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Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Patricia Jones (Chair)

CS/NG

Councillors: David Cox, Hilary McGuill and
Arnold Woolley

2 July 2013

Co-opted Members

Edward Michael Hughes, Chris Bretherton-Watt,
Robert Dewey, Phillipa Ann Earlam and Jonathan
Duggan-Keen

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Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 8TH JULY, 2013** at **6.00 PM** to consider the following items.

Please note that a training session for Standards Committee members will be held from 6.00pm to 6.30pm.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

3 **MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the last meeting.

4 **DISPENSATIONS**

5 **ETHICAL ADVICE ON COLLABORATION** (Pages 7 - 10)

To approve the attached Protocol on how ethical advice will be given in respect of collaboration between authorities.

6 **FORWARD WORK PROGRAMME** (Pages 11 - 12)

For the Committee to consider topics to be included on the attached Forward Work Programme.

STANDARDS COMMITTEE **10 JUNE 2013**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 10 June 2013.

PRESENT:

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted Members:

Mr. C. Bretherton-Watt, Mr. J. Duggan-Keen, Mrs P. S. Jones, Mr R. Dewey and Mr E. M. Hughes

APOLOGY: Mrs P. A. Earlam

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, and Team Manager – Committee Services

1. DECLARATIONS OF INTEREST (including whipping declarations)

There were no declarations of interest.

2. MINUTES

The minutes of the meeting held on 13 May were submitted.

Accuracy

Councillor McGuill said she had submitted her apologies for the meeting which had not been recorded.

Matters Arising

On minute number 70, the Head of Legal and Democratic Services reported that a letter of response had been sent on behalf of the Committee and the Member had since contacted the resident.

RESOLVED:

That subject to the above the minutes be received, approved and signed by the Chairman as a correct record.

3. CHANGE IN ORDER OF AGENDA

The Chairman advised that, due to Councillor McGuill needing to leave before the end of the meeting, agenda item numbers 5 and 6 would be considered before agenda item number 4.

4. LOCAL RESOLUTION PROCEDURE

The Head of Legal and Democratic Services introduced the report for Members to consider a Local Resolution Procedure for complaints in respect of Members.

The Public Services Ombudsman's Guidance on the Code of Conduct for Members of Local Authorities in Wales expected local authorities in Wales to have implemented local resolution procedures to deal with low level complaints made by a Member against a fellow Member.

The aim of a Local Resolution Procedure was so there would be an opportunity to resolve matters and repair relationships at an early stage.

In adopting a Local Resolution Procedure, it was important that the process was clear, simple and relatively informal in its early stages. The process should not be seen as a replacement for investigation by the Public Services Ombudsman for Wales which would still remain appropriate for repeated or serious breaches of the Code of Conduct.

Three different models of Local Resolution Procedures that had been adopted in Wales were appended to the report. The Head of Legal and Democratic Services had adapted the Gwynedd model as a suggested Flintshire Local Resolution Procedure which at the start of the document, set out what was expected of Members.

The Head of Legal and Democratic Services suggested additional wording be added to the end of the recommendation in the report to include the words 'with effect from the date of that meeting' which was agreed.

He also suggested that an additional paragraph be included in the introduction to the recommended Local Resolution Procedure to say 'It is important that poor behaviour is quickly addressed and matters are handled whilst fresh in people's recollections. This procedure will therefore only apply to incidents/behaviour occurring in the 12 months immediately prior to a complaint being made to the Monitoring Officer' which was agreed.

A discussion took place on a suggestion that was made as to whether Members should be asked to sign to say they bought into the process of the Local Resolution Procedure. It was agreed that it would be discussed and determined during consideration of the next item on the agenda, Review of Code of Conduct for Members.

Following a suggestion from Mr R. Dewey, the Head of Legal and Democratic Services said wording could be included in the introductory paragraph to say 'Members should not make comments that could reasonably be regarded as abusive'.

Councillor Woolley suggested the following amendments which were agreed:

- Paragraph 2 (Stage 1 of the Procedure) – after the word allegation, include the words ‘in writing’
- Paragraph 4, second bullet point (Stage 1 of the Procedure) after the word conduct, insert the words ‘in the opinion of the Monitoring Officer’
- Paragraph 6 (Stage 2 of the Procedure) – Leader and Group to be in the plural. It was also agreed that if the Member was non-affiliated, it would only be that Member and the Chief Executive present
- Paragraph 8 (Stage 3 of the Procedure), last line – member to be replaced with ‘members’
- Paragraph 13 (Supplementary Matters) – the word ‘to’ to be removed from the last line

The Democracy and Governance Manager said the word Council’s on the second line of the covering page of the Local Resolution Procedure should read ‘Councillors’ which was agreed.

