

STANDARDS COMMITTEE
8 JANUARY 2024

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Remote attendance meeting on Monday, 8 January 2024

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

CO-OPTED MEMBERS:

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

ALSO PRESENT: Councillor Bill Crease (as an observer)

IN ATTENDANCE:

Chief Officer (Governance), and Democratic Services Officer

46. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillors Andrew Parkhurst and Anthony Wren declared a personal interest on agenda item 10: Overview of Ethical Complaints – Appendix 2.

47. MINUTES

The minutes of the meeting held on 6 November 2023 were presented for approval.

The minutes were approved as an accurate record as moved by Councillor Teresa Carberry and seconded by David Davies.

Matters arising

The Chair referred to page 6, item 33, and asked the Monitoring Officer for an update on the number of Town and Community Councils in Flintshire which had signed up to the Civility and Respect Pledge. The Monitoring Officer confirmed he had written to all Clerks of Town and Community Councils to identify the number of Councils signing up to the Pledge but had not yet received a response and would chase progress. It was agreed that an update would be provided at the next meeting.

The minutes of the meeting held on 4 December 2023 were presented for approval.

Accuracy

Mark Morgan referred to page 11, item 43 - final sentence and said that the word "out" should be removed.

Subject to the above amendment the minutes were approved as an accurate record as moved by Mark Morgan and seconded by Ian Papworth.

RESOLVED:

That subject to the above amendment the minutes were approved as an accurate record.

48. ADDITIONAL ITEM - RECRUITMENT OF A TOWN AND COMMUNITY COUNCIL REPRESENTATIVE TO THE STANDARDS COMMITTEE

The Chair explained that she had agreed that the Committee should consider an additional item, on the grounds of urgency, to enable the Monitoring Officer to provide a verbal update on the Recruitment of a Town and Community Council Representative to the Standards Committee. The vacancy was created due to the forthcoming resignation of Councillor Ian Papworth, the current Representative, for personal reasons. The Monitoring Officer advised that an item would be submitted to the next meeting of the County Council to seek endorsement of the proposed appointment process.

The Chair thanked Councillor Ian Papworth for his valuable work and contribution on the Standards Committee and wished him well for the future.

49. DISPENSATIONS

There were no applications for dispensation

50. CONFIDENTIAL WHISTLEBLOWING PROCEDURE

The Monitoring Officer presented a report on the Confidential Whistleblowing Procedure. He provided background information and advised that the report was part of the Committee's regular review of policies to ensure they remained up to date and pertinent.

The Monitoring Officer drew attention to section 1.03 of the report which explained the proposal to remove the ability to make anonymous complaints from the Procedure. He explained there were also a number of minor changes to be made to the Procedure which were marked as tracked changes in Appendix 1 to the report. The Monitoring Officer advised that any further changes made by the Committee would be submitted to the Governance and Audit Committee prior to reporting to the Constitution and Democratic Services Committee and then to County Council for adoption. When agreed the Procedure would be circulated to Chief Officers and cascaded throughout the Council.

Gill Murgatroyd referred to the appendix to the report, Page 23, Section 5 - Scope of the Policy, paragraphs 5.2 and 5.5, and sought clarification around use of the term 'definition'. The Monitoring Officer agreed to move the wording in paragraphs 5.2 and 5.5 into Section 4 – Definitions. Following a further query it was agreed that a comma would be inserted into paragraph 5.2 following the word 'employed'.

Gill Murgatroyd also referred to page 27, Section 12 – Legal Protection, paragraphs 12.2, 12.3, and 12.4, and cross-referenced to the other categories of workers which were defined in paragraph 5.2. She also drew attention to page 28, Section 13, paragraph 31.1 and suggested for consistency that the 'Role of

the Employee' be changed to read 'Role of the Worker'. In a final point raised by Gill Murgatroyd it was agreed that paragraph 11.3 (page 27) be moved to Section 4 – Definitions.

Ian Papworth expressed concerns around the proposal to remove the ability to make anonymous complaints from the Procedure and suggested that it be amended to read “allegations may only be noted initially if they lack credibility or collaboration from a second source”.

The Chair commented on the need to give reassurance and confidence to complainants who did not want to be identified that their details would be treated and kept as highly confidential and said that the wording in the Procedure should be robust to reflect this.

In response to a query raised by Ian Papworth on paragraph 5.3 (page 23), the Monitoring Officer agreed to amend the wording to include reporting directly and to cross reference to the section which addressed direct referral in the Policy. Ian Papworth also referred to paragraph 4.6 (page 23) and suggested that it be amended to remove the wording “this should be raised initially with your line manager and if the issue is not resolved by your line manager”. The Monitoring Officer provided explanation and agreed to review the current wording in the paragraph to provide clarification.

Councillor Andrew Parkhurst raised questions round the number of complaints made which were anonymous or not and expressed concerns around the proposal to prohibit the ability to make anonymous complaints. He commented on best practice and the duty that Members and employees had to report matters of concern and referred to paragraphs 13.1, 13.2 and 13.3 (page 28) of the Policy. The Monitoring Officer responded to the comments and concerns expressed by Councillor Parkhurst and advised that other County Councils tried to dissuade anonymous allegations and quoted the wording used by Gwynedd County Council as an example. The Monitoring Officer advised that the Procedure currently stated that “at its discretion the County Council might decline to investigate”.

