

Standards Committee Annual Report



2022
-
2023

Foreword

Welcome to the annual report of Flintshire County Council's Standards Committee for the financial year 2022/2023.

As our first report, the aim has been to:

- 1) provide some explanation of how the committee is formed;
- 2) give a sense of the work it might be called upon to undertake; and
- 3) to describe what has actually been done over the last 12 months.

The primary work of the committee is undertaken in public meetings, which are broadcast live and are also available in the county council's archive of meeting recordings. This report therefore, attempts to give an overview of the work it has undertaken.

In undertaking its duties, the committee is mindful of the trust placed in it by the county council and the public to ensure that high standards of ethical behaviour are maintained. It also seeks to ensure that the democratic process is as inclusive as possible so that people with useful information can share that evidence with officers and councillors without being able to inappropriately influence or participate in any decision where they have a personal stake in the outcome.

There were all council elections in May 2022 and so the committee has ensured that a comprehensive programme of training has been provided to ensure that county councillors plus town & community councillors are aware of the standards of behaviour expected of them. It has also worked with group leaders at the county council to raise awareness of the new duty on them to promote good behaviour on the part of their group members.

I hope that you find the work of the committee, and this report, interesting. Should you wish to learn more about the work of the committee, to participate in its meetings or even wish to become a member when a vacancy next arises, please go to Flintshire County Council's website using the link (www.flintshire.gov.uk).

Signed



Julia Hughes, Chair
Flintshire County Council Standards Committee

Make Up of the Committee

The members of the committee are listed in the table below. The committee consists of 3 types of members as follows:

- 1. Independent Members** – these are recruited by advertisement (a process called co-option) and have no current or prior links with the council other than being on the committee. There are 5 of these so that they form the majority of members on the committee. They serve a maximum of two terms of varying length up to a maximum of 10 years;
- 2. Town & Community Council** – the committee is the Standards Committee for all town and community councils within Flintshire. Those councillors select one of their number in an informal election to represent their perspective on the committee. That representative serves for the whole council term; and
- 3. County Councillors** – there are 3 county councillors on the committee. They serve for the whole term of the council.

The majority of members are therefore not elected but are recruited from members of the public as per the requirements of legislation in Wales. A meeting of the committee can only proceed if at least half of those in the meeting are Independent Members.

Name	Type of Member
Julia Hughes	Independent Member and chair
Mark Morgan	Independent Member and vice chair
David Davies	Independent Member
Jacqueline Guest	Independent Member
Gill Murgatroyd	Independent Member
Ian Papworth	Town & Community Council representative
Teresa Carberry	County Councillor
Andrew Parkhurst	County Councillor
Antony Wren	County Councillor

Work of the Committee

The committee typically meets every other month. Meetings are scheduled in the intervening months to consider any urgent requests for a dispensation, and these meetings are cancelled if no such requests have been received.

During 2022/2023 the committee met on the dates listed below.

5th September 2022

7th November 2022

5th December 2022

9th January 2023

6th March 2023

15th May 2023

3rd July 2023

The work of the committee falls into several broad categories:

- 1) Proactive review of rules and procedures in the council's constitution to ensure that they:
 - a. Facilitate or encourage ethical behaviour; and
 - b. remain pertinent and up to date
- 2) Considering requests for dispensation i.e., requests for the prohibition on participation when a councillor has a personal and prejudicial interest to be relaxed. This happens in a range of circumstances such where a council might otherwise be inquorate or where a ward might be unrepresented if the councillor were unable to speak;
- 3) Reports to increase subject awareness such as reporting on the number and type of complaints made about community, county or town councillors under the code, or reports from the Public Services Ombudsman for Wales on their findings;
- 4) Reports on the thresholds and levels of sanctions and areas of good practice. This helps to inform us whether local policy changes are required or additional training needed;
- 5) Reports from Independent Members, who have observed meetings at the county council or town and community councils, on levels of compliance with the code. The committee then gives feedback on good practice and recommendations;
- 6) Reports on the working of the committee such as preparation for and the outcome of ethical liaison meetings, preparing or approving the annual report or setting its own forward work programme. These meetings are a strategic approach to the role of the committee as a proactive one and not just reactive to complaints.

The committee might also be called upon to consider reports from the Public Services Ombudsman in relation to alleged breaches of the councillors' code of conduct. These are very rare. No referrals were made during the financial year 2022/23 and only 2 such referrals have taken place since the committee was formed in the early 2000s.

