

STANDARDS COMMITTEE

3 OCTOBER 2016

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Pentre Halkyn Community Centre on Monday, 3 October 2016

PRESENT: Edward Hughes (Chairman)

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted members:

Robert Dewey, Jonathan Duggan-Keen and Ken Molyneux

APOLOGY: Phillipa Earlam

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES: Councillor Dai Jenkins and Mr. Rhodri Hampson-Jones of Argoed Community Council; Councillor David Knights of Caerwys Town Council; Councillor Colin Barker and Mr. Phillip Parry of Halkyn Community Council; Councillor Joseph Caruana of Leeswood Community Council; and Councillor Patrick Heesom of Mostyn Community Council

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

14. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

15. MINUTES

The minutes of the meeting of the Committee held on 5 September 2016 were submitted.

Accuracy

The start of the meeting would be amended to 6pm.

Matters Arising

Minute Number 11: Visit of Public Services Ombudsman for Wales to the North Wales Standards Forum - it was confirmed that the issues put forward, including Councillor McGuill's suggestion, would be raised at the Forum meeting. The Chair and Vice-Chair would provide feedback at the next available meeting of the Committee.

RESOLVED:

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

16. DISPENSATIONS

There were no applications for dispensation.

17. REVISED GUIDANCE ON CODE OF CONDUCT

The Monitoring Officer presented a report on revised guidance on the Code of Conduct from the Public Services Ombudsman for Wales (PSOW) for Town/Community Councils and County Councils. The two sets of guidance reflected the different responsibilities of each and incorporated a number of changes to the Code of Conduct.

The Monitoring Officer summarised the key changes, as set out in section 1.02 of the report. He referred to the preface in the guidance which highlighted the expectation on all members to take advantage of training opportunities as part of their roles. The revised guidance would be drawn to the attention of Town/Community Councils through the training session at the end of the meeting. The Monitoring Officer also suggested that he email Clerks to highlight the availability of the guidance and to refer to the version on the PSOW website which was kept up-to-date.

Councillor Hilary McGuill asked if Clerks of Town/Community Councils were obliged to keep a record to verify that their members had read the guidance. The Monitoring Officer advised that this was not a statutory provision, however it was considered good practice for Clerks to record that they had shared the document and that it was the responsibility of individuals to ensure they had read and understood the content.

Councillor Arnold Woolley commented on the Ombudsman's concerns about repeated low-level complaints generated by a small number of members. It was explained that these could be considered as a breach of the Code and could also instigate an investigation under the conditions of the new PSOW Bill. On the 2-stage test for determining potential breaches, Councillor Woolley pointed out that total objectivity could not be achieved when considering public interest levels. The Monitoring Officer spoke about the approach to reviewing complaints which involved consideration of all the evidence by the Adjudication Panel or Standards Committee, if referred by the Ombudsman. On the interpretation of bullying and harassment, it was noted that the Advisory, Conciliation and Arbitration Service (ACAS) applied an objective test to the definition of bullying. The PSOW guidance set out the intention to consider the perspectives of both parties.

The suggested action by the Monitoring Officer was agreed by the Committee.

RESOLVED:

That the availability of the revised guidance online be brought to the attention of County Councillors and an email sent to Clerks of Town/Community Councils to this effect.

18. PUBLIC SERVICES OMBUDSMAN FOR WALES BILL

The Deputy Monitoring Officer presented a report on changes arising from the Public Services Ombudsman for Wales (PSOW) Bill if this was to be made into law in its current form. The report addressed a query raised at the previous meeting on the provision for oral complaints and highlighted proposed additional powers for the Ombudsman to initiate his own investigations, with an example given on how this would work.

In response to comments from Mr. Robert Dewey on the need to make provision for oral complaints, the Deputy Monitoring Officer explained that further detail on the criteria was awaited from the PSOW.

RESOLVED:

That the report be received and noted.

19. FORWARD WORK PROGRAMME

The Committee received the current Forward Work Programme for consideration. No suggested items or training topics were put forward.

RESOLVED:

That the Forward Work Programme be noted.

20. MEETING WITH TOWN/COMMUNITY COUNCILS

Following the meeting of the Committee, a training session was held on changes to the Code of Conduct and rules on Members' interests, to which all Town/Community Councils had been invited. A joint meeting was then held to give representatives of Town/Community Councils an opportunity to raise questions.

In response to a query from Councillor Dai Jenkins on the declaration of interests, the Monitoring Officer provided advice on instances where a member was appointed to a particular group by their Town/Community Council. Where the issue was related to planning, the member would need to either declare an interest or seek dispensation to make oral representations and leave the room for the discussion.

Explanation was given on the approach to dispensation requests, which were considered at each meeting of the Standards Committee. It was agreed that it would be useful to display an electronic version of the form on the County Forum section of the website.

In response to comments from Councillor Patrick Heesom about publications on the interpretation of prejudicial interests, the Monitoring Officer highlighted the difference between a member pre-determining an outcome as opposed to having a prejudicial interest where they or a family member had a personal stake on the matter. The Deputy Monitoring Officer referred to a

forthcoming High Court case in the UK where a planning committee decision had been overturned due to a voting member having a prejudicial interest.

Mr. Rhodri Hampson-Jones sought clarity on the role of Town/ Community Council Clerks in respect of publishing information. He was informed that the Ombudsman would expect the Clerk to act as the first point of contact, however advice was available from the Monitoring Officer and Deputy Monitoring Officer. It was also stated that Clerks were not obliged to comply with the Code of Conduct as they were officers and not members.

Mr. Robert Dewey expressed concern at the low number of Town/ Community Council representatives in attendance at the meeting. In response to comments, it was confirmed that an invitation had been extended, via email to all Clerks, in advance of the meeting.

Town and Community Council representatives were advised that the North Wales Standards Forum meeting in October, to which the Public Services Ombudsman for Wales (PSOW) had been invited, was not a public meeting. Mr. Hampson-Jones suggested the possibility of the Society of Local Council Clerks (SLCC) meeting with the PSOW or with the Standards Committee. The Monitoring suggested that the SLCC make contact directly with the PSOW.

21. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.00 pm and ended at 7.25 pm)

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Chairman