

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
16 OCTOBER 2019

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held in the Delyn Room, County Hall, Mold on Wednesday, 16 October 2019.

PRESENT: Councillor Ted Palmer (Chair)

Chris Bithell, Jean Davies, Rob Davies, David Healey, Gladys Healey, Joe Johnson, Paul Johnson, Mike Peers, Vicky Perfect, David Williams, David Wisinger and Arnold Woolley

APOLOGIES: Councillors: Bob Connah, Ray Hughes, Michelle Perfect, and Ian Smith

SUBSTITUTIONS: Councillors: Janet Axworthy (for Clive Carver) and Kevin Hughes (for Neville Phillips)

ALSO PRESENT: Councillors: Christine Jones and Patrick Heesom (as observers)

IN ATTENDANCE: Chief Officer (Governance), Democratic Services Manager, and Democratic Services Officer

Prior to the start of the meeting the Democratic Services Manager advised that there had been a change of membership on the Committee and Councillor David Williams replaced Councillor Rita Johnson with immediate effect. An item for the Appointment of a Vice-Chair would be included on the agenda for the next meeting.

9. DECLARATIONS OF INTEREST

None were received.

10. MINUTES

The minutes of the meeting held on 5 June 2019 were submitted.

Matters arising

Councillor Chris Bithell asked if a reminder had been sent to all Members to ask them to update their Declarations of Interests and whether Members reviewed their Declarations of Interest annually. The Democratic Services Manager confirmed that a request had been sent and a number of Members had updated their Declarations as a result. An annual reminder would be sent to all Members in the future and a record kept of the updated Declarations.

Page 4, Item 5 - Corporate Anti-Fraud and Corruption Strategy and Fraud Irregularity Response Plan. Councillor Chris Bithell referred to the Member training to support the revised policy and asked when this would take place. The Democratic Services Manager said he would look into this following the meeting.

RESOLVED:

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

11. CODE OF CONDUCT

The Chief Officer (Governance) introduced a report to amend the Code of Conduct in line with the recommendations from the Committee on Standards in Public Life (CSPL).

The Chief Officer provided background information and reported that the Standards Committee, at a meeting held on 2 September 2019, had considered both the recommendations and best practice findings of the CSPL. It considered that the Council should voluntarily adopt Recommendation 6 in relation to gifts and hospitality and change its Code of Conduct to require Members to declare not only gifts above a certain individual value but also gifts above an aggregate value. The proposal was that any gift worth more than £10 should be registered (as at present) and if gifts of £100 or more were received from the same donor in the space of 12 months then this should also be recorded. The Chief Officer advised that the suggested amendment reduced the risk that gifts/hospitality might escape registration by being given in small value amounts over time. The suggested revisions to the Code of Conduct were shown in Appendix 1 to the report.

In response to a query by Councillor Chris Bithell, the Chief Officer provided further information around the abolition of the Adjudication Panel for England and commented on the role of the Public Services Ombudsman for Wales. Councillor Bithell referred to page 15, section 6 (1) (a) of the report and asked if the statement also applied to other national or local bodies/organisations. The Chief Officer explained that this was a mandatory statement that applied to all local councils, and other bodies in Wales, citing the Fire Authority an example.

Members sought advice on the need to register gifts of low monetary value which, for example, might be given by a resident in appreciation for the support provided to resolve a matter in their Ward. The Chief Officer provided clarification around the registration of gifts and hospitality and reiterated that Members are required to register any gift or hospitality deemed to be over £10 in value and to reject any gift/hospitality of any value that appears to place the Councillor under an improper obligation.

Councillor Mike Peers referred to page 25, section 17 (3), and suggested that where Members must provide written notification to the Authority's Monitoring Officer within 28 days, the Monitoring Officer would acknowledge receipt of the notification. He also asked if Members' Declarations of Interest would be automatically updated on receipt of the notification or if Members would need to ensure they did this themselves.

During discussion the Chief Officer provided further advice on the questions and comments raised around Register of Interests, and personal interests, and cited examples of when a Member would be required to declare a personal interest or a personal and prejudicial interest.

RESOLVED:

That the suggested amendment requiring gifts with a total value of £100 or more in any 12 month period to be declared be recommended to Full Council for inclusion in the Code of Conduct for Councillors.

12. REVIEW OF THE FLINTSHIRE STANDARD

The Chief Officer (Governance) introduced a report to review the expected standards of behaviour contained within the Flintshire Standard/Local Resolution Procedure. He provided background information and explained that Officers had reviewed the Standard with Group Leaders and some amendments were suggested to expand and clarify expectations around behaviour. The Standards Committee, at a meeting held on 2 September 2019, had endorsed the proposed changes and also suggested that complaints under the Standard be made within 3 months instead of 12 months. As local resolution was intended to be a quick remedy the suggested change was consistent with the aims of the process.

Councillor Chris Bithell referred to page 38, section 6, of the report and asked if the decision to proceed to stage 2 or stage 3 was made by the Monitoring Officer or the complainant. He also referred to section 7, Stage 2 of the Procedure and, referring to the fourth bullet point, asked what the procedure would be if a Member was independent and did not belong to a group and did not have a Group Leader. The Chief Officer responded to the points raised and agreed to give this further consideration.

Councillor Bithell referred to page 38, section 13 (b) and expressed the view that the statement 'no further action is required' was not satisfactory if there was a basis to a complaint. The Chief Officer referred to the three options available to the Standards Committee, as detailed in the report, and provided clarification and examples around how conclusions could be reached. In response to a further question from Councillor Bithell concerning paragraph 16, page 39, the Chief Officer confirmed that a complainant had a statutory right to submit a complaint to the Public Services Ombudsman for Wales. He said the Authority's local procedures did not prevent a complaint being submitted to the Ombudsman that a Member had breached the Members Code of Conduct.

Councillor Mike Peers referred to page 35 of the report and queried the need for a heading for Public Behaviour and a separate heading for Behaviour in Council and Committee meetings. The Chief Officer suggested that the two headings could be combined to form a single heading 'Behaviour expected towards others' and this was agreed by the Committee. Councillor Kevin Hughes suggested that reference be included under the heading to the need for Members to observe respectful behaviour when using social media and online communication.

RESOLVED:

That the amended Flintshire Standard be recommended to Council for adoption.

13. MEMBER DEVELOPMENT & ENGAGEMENT

The Democratic Services Manager presented a report to provide the Committee with an update on the Member Development and Engagement events held since the last meeting. He drew attention to the 'ward workshops' which had been organised following the publication of the Local Democracy & Boundary Commission Review proposals for Flintshire. He also advised that there would be an open 'drop in session' on 24 October for any Members who wanted to discuss how the proposals would affect their ward. On 28 October, there would be an all Member Electoral Ward review workshop which would be used to inform a report to the meeting of County Council to be held on 19 November 2019.

Councillor Bithell referred to the events which were held during the Summer recess and asked if this could be avoided in the future. The Democratic Services Manager explained that generally the not holding of meetings during August was observed but there had been no alternative dates for the two events held on 1 August this year. The Chief Officer (Governance) pointed out that the Council did not, unlike Parliament, have a formal recess. All Council services continued whilst meetings weren't being held. Councillor Bithell asked if the attendance at events could be included in future reports.

RESOLVED:

- (a) That the Committee notes the progress with Member Development and Engagement events since the last report; and
- (b) That if Members had any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

14. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the public or press present.

(The meeting started at 2.00 pm and ended at 3.00 pm)

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Chair