In response to a question from Mr R. Dewey, the Head of Legal and Democratic Services explained that there was no time limit on a complaint to the Ombudsman on a breach of the Code.

RESOLVED:

- (a) That all of the amendments listed above be made; and
- (b) That the Committee recommends to Council the adoption of the Flintshire Local Resolution Procedure at Appendix 4, as amended, with effect from the date of that meeting That all of the amendments listed above be made.

5. REVIEW OF CODE OF CONDUCT FOR MEMBERS

The Head of Legal and Democratic Services introduced the report which was to review the Code of Conduct for Members and to make amendments to it that would facilitate local resolution of complaints.

At its meeting on 8 April 2013, the Committee resolved to instigate a rolling programme of reviews to the codes and protocols in the Constitution. The review of the Code of Conduct for Members was the first such review.

The Code was first adopted by Council in January 2002 and amended in May 2008 when the national model changed. It had not been amended since. When it was adopted the Council had a choice in respect of paragraph 18 which set the threshold of £10 above which gifts could be accepted but must be registered.

Members discussed the threshold of £10 and it was agreed that the amount should remain unchanged as inflation had remained low.

Following adoption of the Local Resolution Procedure, changes may be required. Welsh Government had proposed removing the obligation on Members to report breaches of the Code to the Public Services Ombudsman for Wales. In addition, officers would support adding to paragraph 6(2) an obligation to comply with requests from the Monitoring Officer and/or Standards Committee in relation to the local resolution of complaints.

The discussion continued following on from the previous item as to whether Members should be required to sign to say they would co-operate with the Local Resolution Procedure. Councillor Woolley suggested that a letter be sent out to all Members advising them of the adoption of the Local Resolution Procedure, sending the relevant paperwork and asking them to sign to say they had received this paperwork which was agreed.

The Head of Legal and Democratic Services suggested additional wording to the second recommendation in the report which was to add the following words after the word obligation on line two 'to abide by the Flintshire Standard and', which was agreed.

RESOLVED:

- (a) That the review be noted and the Code of Conduct for Members be confirmed as up to date; and
- (b) That the Committee recommends to Council that paragraph 6(2) be amended to include an obligation to abide by the Flintshire Standard and to co-operate with requests from the Monitoring Officer and/or Standards Committee whilst locally resolving complaints.

6. DISPENSATIONS

The Head of Legal and Democratic Services explained that Councillor Clive Carver had applied to extend the duration of his dispensation granted on 18 June 2012. This was due to Redrow submitting an application to change the house type and orientation for 14 of the previously agreed 45 dwellings.

The reasons given by Councillor Carver for the original dispensation request remained unchanged and if the Committee were minded to grant an extension, the Head of Legal and Democratic Services suggested that a time limit should be applied.

Mr R. Dewey suggested a 12 month extension to the dispensation that was due to end on 17 June 2013, which was agreed.

RESOLVED:

That Councillor C. S. Carver be granted an extension to his original dispensation which would end on 16 June 2014.

7. FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services presented the Forward Work Programme of the Committee and asked for any comments.

Mrs P. Jones suggested that a joint meeting be held with Town and Community Councils in October 2013 which could be hosted by a Town or Community Council, which was agreed.

RESOLVED:

- (a) That the Forward Work Programme be noted; and
- (b) That a joint meeting be held with Town and Community Councils in October, to be hosted by a Town or Community Council

8. DURATION OF MEETING

The meeting commenced at 6.30 p.m. and ended at 7.45 p.m.

9. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

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Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 8 JULY 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **ETHICAL ADVICE ON COLLABORATION**

1.00 **PURPOSE OF REPORT**

- 1.01 To approve the attached Protocol on how ethical advice will be given in respect of collaboration between authorities.

