

STANDARDS COMMITTEE
1 NOVEMBER 2021

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Remote Meeting on Monday, 1 November 2021

PRESENT: Julia Hughes (Chair)

Councillors:

Gladys Healey, Patrick Heesom, and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Jacqueline Guest, Mark Morgan, and Gill Murgatroyd

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Councillor Vivienne Blondek of Buckley Town Council, Mared Eastwood – Clerk, Argoed Community Council, John Golledge – Chair Northop Hall Community Council; Janet Jones, Clerk – Queensferry Community Council; Karen Perry – Queensferry Community Council; John Pattison, Holywell Town Council; Phillip Parry - Clerk to Caerwys Town Council Halkyn, Whitford and Dyserth Councils.

APOLOGIES: Andy Trumper - Holywell Town Council

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, Democratic Services Team Leader and Democratic Services Officer

Prior to the start of the meeting the Chair welcomed the representatives of Town and Community Councils who had joined the meeting.

20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Julia Hughes declared a personal interest in item 9: Public Services Ombudsman for Wales (PSOW) Annual Letter, as she was a member of the Standards Committee, Denbighshire County Council.

21. MINUTES

The minutes of the meeting held on 6 September 2021 were submitted.

Accuracy

Page 7, Item 18: Gill Murgatroyd referred to the third bullet point and said that it had been agreed that the item on Independent Member visits to Council meetings would be moved from January to June 2022. It was agreed that the minutes would be amended.

Matters arising

Page 5, Item 14: In response to a question from the Chair the Monitoring Officer confirmed that the findings had been formally shared with Chairs of Committees and Group Leaders.

Page 6, Item 16: the Monitoring Officer advised that the date for the Pan Wales Standards Conference had not yet been confirmed but he would make further enquiries.

Page 7, Item 17: The Chair reminded members that a date was yet to be confirmed for the next Ethical Liaison meeting.

Subject to the above amendment the minutes were moved by Mark Morgan and seconded by Gill Murgatroyd.

RESOLVED:

That subject to the above amendment, the minutes be approved as an correct record.

22. CHANGE IN THE ORDER OF THE AGENDA

The Chair proposed that item 4: Dispensations be moved to the final item on the agenda as this would facilitate a less disruptive process for those present at the meeting. This was agreed by the Committee.

23. PENN REVIEW OF THE ETHICAL STANDARDS FRAMEWORK

The Monitoring Officer introduced a report to share the findings of a report by Richard Penn, a former Chief Executive (latterly at Bradford City Council), following his review of the Ethical Standards Framework, and the Welsh Government's (WG) response.

The Monitoring Officer provided background information and explained that the terms of the review were as detailed in the report. He advised that a link was provided in the report to the written statement from the WG in response to the Penn report. The Monitoring Officer reported on the findings of the Penn review as detailed in the report. Some of the findings were statements and others were best practice recommendation.

Councillor Mared Eastwood asked if a member had been offered or provided with training relating to poor behaviour would this be taken into account in any subsequent formal complaint was made or investigation undertaken. The Monitoring Officer explained that training was taken into account by the Public Services Ombudsman and may recommend that training be provided in some cases.

Gill Murgatroyd said the WG had not yet indicated which findings it proposed to action and referring to the Local Government elections taking place in May 2022, asked when this would be made known. The Monitoring Officer explained that it was expected that the WG would make changes to the Code of Conduct for Councillors before May 2022 but other changes may take place later.

Janet Jones asked how Town/Community Councillors could be encouraged and supported to engage in training. The Monitoring Officer advised that attendance at training was voluntary and suggested that the Clerk could give a copy of the Public Services Ombudsman's guidance for Town and Community Councils; raise awareness of virtual training provision; and that the option of a training event being hosted by a Town or Community Council in the future be considered.

The Chair drew attention to the third recommendation in the report and asked the Committee to consider whether it wished to receive training on the holding of hearings now, and again when a hearing was due to take place. Following discussion the Chair proposed that the Committee received training on hearings only when a hearing was imminent. Jacqueline Guest seconded the motion. The recommendation was carried.

RESOLVED:

- (a) That the Committee notes the findings of the report;
- (b) That the Monitoring Officer explores whether a national forum for Independent Members can be established; and
- (c) That the Committee receives training on hearings only when a hearing was imminent.

24. STANDARDS FORUM PRE-BRIEFING

The Monitoring Officer provided background information and advised that Gwynedd County Council had volunteered to hold the next meeting of the Standards Forum in November, however, the planned biennial Standards Conference might delay this. The Monitoring Officer referred to the purpose of the Forum, as detailed in the report, and asked if there were any items for discussion that the Committee wished to put forward on the agenda for the next meeting. The Monitoring Officer explained that he had suggested a number of items in section 1.04 of the report for consideration.

The Chair asked that the Committee contact the Monitoring Officer before the end of the week with any further suggestions or comments they wished to propose.

RESOLVED:

That members of the Committee contact the Monitoring Officer with any further suggestions/comments on the agenda for the next meeting of the Standards Forum.

25. ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS

Town and Community Councils had been given the opportunity to raise any items in advance of the meeting: none were received.