Councillor Parkhurst asked that the reference to Audit Committee at the top of page 29 be changed to Governance and Audit Committee and also suggested the addition of wording to identify any themes, trends, and remedial actions, in the process. He also referred to page 30, the bullet point on fraud and corruption, and suggested that the word “bribery” be inserted.

Gill Murgatroyd pointed out that the reference to Audit Committee on page 28, paragraph 13.4 also needed to be amended to read Governance and Audit Committee.

Mark Morgan raised a typographical error in paragraph .7.1 (page 28) and also suggested that the last sentence in paragraph 7.2 be amended to read as follows: “Anonymous allegations will be considered in a proportionate manner at the discretion of the Council”. Following advice and the further suggestions for re-wording of paragraph 7.2 which were put forward by the Monitoring Officer, it was agreed that the Monitoring Officer would look at amending paragraph 7.2 in view of the points and comments expressed by the Committee.

The Chair referred to page 31 and asked for reassurance that the contact details would be kept up to date. It was agreed that the online reporting tool would be added to the contact page to assist access and share information. The Chair also referred to the flow chart on page 33 and asked if a flow chart was required for anonymous complaint procedures.

The Chair proposed that the recommended changes to the Procedure, as agreed by the Committee during the meeting, be approved so it could be amended and submitted to the Governance and Audit Committee for further consideration. The proposal was moved by Councillor Andrew Parkhurst and seconded by Mark Morgan and when put to the vote was agreed.

RESOLVED:

That the recommended amendments to the Procedure, as agreed by the Committee during the meeting, be approved and the Procedure be amended and submitted to the Governance and Audit Committee for further consideration.

51. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCILS

The Chair provided background information and invited Ian Papworth to provide a verbal report on the following visit:

- Higher Kinnerton Community Council – revisit – 21 November 2023

Following feedback on the above meeting the Monitoring Officer said he would contact the Clerk to Kinnerton Community Council to discuss her views on the meeting and determine if any action or support was required and on progress following the feedback on the first visit.

RESOLVED:

That the verbal report be received and feedback given to Kinnerton Community Council.

52. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Chair provided background information and explained that Independent Members had agreed a rota for attending and observing formal meetings of the County Council for 2023/24, similar to the arrangement undertaken for Town and Community Council meetings.

The Chair and Mark Morgan provided verbal reports on their following visits:

- 15.11.23 - Community and Housing Overview and Scrutiny Committee (Julia Hughes)
- 29.11.23 – Clwyd Pension Fund Committee (Mark Morgan)
- 06.12.23 – Flintshire County Council (Julia Hughes)

- 14.12.23 – Corporate Resources Overview and Scrutiny Committee (Mark Morgan)

The following key points were raised from the visits:

- that Members be reminded of the voting process and that they can only vote once on an item during a meeting; and
- that names and job titles should be displayed on screens during remote and hybrid meetings to assist any observers

The Monitoring Officer confirmed that feedback from the visits would be shared in a communication to Chairs and Members. This was moved by Ian Papworth and seconded by Councillor Andrew Parkhurst.

RESOLVED:

That the Committee notes the verbal feedback to be shared with all Members.

53. FORWARD WORK PROGRAMME

The Chair presented the Forward Work Programme for consideration.

The Chair suggested that an item on feedback from Independent Member Visits to Town and Community Councils be included on the Programme for the meeting of the Committee scheduled on 4 March 2024 to address any outstanding visits. Subject to the amendment the Forward Work Programme was agreed.

The following recommendation was moved by Gill Murgatroyd and seconded by David Davies

RESOLVED:

That subject to the above amendment the Forward Work Programme be approved.

54. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report and provided background information. He explained that the report showed a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguished between different Councils and Councillors whilst still remaining anonymous. The report gives an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report dated 4 September 2023, two complaints had been received: one was not investigated and one was under investigation. Four were outstanding. The Monitoring Officer referred to Appendix A of the report which listed in summary the complaints received during 2022/2023 and 2023/2024.

The recommendation in the report was moved by Gill Murgatroyd and seconded by Councillor Andrew Parkhurst

RESOLVED:

That the number and type of complaints be noted.

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

RESOLVED:

That the press and public be excluded from the meeting as the following appendix is considered to be exempt by virtue of Paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The appendix relates to a particular individual and the public interest in withholding the information outweighs the public interest in disclosing the information.

56. OVERVIEW OF ETHICAL COMPLAINTS - APPENDIX 2

The Monitoring Officer referred to a confidential document which had been shared with the Committee prior to the meeting on the findings of an investigation by the Public Services Ombudsman for Wales (PSOW) into a complaint made against a member of Flintshire County Council.

The PSOW had permitted the document to be shared only with the Standards Committee who were asked to consider whether any communication was required in respect of learning from the matter. Discussion took place about where the findings indicated messages that should be shared with other Councillors to help promote compliance with the Councillors' Code of Conduct.

RESOLVED:

It was agreed that:

(a) The Monitoring Officer would:

- warn Councillors that the use of social media carries the same risk, due to its immediacy, as speaking in public. Councillors therefore need to exercise as much care using social media as they would when speaking publicly; and
- chase for progress on delivering the requested training on respectful communications.

(b) The Committee will take the findings into account when preparing its Annual Report

57. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 9.34 pm)

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Chairman