Work of the Committee

The committee may also receive notice from the Adjudication Panel for Wales when it has conducted a hearing into an alleged breach of the code of conduct. Such a notice would include details of any findings that a councillor has breached the code and the penalty to be imposed. The Adjudication Panel did not hear any such cases during 2022/23 and consequently did not issue any such notices.

Once a year the committee holds a meeting jointly with all the town and community councils. They have the chance to raise issues or questions for the agenda that relate to the standards regime and the committee will also schedule items that may be of common interest to county council and town & community councils.

In addition to formal committee meetings the chair & vice chair attend:

- 1) **Ethical liaison meetings** – these are informal meetings with the chair & vice chair of council, the Leader and group leaders to discuss issues of current concern amongst county councillors;
- 2) **National Forum for Standards Committee Chairs** – this is a network for sharing best practice between all the chairs of all the Standards Committees in Wales (including the 3 national park authorities and 3 fire & rescue authorities). This has replaced the North and mid Wales Forum. There is secretariat support from the WLGA.

There was 1 meeting of this new forum during the period of this report.

Training

In May 2022, elections took place to the county council and in every city, town & community council in Wales. At the county council there was a high degree of turnover and there was a large intake of new councillors. Some of those councillors had previously served on town or community councils but many had never been a councillor before. Similar levels of turnover were also experienced in many town and community councils.

It was therefore important that training on the code of conduct was made available. The committee had previously agreed with all group leaders that training on the code of conduct should be regarded as mandatory for all councillors, whether new or returning.

A comprehensive programme of training was made available to county councillors which they all either attended or viewed as a recording. Likewise, a series of training sessions were made available over the summer and in the autumn of 2022 for town and community councils. Similar confirmation has been sought from the clerks that all their councillors either attended or have viewed the recording.

In order to maintain its own skills and knowledge, the committee undertakes a training session before every meeting. This year the focus has been on the councillors' code of conduct, looking at each provision in a high level of technical detail.

The Penn Review

One of the key pieces of work for the committee during this financial year has been to respond to the "Penn Review". In March 2021 the Welsh Government commissioned Richard Penn to review the ethical framework in Wales.

That review sought the views of, amongst others, the Standards Committee, on aspects of the framework that might be improved or changed. Its findings were published in July 2021 and the committee has considered those findings and whether it might be able to adopt any of the recommendations or whether legislation would be needed to implement them.

The committee believed that a number of the recommendations could be adopted voluntarily and, through the monitoring officer's network, has sought to develop a consensus for action across all Standards Committees in Wales on such issues as harmonising the threshold for declaring gifts and hospitality, and the creation of a national forum for the chairs of all Standards Committees. It has also proposed the voluntary adoption of some of the recommended changes to the code of conduct for councillors.

Compliance with the Group Leader's Duty

As part of its annual report, the committee is required to report on the extent to which it believes that group leaders have complied with their duty to promote ethical behaviour.

Section 62 Local Government and Elections Act 2021 (inserting a new section 52A into the Local Government Act 2000) states:

“(1) A leader of a political group consisting of members of a county council or county borough council in Wales—

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) must co-operate with the council's Standards Committee (and any sub-Committee of the Committee) in the exercise of the Standards Committee's functions.

(2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.”

Each group leader has completed their own report of the steps which they have taken to fulfil this duty. The committee met privately with them to explore those reports and ask questions where further detail was required. Having undertaken that assessment, the committee:

- 1) Noted the positive steps taken by group leaders to promote training to both returning and new councillors following the elections. The committee's view is that it is especially important given the number of new councillors for there to be high levels of attendance at the training on offer;
- 2) Welcomed the efforts made by group leaders to help resolve any issues that had arisen during the year; and
- 3) is satisfied that the group leaders have each fulfilled their duty.

As noted under the recommendations for action, the committee thinks further training should be provided as requested. The scope of that training will need to be developed jointly with group leaders.

The committee works collaboratively to support group leaders with their duty wherever possible.

Recommendations for action

From previous comparisons, it appears that the Flintshire Standards Committee receives the most requests for dispensations in North Wales. However, the committee remains concerned that the numbers seem “to be low” and wonders whether councillors are not declaring the required level of interests because they fear it might debar them from participating on items of importance to their community.

Recommendation: that clerks be reminded of the ability to seek dispensations

The committee noted that many complaints related to a failure to treat with respect, often (though not exclusively) arise from comments on social media. Navigating the balance between freedom of political expression and respect for others can be difficult and is an area where the committee has received requests for training.

Recommendation: that training is provided on how to balance the obligation to treat people with respect and the freedom of political expression.