

STANDARDS COMMITTEE
8 DECEMBER 2014

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold CH7 6NA on Monday, 8 December 2014

PRESENT: Mr. Edward Michael Hughes (Chairman)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

IN ATTENDANCE:

Chief Officer (Governance), Democracy & Governance Manager and Committee Officer

38. ADDITIONAL ITEM

The Chairman advised that an urgent item would be considered following Agenda Item 5.

39. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

40. MINUTES

The minutes of the meeting of the Committee held on 3 November 2014 were submitted.

Matters Arising

Minute number 33: Public Services Ombudsman's Annual Letter 2013/14 - the Democracy & Governance Manager advised that it had not been possible to report to this meeting pursuant to resolution (c) as information was awaited from the Chief Officer (Planning & Environment).

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

41. DISPENSATIONS

Copies of a dispensation request from Councillor Christine Jones had previously been circulated to the Committee, in relation to planning application 052887. As the application concerned an area to the rear of her house and accessed over her land, she had not requested dispensation to vote but to make written and oral communications to officers, and to speak for five minutes when it was considered at the Planning Committee meeting.

In providing background to the application, the Democracy & Governance Manager explained that Councillor Jones would in any event be entitled to speak on the item for three minutes, similar to the rights of members of the public. He said that Councillor Jones would be required to leave the room after speaking on the item and went on to give an example of a similar request previously considered by the Committee where written but not oral communications had not been granted, together with speaking for five minutes.

Councillor Hilary McGuill proposed that dispensation be granted only for written communications to officers, as Councillor Jones' land was directly affected by the application and noting her entitlement to speak on the item for three minutes. Following similar comments from other members, the Committee agreed that this decision was appropriate in the circumstances.

As suggested by the Chief Officer (Governance), it was agreed that a time limit of 12 months be imposed on the dispensation granted and that it would apply to any other planning application which, in the Monitoring Officer's opinion, was of a similar nature.

RESOLVED:

That Councillor Christine Jones be granted dispensation under paragraphs (c) and (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 8 December 2015) to:

- Contact officers in writing on planning application 052887 or any application which, in the Monitoring Officer's opinion, was of a similar nature. Councillor Jones would be entitled to remain in the room to speak for three minutes on the item before withdrawing from the room (and thus not vote) after doing so.

42. SUPPLEMENTARY PROTOCOLS

The Democracy & Governance Manager introduced the report on supplementary protocols which had been referred to by Mr. Peter Keith-Lucas at the Anglesey training day in July 2014. The views of the Committee were sought on any parts of the protocols which could be adopted to improve the existing arrangements in Flintshire.

Planning

It was noted that some changes had already been made to the Council's Planning Code of Practice following earlier consideration of the Planning protocol, as agreed at the meeting in September 2014.

Member/Officer Relations

The Committee compared the Council's existing protocol with that from Mr. Keith-Lucas and agreed that the areas highlighted in paragraph 3.02 of the report should be taken into account as part of the forthcoming review. During the debate, Mrs. Phillipa Ann Earlam raised comments on the protocol from

Mr. Keith-Lucas in terms of consistent spelling of the word 'whistleblowing' and removal of the initial word 'appropriate' from section 3.2(e).

Gifts and Hospitality

In relation to the protocol from Mr. Keith-Lucas, Councillor Hilary McGuill referred to the need to declare, where necessary, gifts such as flowers. Following discussion, the Committee agreed that the Council did not require a separate protocol for Gifts and Hospitality but felt that all Members should be reminded of the current provisions on this within the Code of Conduct.

IT for Members

The Chief Officer (Governance) responded to queries on internet access through Wi-Fi and insurance liability. A number of points were raised on the protocol from Mr. Keith-Lucas:

- For consistency, to refer to either 'Council' or 'Authority' and not both.
- To change references of 'councillor' to 'member' for consistency which would also then include co-opted members.
- On Section 9 (Confidentiality), to clarify the process for returning equipment back to the Council and responsibility for clearing any data.
- To consider imposing a deadline for the return of IT devices when the Member leaves the Council, eg within 7 or 14 days.
- For paragraph 5(a) to specify the prohibiting of private use which would be unlawful.

