

STANDARDS COMMITTEE
5 MARCH 2018

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 5 March 2018

PRESENT: Edward Hughes (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Rob Dewey, Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

59. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

60. MINUTES

The minutes of the meeting held on 5 February 2018 were submitted.

Mrs. Phillipa Earlam pointed out an inaccuracy in her name under the Dispensations item.

RESOLVED:

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

61. DISPENSATIONS

The Deputy Monitoring Officer provided background information on two dispensation requests from County Councillor Mike Peers received after publication of the agenda. He clarified that Councillor Peers was not the local Member on the applications.

Councillor Heesom indicated that he did not wish to participate on the item as he was a member of the Planning Committee.

Planning applications 057514 and 057295 at Hawkesbury Hall, Buckley

It was explained that Councillor Peers was a member of the Hawkesbury Community Centre management committee and a member of the Planning Committee which was due to consider the applications later in the week. His request was to take part in the debate to raise concerns about restricted access by emergency vehicles to nearby facilities and to vote.

Councillor Woolley explained that whilst he had some knowledge about the building, he had no vested interest on the applications.

Mr. Rob Dewey questioned the reason for Councillor Peers citing paragraph (c) relating to potential political balance implications, in addition to paragraphs (e) and (f). The Monitoring Officer advised that Councillor Peers may have felt that there could be an issue, given the Planning Committee quorum arrangements in Wales and that the Committee could consider whether or not to include paragraph (c) as the basis for the decision.

The Chairman recalled that the Committee had not granted voting rights on past similar dispensations. He asked if the Committee wished to grant permission to speak and communicate in writing but not to vote. This was supported by the Committee.

The Deputy Monitoring Officer asked for clarification on the time which Councillor Peers would be permitted to speak under the dispensation, as he was entitled to speak for three minutes in any case. Councillor Woolley spoke in support of granting five minutes' speaking time due to the complex issues involved in the application.

The Chairman asked if the Committee wished to grant dispensation under paragraphs (e) and (f) only, to speak for five minutes and communicate in writing with officers, but to leave the meeting before the vote. The dispensation would apply for 12 months and include similar applications as deemed by the Monitoring Officer.

On being put to the vote, this was agreed. Councillor Heesom asked that his decision to abstain be recorded in the minutes.

Planning application 057689 at Alltami Road, Buckley

As a member of the Planning Committee, Councillor Peers was seeking dispensation to speak and vote on the application which, if approved, would result in financial contributions towards education at the Mountain Lane Primary School where he was Chair of Governors.

The Monitoring Officer drew comparison with an application submitted in 2014 by former Councillor Alison Halford, where dispensation had been granted to speak, vote and communicate in writing. That determination had been made on the basis that the relevant school stood to benefit rather than Councillor Halford. The published decision did not indicate the length of time given to speak. In respect of the current application, Councillor Peers would be able to speak for three minutes, the same as a member of the public, unless the Committee agreed on five minutes.

Mr. Dewey queried the relevant paragraphs under which dispensation was being sought but indicated that he would support granting dispensation without voting as the organisation that Councillor Peers represented stood to benefit. This was seconded by Councillor Woolley.

During discussion, the Monitoring Officer gave clarification on educational financial contributions arising from planning applications.

The Chairman asked if the Committee wished to grant dispensation under paragraphs (e) and (f) only, to speak for five minutes and communicate in writing with officers, but to leave the meeting before the vote. The dispensation would apply for 12 months and include similar applications as deemed by the Monitoring Officer.

On being put to the vote, this was agreed by the Committee. Councillor Heesom asked that his decision to abstain be recorded in the minutes.

RESOLVED:

- (a) That County Councillor Mike Peers be granted dispensation under paragraphs (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak for five minutes at Planning Committee and make written representations on planning applications 057514 and 057295, or any application which, in the opinion of the Monitoring Officer, is similar. Councillor Peers is to leave the meeting after speaking, before the application is debated and voted on. The dispensation to be granted for 12 months, ceasing on 5 March 2019; and
- (b) That County Councillor Mike Peers be granted dispensation under paragraphs (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak for five minutes at Planning Committee and make written representations on planning application 057689, or any application which, in the opinion of the Monitoring Officer, is similar. Councillor Peers is to leave the meeting after speaking, before the application is debated and voted on. The dispensation to be granted for 12 months, ceasing on 5 March 2019.

62. VISITS TO TOWN AND COMMUNITY COUNCILS

The Monitoring Officer presented a report to consider the approach for independent members of the Committee to undertake visits to Town and Community Councils, as suggested at the January meeting. Following communication with Town and Community Councils, only one Town Council had responded to welcome the visits. On that basis, members were asked to consider whether they wished to defer the item pending further consultation or to proceed and consider the draft guidelines in the report.

Councillor Woolley proposed that the Committee accept the recommendation and guidelines as set out in the report. This was seconded by Councillor Heesom.

Mrs. Julia Hughes explained that the aim of the visits was to help improve standards and ensure that members of the public had good access to their local meetings. The practice operated by a neighbouring council was not to pre-publish a rota for the visits but for participating independent members to be provided with a list of council meeting dates. They would then contact the Clerks

and introduce themselves, explaining their intention to attend a meeting to observe rather than participate (the same as a member of the public) and leave the meeting prior to any exempt items. In the event that the member was asked to introduce themselves, a common script was used to explain the purpose of the visit in raising awareness of the Code of Conduct and supporting councils to understand their obligations. Generic verbal feedback would be regularly reported to the Standards Committee on issues such as access to agendas, procedural matters, member participation, giving examples of good practice and highlighting training needs.

