

STANDARDS COMMITTEE

3 JUNE 2019

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, 3 June 2019

PRESENT: Julia Hughes (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, and Julia Hughes.

APOLOGIES:

Robert Dewey and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Democratic Services Officer.

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Arnold Woolley declared a personal interest in relation to item 7 – Reports from Independent Member Visits to Town/Community Councils – as he was a member of Buckley Town Council.

2. MINUTES

The minutes of the meeting held on 29 April 2019 were submitted and approved as a correct record.

Matters arising:

Minute No. 72: The Monitoring Officer provided an update on the vacancy for an Independent member on the Standards Committee and referred to the joint recruitment process with Wrexham County Borough Council to fill the vacancy. He said he had provided Wrexham Council with a copy of the interview documentation for any Members who may be interested in the position and was pursuing the recruitment of two members from Wrexham to form the Interview Panel which would also consist of two members from Flintshire County Council, and an independent person. The Monitoring Officer confirmed that the position would be advertised in the local press and circulated amongst Town and Community Councils.

Minute No.74: The Monitoring Officer provided an update on matters concerning a Town Council. He advised that he and the Deputy Monitoring Officer had met with the former Chair and Clerk of the Town Council and said the Clerk had arranged training for the Town Council and had suggested mediation be arranged between two members. The Monitoring Officer had offered, with the agreement of the current Chair of the Town Council, to help the Town Council to draft an

agreed set of behaviours with Councillors which could then be presented as a formal document to the Town Council for approval.

RESOLVED:

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

3. DISPENSATIONS

There were no requests for dispensation.

4. PUBLIC SERVICES OMBUDSMAN FOR WALES CASEBOOK ISSUE 19 (OCTOBER – DECEMBER 2018)

The Deputy Monitoring Officer introduced the report to inform the Committee of the latest publication of the Public Service Ombudsman's Code of Conduct Casebook. He advised 11 complaints had been investigated by the PSOW of which there were 3 findings of no evidence of breach and 8 findings of no action necessary (although one complaint related to 2 incidents of which 1 was a finding of no evidence of breach and the other a finding of no action necessary). There were no referrals to Monitoring Officers for consideration by their Standards Committees and no referrals to the APW for adjudication by a tribunal.

The Deputy Monitoring Officer reported on the main considerations, as detailed in the report, and referred to the findings of the Rhondda Cynon Taf County Borough Council – duty to uphold the law case, and the Beguildy Community council – disclosure and registration of interests case.

RESOLVED:

That the findings of those complaints that were investigated by the PSOW during October to December 2018, as summarised in issue 19 of the Casebook, be noted.

5. ADJUDICATION PANEL FOR WALES DECISION – BREACH OF THE CODE OF CONDUCT OF MONMOUTHSHIRE COUNTY COUNCIL

The Deputy Monitoring Officer introduced a report to provide details of the decision of the Adjudication Panel for Wales in respect of the Monmouthshire County Council case reported in Issue 18 of the Public Services Ombudsman for Wales Casebook as requested by the Committee.

The Deputy Monitoring Officer drew attention to a typographical error in the recommendation of the report and said the wording should read: "and shares with Councillors any messages or lessons".

The Deputy Monitoring Officer provided background information and said the complaint had arisen from three emails sent by a Councillor to the Chief Executive of Monmouthshire County Council in relation to a Council resource issue and had included egregious remarks about homosexuality. He explained that the case had involved two issues which had made it complex, as detailed in

the report, and the Case Tribunal had to make findings in respect of six alleged breaches of the Code regarding six particular comments made in the two emails sent by the Councillor to the Chief Executive. The Deputy Monitoring Officer said the alleged breaches were summarised in the report together with the findings that were made by the Case Tribunal in terms of breach of the Code. The report also summarised the findings on sanction in accordance with the recently adopted sanctions guidance. The full decision was appended to the report.

The Monitoring Officer drew attention to the reference in the report of the decision of the APW in 2009 regarding a Councillor of Barmouth Town Council. Commenting on the case the Monitoring Officer advised that Flintshire County Council had a policy whereby, for example, if an Officer's performance was criticised by a Member it was brought to the attention of the Officer's line manager to be dealt with in private and not made public

RESOLVED:

That the Committee notes the judgement of the Case Tribunal and shares with Councillors any messages or lessons arising from the decision that it considers appropriate.

6. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS

Mrs Phillipa Earlam provided verbal reports on her visits to the following councils:

- Northop Community Council (14.01.19)
- Buckley Town Council (26.02.19)
- Bagillt Community Council (13.03.19)

Northop Community Council

Reporting on her visit to Northop Community Council, the Independent Member said the meeting had been well conducted and chaired and a variety of topics considered. A Streetscene officer had been present during the meeting and his contribution had been valuable. The website was of a good standard and agendas and minutes of meetings were available online. Arising from a matter considered discussion took place about how to get young people involved in community matters.

A point of feedback to the Committee was around the increased role and responsibilities of Clerks to Town and Community Councils and the difficulties experienced by Councils regarding the recruitment and retention of Clerks.

Councillor Arnold Woolley asked if a qualification was available for the role of Clerk to Town/Community Councils. The Monitoring Officer advised that a qualification was available but it was for each Town/Community Council to specify whether they wished it to be essential criteria for the post.

Referring to the matter of recruitment and retention of Clerks, discussion took place around Town/Community Councils giving consideration to the joint

employment of the same Clerk. The Monitoring Officer cited the example of where two Community Councils jointly employed a Clerk and worked together to share the cost of recruitment, training and development of the Clerk. The Chair proposed that the suggestion be raised with either Town/Community Councils or the Standards Forum as a possible solution to the issue.

Buckley Town Council

The Independent Member reported on her visit to Buckley Town Council. She said a seating plan with names had been provided which had been helpful. She had experienced no difficulty in contacting the Clerk's office or establishing the venue for the meeting and commented on the high standard of the agenda pack provided and said the meeting had been well conducted. She referred to the Council's website and commented that at the time renovation was being undertaken and although information was available some was clearly signposted and some was not.

The Independent Member commented on the variance between individual Town/Community Council's websites and asked if guidance could be provided to assist them to produce a model layout for ease of access to locate basic information on meetings and agendas, minutes, etc. Discussion took place around the need for all Councils to agree to a model layout and the skills and time required by Clerks to update websites to the required standard. It was agreed that all Councils should achieve the minimum standard required to provide information about the date, time, venue, agenda and minutes of meetings. It was acknowledged that each Council would retain its individuality in terms of design and inclusion of further local community information.

Bagillt Community Council

The Independent Member provided feedback on her visit to Bagillt Community Council. She said the meeting had been well chaired and clerked and members of the public had been in attendance during the meeting. She said the website was under review and commented that she had experienced some difficulty in gaining connection and locating minutes etc.

The Independent member was thanked for her comprehensive feedback.

In response to a query raised by Councillor Arnold Woolley concerning the need for information to be provided in the Welsh language, the Monitoring Officer advised that the County Council used Conwy Borough Council translation services and said he would make enquiries as to whether a service could be provided for Town/Community Councils.

RESOLVED:

That the verbal reports be received and feedback given to Town and Community Councils.

7. FORWARD WORK PROGRAMME

The current Forward Work Programme was received.

The Monitoring Officer referred to the following items which were scheduled for consideration at the next meeting of the Committee to be held on 1 July 2019:

- update on Community Asset Transfers
- review of Flintshire Standard

The Chair referred to a previous agreement that when all visits to Town and Community Councils had been completed a final overview report would be provided and said this needed to be scheduled on the Forward Work Programme for consideration at a future meeting. The Chair also asked if feedback could be provided to the Committee on the main areas of discussion arising from the meeting of the North Wales Standards Forum on 24 June 2019.

In response to a question from Councillor Heesom the Monitoring Officer advised that the Public Services Ombudsman for Wales would be in attendance at the meeting of the Standards Committee Forum to be held in June and said he would speak on the issue of standards of behaviour at meetings.

Councillor Arnold Woolley asked if guidance was available around what constituted work/activities which fell outside the role of a Councillor.

RESOLVED:

That the Forward Work Programme be noted.

8. 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 7.54 pm)

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Chairman