2.00 **BACKGROUND**

- 2.01 It is increasingly common for the Councils of North Wales to collaborate with one another on cross regional issues and in order to improve efficiency. The governance arrangements for such collaboration often include joint committees whereby councillors from all of the participating authorities will meet collectively at a “host” authority. That host authority, as well as providing secretariat, also provides legal advice in particular on interests so that councillors receive consistent advice about when and what level of interests to declare. It is important that there is some liaison between those advising the joint committee and the monitoring officers from each of the participating councils.
- 2.02 The Monitoring Officers of the six Councils have agreed the following simple Protocol to cover such circumstances.

3.00 **CONSIDERATIONS**

- 3.01 The process is designed to enable a collective view to be taken of potential interests. This is intended to reduce the possibility for different advice to be given. This process depends upon advice being sought early in order to function most effectively. However, where advice needs to be given without the opportunity for liaison then it is better that the councillor should get some advice rather than none at all so unilateral action is still possible.
- 3.02 The Protocol can be kept under advice to ensure that it is meeting the needs of those councillors serving on joint committees.

4.00 RECOMMENDATIONS

4.01 That the Protocol is approved.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 Monitoring Officers of the six North Wales Councils.

11.00 CONSULTATION UNDERTAKEN

11.01 Monitoring Officers of the six North Wales Councils.

12.00 APPENDICES

Appendix 1 – Protocol – The Ethics of Collaboration

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Gareth Owens
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THE ETHICS OF COLLABORATION

1. INTRODUCTION

1.01 Collaboration between local authorities is increasingly important and commonplace. Joint committees often are a feature of collaboration.

1.02 Normally, there is a host authority for a joint committee whose officers will attend meetings and provide legal/ethical advice to the councillors at those meetings.

1.03 It is important that councillors receive clear and consistent ethical advice about when and what level of interest, if any, to declare when acting on joint committees, whether the source of that advice is the councillor's "own" monitoring officer or the lawyer advising the joint committee from the host authority. The six Councils have therefore agreed this protocol on how ethical advice will be given.

2. PROCEDURE

2.01 Given the complexity of the Code of Conduct and the many ways in which interests can arise, it is always best that councillors seek early advice so that all the circumstances can be fully explored. Ordinarily, this advice should be sought in the first instance from the councillor's "own" monitoring officer.

2.02 If the council's own monitoring officer is asked to advise then he/she will take the details of the query, and if there is time, liaise with the lawyer advising the joint committee from the host authority before providing an answer. If there is not time, then the monitoring officer will answer the query and copy the response to the host authority's legal advisor.

2.03 If the query is raised at a meeting of the joint committee then the lawyers from the host authority will advise as required. Thereafter they will copy the advice they have given to the monitoring officers of all of the councillors who are present so that

they are aware of the advice that was given.

2.04 In the final analysis councillors are under a personal duty to declare any interest in a matter under discussion at the joint committee. The role of legal/ethical advisors at the joint committee or indeed at the councillors' own authorities is to provide advice and guidance. The duty to act on any such advice is for councillors and councillors alone.

1st draft

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
2014	<ul style="list-style-type: none"> Retirements from Committee 	Independent Member – Mrs P Jones (July)
Dec 2013	<ul style="list-style-type: none"> Retirements from Committee 	C Bretherton-Watt (Nov) – Mr Molyneux (new Standards member) attending briefing with MO/Deputy MO 5.15pm 2/12/13
Oct 2013	<ul style="list-style-type: none"> Date of meeting changed from 7 to 14 October. The Committee will meet followed by a joint meeting with Town and Community Councils. Venue - Connah's Quay Town Council. 	
Sept 2013	<ul style="list-style-type: none"> Training Session Declaration of Interests Requests for dispensation 	13 May meeting - item on Declarations of Interest be added to the Forward Work Programme for future consideration by the Committee in Sept
8 July 2013	<ul style="list-style-type: none"> Training Session Declaration of Interests Requests for dispensation Ethics on Joint Committees 	Item on handling ethics on joint committees concerning consistency of approach be scheduled for consideration at July meeting (action from April meeting)
10 June 2013	<ul style="list-style-type: none"> Training Session Declaration of Interests Any requests for dispensation Review Members Code of Conduct Local Resolution Procedure 	<p>Councillor Carver's dispensation be extended.</p> <p>That Committee recommends to Council changing paragraph 6(2)</p> <p>That all amendments listed be made.</p> <p>That Committee recommends to Council its adoption.</p>

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