During debate on the third point, reference was made to the shared responsibility between Members and the Council, namely that Members would be expected to remove any files that they did not wish others to see before returning the device and to seek assistance if required. For their part, the IT Section would ensure the clearing of returned devices before re-issuing for use by another individual.

As there was no protocol currently in place, the Committee agreed with the suggested approach for a protocol to be developed by the Member iPad project group, incorporating some of the principles from the protocol by Mr. Keith-Lucas. It was also agreed that the finalised protocol would be brought back to the Committee, for information only, at a future date. The Chief Officer (Governance) added that the relevant Cabinet Member would need to be consulted on the proposed protocol.

RESOLVED:

- (a) That no further action be taken in relation to the Planning Protocol;
- (b) That the points raised in paragraph 3.02 of the report be considered as part of the proposed review of Flintshire's Member/Officer Protocol;
- (c) That all Members be reminded of the provisions for declarations of Gifts and Hospitality within the Code of Conduct; and

- (d) That the protocol on the use of IT by Members be pursued as indicated in paragraph 3.04 of the report, taking into consideration the comments raised by the Committee. The final version of the Protocol to be brought back to the Committee at a later date, for information only.

43. URGENT ITEM - GUIDANCE ON THE CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS - PUBLIC INTEREST TEST

The Chairman and Vice-Chairman provided feedback on the recent North Wales Standards Committee meeting which had been attended by the newly appointed Public Services Ombudsman for Wales. They welcomed the Ombudsman's willingness to engage with Authorities and his support for the collaborative approach on standards being taken by North Wales Councils. In noting the success of the training session at Anglesey Council for Clerks of Town and Community Councils, Mr. Robert Dewey suggested that a similar event could be considered by officers at Flintshire.

A communication from the Ombudsman's office was circulated to the Committee, setting out concerns around the volume of low level complaints. Feedback was sought on the proposal to introduce a further public interest, in addition to the two already in place, to determine the most appropriate route for each complaint and reduce the number of trivial complaints being received. The seven factors to be taken into consideration by the Ombudsman when applying the public interest test were set out in the paper.

The Chief Officer (Governance) explained that having been raised at a recent meeting of the All Wales Monitoring Officers' group, feedback was sought urgently, prior to the revision of 'Guidance on the Code of Conduct for Local Authority Members' early in the New Year. He provided explanation on the different routes taken to deal with breaches of the Code of Conduct and the application of public interest tests to eliminate minor issues to avoid wasted resources and public money.

In response to queries, the Chief Officer explained that the Ombudsman had no jurisdiction over complaints made against Town and Community Council services or their Clerks as these were not part of the Members' Code of Conduct.

Mr. Kenneth Molyneux referred to the seventh factor in the paper and felt that consideration of the cost against any likely sanction was irrelevant. Other members spoke in support of this view.

Mr. Robert Dewey said that the additional public interest test would result in the diversion of minor complaints, which would discourage further similar complaints being made to the Ombudsman. The Democracy & Governance Manager favoured adding a reference to whether the complaint could be more appropriately dealt with under a Local Resolution Procedure.

Following further discussion, it was clarified that the Committee disagreed with the seventh bullet point relating to likely sanctions and that an additional criterion suggested by the Democracy & Governance Manager should be suggested.

RESOLVED:

That the Monitoring Officer feedback the comments of the Committee to the Public Services Ombudsman for Wales.

44. FORWARD WORK PROGRAMME

The Democracy & Governance Manager introduced a report on the forward work programme of the Committee and invited suggestions for future items.

As reported earlier in the meeting, it was hoped that a report on resolution (c) of minute 33 would be submitted to the next meeting and that the final protocol on IT for Members would be received for information at a future date.

In response to a suggestion from Mr. Kenneth Molyneux, a future training session would be scheduled to clarify the Social Services complaints process, including the different arrangements in respect of looked after children.

RESOLVED:

That the Forward Work Programme be updated accordingly.

45. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.40 pm)

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Chairman