

STANDARDS COMMITTEE
7 NOVEMBER 2022

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Remote attendance meeting on Monday, 7 November 2022

PRESENT: Julia Hughes (Chair)

Councillors:

Teresa Carberry, Andrew Parkhurst, and Antony Wren

Co-opted members:

David Wynn Davies, Jacqueline Guest, Ian Papworth, Mark Morgan, and Gill Murgatroyd

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Councillor Mared Eastwood – Clerk, Argoed Community Council, Councillor Penny Brett-Roberts – Broughton and Bretton Community Council, Councillor Linda O’Hare – Brynford Community Council, Alan Roberts – Clerk Brynford Community Council, Councillor Andy Delooze – Caerwys Town Council, Councillor Susan Broadaway – Caerwys Town Council, Phillip Parry – Clerk, Caerwys Town Council, Halkyn Community Council and Whitford Community Council, Councillor David Roberts – Halkyn Community Council, Councillor Lynda Carter – Holywell Town Council, Councillor David Seddon – Mostyn Community Council, Councillor Karen Perry – Queensferry Community Council, Janet Jones, Clerk – Queensferry Community Council, Councillor Richard Lloyd – Saltney Town Council, Councillor Ros Griffiths – Saltney Town Council, Tracey Brown – Clerk, Saltney Town Council, Councillor William Glyn, Chair – Whitford Community Council, Councillor Nesta Davies - Ysceifiog Community Council, Councillor Phillip Griffiths - Ysceifiog Community Council, Alan Roberts, Clerk - Ysceifiog Community Council.

APOLOGIES: Deputy Monitoring Officer, and Jayne Morris – Deputy Mayor, Caerwys Town Council

IN ATTENDANCE:

Monitoring Officer and Democratic Services Officers

Prior to the start of the meeting the Chair welcomed the representatives of Town and Community Councils who had joined the meeting. She also welcomed Councillor Ian Papworth who had recently been appointed as the Town and Community Council representative on the Standards Committee

26. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Ian Papworth declared a personal interest in item 6: Reports from Independent Members visits to Town and Community Councils as he was a member of Trelawnyd and Gwaenysgor Community Council. .

27. **MINUTES**

The minutes of the meeting held on 5 September 2022 were submitted.

Matters arising

Page 5: The Chair asked for an update on the availability of links to training sessions on the Members' portal. The Monitoring Officer explained that a shared area had been made available for Members which would be populated with recordings of training sessions provided as part of the Induction process held for Members in May 2022 and also a recording of the All Wales Standards Conference 2022. The Chair asked if the information on the Members' area could also be accessed by Town and Community Councillors. The Team Leader Democratic Services explained that the area was currently only available to the Members of the Council but she would make enquiries on how access or the information could be provided to the co-opted members of the Standards Committee and Town and Community Councillors.

Page 6, item 19: The Monitoring Officer advised that following discussion at the previous meeting he had written to all Group Leaders to remind them of the proposals and the agreement and ask if they had any further comment to make. Two further responses had been received in acknowledgement and there had been no requests to change the process.

The minutes were moved as an accurate record by Mark Morgan and seconded by Councillor Teresa Carberry.

RESOLVED:

That the minutes be approved as an accurate record.

28. **DISPENSATIONS**

The Monitoring Officer explained the purpose and availability of Dispensations and the procedure for consideration of applications. He advised that no applications for dispensation had been received for the meeting.

29. **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 took the opportunity to invite Councillor Ian Papworth, who had recently been appointed as the Town and Community Council representative on the Standards Committee, to introduce himself and provide a brief overview of his background and experience.

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.

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

The Monitoring Officer provided background information on the purpose and process of visits by Independent Members of the Standards Committee to Town and Community Councils. He invited the Independent Members to provide verbal reports on the following visits which had been recently undertaken:

Julia Hughes provided verbal feedback on her attendance at the meeting of Northop Community Council held on 10 October 2022. She also provided verbal feedback on her attendance at the meeting of Northop Hall Community Council held on 11 October 2022.

Gill Murgatroyd provided verbal feedback on her attendance at the meeting of Trelawnyd and Gwaenysgor Community Council held on 13 October 2022. She also provided verbal feedback on her attendance at the meeting of Halkyn Community Council held on 17 October 2022.

The following points were raised which were to be fed back to support Town and Community Councils in their procedures:

- further guidance to Clerks and Chairs around what constitutes a personal or a personal and prejudicial interest on Declarations of Interest with examples to illustrate different scenarios
- a reminder of the need for Councillors who declare a personal and prejudicial interest to withdraw from the room as required by the Code
- guidance on circumstances when exemptions are appropriate
- that a statement be read out by the Chair or Clerk at the start of each meeting (or commentary) to explain the procedures to assist members of the public to follow the meeting
- a reminder to Councillors and Clerks that names are to be displayed during meetings to identify Councillors so members of the public in attendance or observing meetings know who is present
- to ensure information on websites is kept up to date
- areas of good practice

RESOLVED:

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

31. TERMS OF REFERENCE FOR THE NATIONAL FORUM

The Monitoring Officer presented the report on the draft Terms of Reference for the National Forum. He provided background information and referred to the Penn Report on the Review of the Ethical Regime in Wales (“the Penn Report”) and advised that all authorities in Wales had agreed to create a National Forum to share practice. The Terms of Reference for the forum had been prepared by the Monitoring Officers Group of Lawyers in Local Government (“LLG”) for agreement. The draft Terms of Reference were attached as Appendix 1 to the report and included proposals on how the work of the Forum would be supported.

