon as possible. Once these were completed it would provide an overview for all councils and help them in the positive way they operated

57 FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEES

The Chair confirmed that this emanated from the Penn Report and Richard Penn's recommendation that a forum be developed for the whole of Wales, with the first meeting taking place on the 27 January 2023.

The Monitoring Officer confirmed that Clive Wolfendale from Conwy County Borough Council was appointed Chair with the deputy monitoring officer from Cardiff supporting him. He outlined how the Monitoring Officer support would be provided by rotation throughout North Wales to share the workload. This was a support body and network and not a decision-making body. Anything which needed to be

discussed and agreed would be fed back to each authority's Standards Committee. The Ombudsman attended and her comments and notes were attached to the agenda and the Monitoring Officer provided information on the 9 cases which were shortly to be referred for hearing. In a normal year 4 cases would be sent for hearing but this year they had received double the number of complaints and information on the long-standing cases was provided. Because of staffing issues this had led to the delay in pushing the complaints through to completion. He agreed to speak to the WLGA to ascertain if the recording of the meeting could be shared confidentially with the Standards Committee members.

The Chair attended the meeting and said it was a very useful start to the national forum. The Forum would like the agendas to be led by Standards Committees and asked if members of the committee had any ideas for items that these be sent to the Monitoring Officer so they could be put forward for consideration.

The Monitoring Officer confirmed that the agenda would be settled at the Monitoring Officers Group prior to the next Forum meeting. Each Monitoring Officer, following discussions at their Standards Committee, would put forward items. This would identify any common items to be submitted and any individual items which would be of interest to the Forum. It was important that the Standards Committees direct this rather than the officers. The next committee meeting was scheduled for May with the Forum scheduled to meet in June. This which would provide an opportunity for Members to consider any items which could be included in the agenda for the Forum.

The Chair agreed saying it was important the any items that the committee wanted to put forward were considered. The Chair then referred to the 12-week consultation seeking views on the recommendation of the Penn Review by Welsh Government and said feedback on this would be something which could be looked at.

The recommendations were moved by Mark Morgan and seconded by Gill Murgatroyd.

RESOLVED:

- (a) That the Committee note the feedback from the first meeting of the Forum.
- (b) That the Committee suggests items for future meetings of the Forum.

57 FORWARD WORK PROGRAMME

The Chair referred to the scheduled meetings on the 15 May and 3 July and said the item carried over from this meeting, the review of the Employees Code of Conduct, would need to be included on the 15 May.

The Monitoring Officer said the next meeting on the 15 May would include the Employees Code of Conduct, items for the Forum, and would also need to include the results of the survey on newsletters and the results of the 12-week consultation on the views of the Penn Review by Welsh Government if they were available.

Councillor Andrew Parkhurst asked if the Flintshire Standard could be considered either for July or later. The Monitoring Officer felt this would be good

item to take to the November meeting which was the joint meeting with Town & Community Councils.

The recommendation was moved by David Davies and seconded by Gill Murgatroyd.

RESOLVED:

That the Forward Work Programme, as amended, be approved.

58 MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the public or press in attendance.

(The meeting started at 6.30pm and ended at 19.52 pm)

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Chair