The Chair invited the representatives of Town and Community Councils who were present at the meeting to put forward any items for discussion: none were received.

The Deputy Monitoring Officer gave a verbal presentation on the general power of competence under the Local Government and Elections (Wales) Act 2021 and explained how it applied to Town and Community Councils. The Monitoring Officer commented on the opportunities presented under the legislation which could benefit Town and Community Councils.

In response to a question from Philip Parry, Clerk to Town and Community Councils, concerning expenditure in relation to Section 137, the Monitoring Officer explained that the new legislation was an enabling power and did not have the limitations imposed by Section 137.

26. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the regular report on the number of ethical complaints alleging a breach of the Code of Conduct which had been submitted to the Public Services Ombudsman for Wales (PSOW). He reported that since the last report in July 2021, 5 complaints had been received; 4 complaints had been resolved; and 1 remained outstanding. He commented on the nature and trend of the complaints. A list of the complaints in summary form received during 2019/20 was appended to the report.

Councillor Gladys Healey expressed concern that a number of complaints were made due to allegations of bullying. The Monitoring Officer acknowledged the point made and gave a brief overview of how the complaints were compiled. He commented that allegations of bullying were not evidence that bullying had actually taken place.

The recommendation was moved by Mark Morgan and seconded by Councillor Gladys Healey

RESOLVED:

That the Committee notes the number and type of complaints.

27. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) ANNUAL LETTER

The Deputy Monitoring Officer introduced the report to share the Public Services Ombudsman for Wales (PSOW) Annual Letter 2020/21. He provided background information and advised that the Letter was appended to the report. The Letter must be presented to the Council's Cabinet to assist in their scrutiny of the Council's performance and actions related to that were to be reported back to the PSOW by 15 November 2021.

The Deputy Monitoring Officer reported on the key considerations as detailed in the report. In respect of the number of Code complaints that were closed during the year relating to Flintshire County Councillors, there was 1 in total for which a finding of no evidence of a breach was made. In respect of the number of Code complaints that were closed during the year relating to Town and

Community Councillors in Flintshire, there were 11 in total, 9 of which led to findings of no evidence of breach, 1 was discontinued and 1 was withdrawn.

The Deputy Monitoring Officer advised that the Annual Letter explained that the PSOW had introduced a new publication called 'Our Findings'. The publication replaced the quarterly case books for both cases relating to services and Code of Conduct cases and would be updated regularly. There were currently no additional cases contained on the 'Our Findings' publication.

The Monitoring Officer explained that there was no comparative data/benchmarking regarding ethical complaints between councillors. It was agreed that the Monitoring Officer would discuss this with Monitoring Officers in other Councils to consider putting forward a joint request to the PSOW for information to be made available.

The recommendation was moved by Councillor Arnold Woolley and seconded by Phillipa Earlam.

RESOLVED:

That having had regard to the PSOW's annual letter and having noted that the complaints submitted during 2020/21 either led to findings of no evidence of a breach of the Code, or were discontinued or withdrawn, the Committee concludes that no action was needed.

28. FORWARD WORK PROGRAMME

The Forward Work Programme was presented for consideration.

Gill Murgatroyd thanked the Deputy Monitoring Officer for updating the Programme to incorporate the requests made at the previous meeting.

Referring to the items for consideration at the meeting to be held in January 2022, the Chair asked if a report on the Standards Conference could be included if this had been held beforehand

The recommendation was moved by Councillor Arnold Woolley and seconded by Jonathan Duggan-Keen.

RESOLVED:

That the Forward Work Programme be noted.

29. DISPENSATIONS

The Monitoring Officer invited Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver, to present their requests for dispensation which related to the proposal to close Vickers Close Play Area and for it to become a dog agility site.

Councillor Clive Carver explained that Hawarden Community Council was to have a working group of Members to process residents' consultation

responses and recommend to Hawarden Community Council the way forward. Without a dispensation local Hawarden residents views would likely not be represented.

Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver were seeking dispensation to write to or speak with officers; to write to, speak and/or answer questions at Council/Committee meetings; to remain in the room during any debate; and to vote at Hawarden Community Council meeting. The details of the prejudicial interest for both requests were detailed on the application forms.

The Monitoring Officer provided an overview and advice on the dispensation process.

Councillor Clive Carver provided further information in response to a request for clarification around the relevant paragraph (c) under which the dispensations were requested.

30. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

At this point, the Chair proposed that the meeting move into closed session - as provided for under the Local Government (Access to Information) Act 1985.

RESOLVED:

That the press and public be excluded from the meeting as the item was considered to be exempt by virtue of paragraph 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

31. DISPENSATIONS:

RESOLVED:

That Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver be granted dispensation to write to or speak with officers; to write to, speak and/or answer questions at Council/Committee meetings or Working Group; if speaking outside a formally minuted meeting there needs to be 4 people present and the meeting must be minuted; if speaking at Committee it must be an 'open' committee or if speaking to a Working Group the meeting must be minuted.

The Committee had not granted dispensation to remain in the room during any debate or to vote.

The dispensation to be granted for a period of 12 months ending on 31 October 2022 under paragraphs (d) (i) and (j) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

32. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30pm and ended at 9.25pm)

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Chair