The recommendation was moved by David Davies and seconded by Mark Morgan.

RESOLVED:

- (a) That the draft Terms of Reference, including representation, be agreed.
and
- (b) That the proposed arrangements to support the National Forum be approved.

32. ROLLING REVIEW OF THE MEMBERS CODE OF CONDUCT

The Monitoring Officer presented the report. He provided background information and explained that the Standards Committee kept all the codes and protocols in the Constitution under rolling review to ensure they were up to date and pertinent. As the Code was mandatory the key question is whether it adequately covers behaviours that would be inconsistent with the Nolan principles or unacceptable. The Penn Review recommended some changes to the Code (as listed in the report) which would require legislation to implement. The Welsh Government would consult on what legislation was needed to implement the Code next year.

The Monitoring Officer advised that some of the suggested changes could be adopted voluntarily in anticipation of future changes to the Code, although they might need to be re-amended to reflect the national model in due course. The Committee were asked to consider the summary of suggested changes as detailed in paragraph 1.04 of the report.

David Davies commented on the additional burden placed on local authorities in recommendation 8, by requiring that any complaint should be considered for local resolution before it could be referred to the Public Services Ombudsman. The Monitoring Officer responded to the comments made and referred to his response to the proposals in paragraph 2.01 of the report.

Gill Murgatroyd spoke in support of the change in recommendation 4.

Councillor Antony Wren commented on the current threshold for declaration of Gifts, hospitality, or material benefit, and said that the impact of inflation needed to be considered. The Monitoring Officer acknowledged the point made and suggested that local authorities across Wales could review collectively and agree a revised figure for consistency.

The Monitoring Officer provided clarification in response to the questions raised by the Chair on recommendations 2 and 7.

The Monitoring Officer provided further information to the request from Councillor Andrew Parkhurst for clarification around recommendation 6. The Monitoring Officer advised that the obligation was to report the criminal behaviour of others and the suggestion was that Councillors would be required to self-report if they were convicted of an offence.

Mark Morgan supported all recommendations in principle except recommendation 8.

Following advice from the Monitoring Officer in response to the further questions raised by members on recommendations 1 and 2, Mark Morgan proposed that recommendations 4, 6 and 7 be adopted voluntarily by the Council and this was seconded by Councillor Antony Wren. It was also proposed that the process to achieve a common agreement through the National Forum on the threshold for declarations of any gifts, to introduce consistency as suggested in recommendation 1, be started as agreed with the Monitoring Officer. The proposal was moved by Councillor Antony Wren and seconded by David Davies. It was agreed that no action would be taken on the remaining recommendations outlined in paragraph 1.04 of the report pending Welsh Government consultation and the national model in due course.

RESOLVED:

- (a) that recommendations 4, 6 and 7 be adopted voluntarily by the Council;
- (b) that the process to achieve a common agreement through the National Forum on the threshold for declarations of any gifts as suggested in recommendation 1, be started as agreed with the Monitoring Officer; and
- (c) that no action be taken on the remaining recommendations outlined in paragraph 1.04 of the report pending Welsh Government consultation and the national model in due course.

33. PUBLIC SERVICES OMBUDSMAN FOR WALES' "MY FINDINGS" PUBLICATION

The Monitoring Officer presented the report to consider the summary of cases related to alleged breaches of the Members' Code of Conduct (the Code), as published by the Public Services Ombudsman for Wales (PSOW) in the publication "My Findings". He provided background information and reported on the main considerations as detailed in the report, drawing attention to the information in paragraph 1.05, and the PSOW My Findings Publication which was attached as Appendix 1 to the report.

The recommendation was moved by Councillor Teresa Carberry and seconded by Gill Murgatroyd.

RESOLVED:

That, having reviewed the cases summarised in the appendix to this report, the Monitoring Officer sends a communication to all members of the Authority, setting out the themes identified in this report, together with a link to My Findings, so that members can access the summary of cases for their information.

34. FORWARD WORK PROGRAMME

The Forward Work Programme was presented for consideration.

The Chair suggested that an update on the new draft Code of Conduct be provided at the meeting of the Committee to be held on 9 January 2023. Gill Murgatroyd asked if an update on the National Forum could also be provided at the meeting.

The Chair referred to the item on Rolling Review of Members Code of Conduct which was scheduled for consideration at the meeting of the Committee on 3 July 2023 and suggested that this be deferred to a later date. This was agreed by the Committee.

The Chair referred to the reports to be scheduled onto the Forward Work Programme. It was agreed that the item on the Survey on the Production of Councillor Newsletters would be included on the Programme for the next meeting.

RESOLVED:

That subject to the amendments put forward at the meeting the Forward Work Programme be approved.

35. 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 8.37pm)

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Chairman