

Standards Committee Annual Report



2023
-
2024

Foreword

Welcome to the annual report of Flintshire County Council's Standards Committee for the financial year 2023/2024.

This is the second annual report of the Standards Committee, and it is also the second year of this council term. As such the main focus for the committee has been to review how the code is being applied in practice at meetings of the County, Community and Town councils. We have observed each in turn, highlighted areas of good practice and made recommendations where we think that it would help to improve compliance with the code.

The Committee supports this work by reviewing the findings of the Public Services Ombudsman for Wales and the Adjudication Panel for Wales to identify where lessons can be learnt that might help to prevent councillors transgressing the code.

As always, we continue to review the codes and protocols within the County Council's constitution to ensure that the "rules" by which councillors operate set clear expectations as to what is and is not acceptable behaviour.

We have also sadly lost a member of the committee who needed to stand down due to ill health. We thank him for his efforts, wish him well for his recovery and look forward to working with his replacement in the next municipal year.

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 (stood down in February 2024 and replaced by Ros Griffiths from April 2024)
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 2023/2024 the committee met on the dates listed below:

15th May 2023

3rd July 2023

4th September 2023

6th November 2023 (joint meeting with Town & Community Councils)

4th December 2023

8th January 2024

5th February 2024

4th March 2024

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.

This year the visits planned to Town and Community Councils and additional attendance post feedback at an Ethical Liaison Meeting in October to meetings of Cabinet, Council and Committees at the County Council; have formed a major plank of the committee's work programme. The committee has received feedback from these observations at each of its main meetings and has followed them up with written advice to clerks/councillors.

Work of the Committee

By and large the Committee has been impressed at the visits by the hard work and dedication of councillors at all levels, and by the commitment of clerks and chairs who keep order during sometimes passionate debates. The Committee has been concerned on occasion to see some meetings where it is clear that the code is not being followed and it has followed up these with specific advice and a re-visit to see whether improvements have taken place. The committee feel that as the year has progressed, they have seen a general improvement in behaviours post feedback provided via clerks and in particular post the additional visits arising from the concerns raised at the Ethical Liaison Meeting.

The Committee received a referral from the Public Services Ombudsman in relation to an alleged breach of the code of conduct by a town councillor. The Committee undertook the initial consideration of the complaint and made preparations for a hearing to take place. These preparations were interrupted by the retirement of the town and community council representative and the hearing will take place in the 2024/2025 municipal year.

The committee is aware that a county councillor has been referred to the Adjudication Panel for Wales. The hearing for that councillor was, at the time of publication, expected to be held during the municipal year 2024/2025 and thus outside the reporting period for this report. In due course, the Committee will expect to receive notification of the out-come of that case. It will consider that notification and decide whether it needs to take any action or make any recommendations to the County Council.

The Committee's annual meeting with town and community councils took place in November 2023. The Committee heard about the Society of Local Council Clerks' civility and respect pledge which seeks to reduce bullying, harassment, and intimidation. Signatories to the pledge commit to "treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles". The Committee endorses the aims of the pledge and so promoted it to all town and community councils, encouraging them to sign up.

There are 34 town and community councils within in Flintshire and to date 20 councils have agreed to sign the pledge.

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, and to support group leaders in complying with the group leaders' duty;
- 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. Only the chair attends these meetings, vice chairs are not on the membership list but can substitute for chairs if they are unable to attend as per the terms of reference 2022

There were two meetings of this new forum during the period of this report.

June 2023

January 2024

Additionally, charring meetings training February 2024 and training is planned on the process on conducting hearings which will be held on 23/04/24.

Training

Having provided a comprehensive programme of training during 2022/2023 this year the focus has been on supplementing that knowledge by observing/commenting on meetings (see above). For new councillors who are co-opted or elected via by elections a recording of the training sessions is available.

Plus, the Committee worked with group leaders to design a programme of support for them on how to implement the duty to promote ethical behaviour (see below). This includes comprehensive training for all councillors on behaviours as well as skills training for group leaders.

The Committee also continues to provide updates for councillors based on reviewing the findings of the Ombudsman and Adjudication Panel for Wales. These cases where other councillors have failed to follow the code, can show how the code is being applied in practice and thus highlight behaviours that should be avoided.

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

The Committee has now considered all the recommendations from the Penn Review that can be adopted without the need for legislation. The Committee has recommended several voluntary changes to the code of conduct to reflect recommendations in the Penn Review. These have all been adopted.

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.*

The Committee has met with each group leader and considered a self-assessment report prepared by them on their actions to promote good behaviour. During the year there were a number of changes of group leader and, where appropriate, the Committee has spoken to the outgoing as well as the current group leader.

In discussing this duty with group leaders, they requested a programme of training for themselves on how to establish a good culture and how to persuade group members to follow that culture. In addition, they requested training for all councillors on respectful communication. Having witnessed a number of committee and full council meetings we feel that the training is important to help reinforce respectful behaviours and so we have agreed with group leaders that this training will be mandatory. The committee were satisfied that group leaders have co-operated with the council's Standards Committee in exercising its functions. On the whole, the committee were satisfied that group leaders took reasonable steps to promote and maintain high standards of conduct by the members of the group.

Concerns existed in relation to one group leader in that the self-assessment and verbal representations to the committee in an attempt to evidence efforts, coupled with some behaviours observed within meetings, fell short of what was expected. The group leader was replaced by his deputy group leaders in January of this year. The committee, in speaking to one of the deputy group leaders, established that concerns raised at the Ethical Liaison meeting in October were not disseminated within the group and could therefore not have been effectively addressed. Indeed, it is suggested that standards committee feedback has not been disseminated within the relevant group for an extended time-period. The committee, however, recognises that since change in group leader the promotion of standards and conduct within that group has improved.

Due to the role of the Committee in assessing the compliance of group leaders with their statutory duty, the Committee has become concerned about a potential conflict of interest should a group leader be a member of the Committee. The Committee feels that group leaders should not be a member of the committee. Whilst there is no such bar within the regulations on the make-up of the committee, those regulations pre-date the introduction of the group leaders' duty. The Committee is prepared to monitor the situation for the time being pending any developments that might take place at a national level.

Recommendations for action

Last year the Committee made 2 recommendations for action:

- 1) that clerks be reminded of the ability to seek dispensations. The Monitoring Officer wrote to all clerks reminding them of the Committee's ability to grant dispensation and also provided training on what was involved in granting a dispensation at the joint meeting in November.
- 2) that training is provided on how to balance the obligation to treat people with respect and the freedom of political expression. An outline of the training content was agreed with Group Leaders and a comprehensive programme of training is due to take place in May 2024

This year the Committee recommends that:

- Standards committee feedback becomes a standing agenda item at all group meetings (picking up on good practice captured within self-assessments);
- An open offer is circulated from the Standards Committee for any member to discuss concerns with us and seek support / guidance; and
- Town and community clerks are again reminded of the opportunity for their councillors to apply for a dispensation (in appropriate cases).