Mrs. Phillipa Earlam suggested the publication of a checklist to show transparency but Councillor Johnson was concerned that this could be interpreted as an inspection. He felt it was important to promote the visits as working in partnership with Town and Community Councils and went on to ask if there would be a conflict of interest for Members of the Committee who were also on Town and Community Councils. The Monitoring Officer advised that Members who were dual-hatted would not need to declare a personal interest.

The Monitoring Officer suggested that he write to Clerks to explain the nature of the visits in taking notes of perceptions and looking at processes leading to good ethical behaviour which were within the remit of the Committee.

Members discussed how feedback should be reported to the Committee. Mrs. Hughes felt that verbal feedback should be generic, with the key points included in the minutes which were a public document. Mr. Rob Dewey said that feedback could indicate the number of councils visited along with the main findings.

Councillor Johnson suggested that the approach taken by the neighbouring council could be observed and adapted for Flintshire use. It was pointed out that members were able to view the published minutes of that council to see how verbal feedback was reported.

Mrs. Hughes proposed an amendment to the substantive motion from Councillor Woolley that the rota for visits not be published and for Town and Community Councils to be notified individually by members undertaking the visits. This was seconded by Mr. Ken Molyneux. It was noted that this would need to be clarified in the guidelines set out in the report, which had been agreed by the Committee. On being put to the vote, the amendment was carried.

Following further discussion, the Monitoring Officer summarised the views in that no feedback would be given by the independent members during the visits and that verbal feedback would be reported to the Standards Committee so that comments could be approved before submitting to Town and Community Councils. This further amendment was proposed by Mr. Dewey and seconded by Councillor Woolley. On being put to the vote, this was carried.

The motion put forward by Councillor Woolley, as amended, was put to the vote and carried.

Councillor Johnson asked whether the visits were subject to the payment allowance scheme for co-opted members. Following discussion, Councillor

Heesom proposed that the officers report back on the financial implications and this was supported by the Committee.

RESOLVED:

- (a) That the guidelines in paragraph 1.03 the report be amended to reflect that:
- Independent members of the Committee wishing to participate be provided with meeting dates and contact details to enable them to notify Clerks in advance of visits;
 - a rota of visits is not to be published;
 - that the member should advise the Clerk to the council of his/her intention to visit a specific meeting;
 - that each attendee introduces themselves to the Clerk when they arrive at the meeting and then takes a seat in the public gallery;
 - that the attendee should not speak at the meeting unless invited to do so, and should only explain the nature and purpose of the programme of visits;
 - that the attendee should decline to give specific advice on matters under the code such as declaring interests, and should refer any such requests to the Clerk, Monitoring Officer or Deputy Monitoring Officer instead;
 - Verbal feedback to be reported to the Committee to enable comments to be approved before submitting to Town and Community Councils; and
- (b) That the Committee receive a report from officers on the financial implications of making the visits an official duty for the purposes of co-opted member allowances.

63. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented a report on complaints of alleged breaches of the members' code of conduct submitted to the Public Services Ombudsman for Wales (PSOW). A total of nine complaints had been received in 2016/17 and two received in 2017/18 to date.

As the report was to be a regular feature on the Forward Work Programme, Mrs. Julia Hughes asked if it could be enhanced to indicate the Authority, source of the complaint and PSOW outcome, as a result of which the report would need to be considered in closed session.

Councillor Heesom felt that information in the report could be expanded whilst retaining it as a public document. This view was supported by Councillor Woolley.

The Monitoring Officer suggested the report could indicate Town or Community Council '1', '2' etc, and Member 'a', 'b', etc, to differentiate the type of council and complainant without identifying them. On being put to the vote, this was carried.

RESOLVED:

- (a) That the number and types of complaints be noted; and
- (b) That future reports provide clarity on different councils and members using numbers and letters to differentiate them without identifying.

64. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK

The Deputy Monitoring Officer provided an overview of the outcomes of complaints investigated by the Public Services Ombudsman for Wales (PSOW) as shown in the most recent edition of the Ombudsman's Casebook. A link to the Casebook had been included on the agenda for information.

65. MEETING OF THE NORTH WALES STANDARDS COMMITTEES FORUM

The Monitoring Officer agreed to advise the Committee of the agreed date of the next meeting of the Forum due to take place in May at Gwynedd Council. Although it was the usual practice for Chairs and Vice-Chairs of Standards Committees to be invited, all members of the host authority were able to attend if they wished.

The Chairman invited members to suggest agenda topics for the meeting.

Mrs. Phillipa Earlam referred to discussion at the previous meeting and requested an item on practices/protocols on social media operated by other councils.

RESOLVED:

- (a) That the Monitoring Officer advise the Committee of the date of the meeting; and
- (b) That the Monitoring Officer submit an agenda item to consult on social media practices/protocols operated by other councils.

66. FORWARD WORK PROGRAMME

The programme of training sessions indicated by the Deputy Monitoring Officer prior to the start of the meeting would be scheduled.

The Monitoring Officer referred to discussion on the social media protocol at the previous meeting and advised that feedback was being sought from the relevant officers before submitting comments to the Welsh Local Government Association (WLGA). An item on the outcome of updated WLGA guidance would be reported to a future meeting.

Councillor Heesom asked that the Monitoring Officer keep the Committee advised of any future implications arising from changes on information security.

As a point of accuracy, it was noted that the North Wales Standards Committees Forum would be hosted by Gwynedd Council.

RESOLVED:

That the Forward Work Programme be updated.

67. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance.

(The meeting started at 6.30pm and ended at 8.10pm)

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Chairman