

STANDARDS COMMITTEE
3 NOVEMBER 2014

Minutes of the meeting of the Standards Committee of the Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 3 November 2014

PRESENT: Mr. Edward Hughes (Chairman)

Councillors: Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa A. Earlam and Kenneth H. Molyneux

APOLOGY:

Councillor David Cox

IN ATTENDANCE:

Chief Officer (Governance), Democracy & Governance Manager and Committee Officer

30. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

31. MINUTES

The minutes of the meeting of the Committee held on 6 October, 2014 were submitted.

MINUTE 24 – REVIEW OF THE MEMBERS' CODE OF CONDUCT

Matters Arising

The Democracy and Governance Manager indicated that the amendments to the Members' Code of Conduct had been considered and agreed at the recent meeting of the Constitution Committee.

Accuracy

Robert Dewey requested that the word 'could' be replaced by the word 'should' in the paragraph before the resolution.

RESOLVED:

That subject to the suggested amendment, the minutes be approved as a correct record and signed by the Chair.

32. DISPENSATIONS

The Chief Officer (Governance) detailed a request for dispensation from Councillor Carolyn Thomas in relation to the music service. He explained that in February 2011, she had been granted permission to speak

and vote at the County Council meeting in March 2011 when the budget had been considered.

The changes to the music service proposed as part of the budget for 2015/16 were significant to the service but far less significant when seen in the context of the whole Council's annual budget of £255m (approximately). The Committee might therefore consider that it would be appropriate to permit Councillor Thomas to speak on the budget as a whole (as had happened previously).

As her son was a recipient of the music service, the Committee might think that she could bring valuable experience to bear during any debate but that it would be inappropriate to allow her to vote on a matter that so closely affected her own family. This could be resolved by allowing her to speak but not vote when that specific proposal was considered in isolation.

Councillor Arnold Woolley concurred as he felt it would be inappropriate to bar Councillor Thomas from voting on other aspects of the budget proposals.

In response to a query, the Chief Officer (Governance) advised that an audit trail would be in place for any written representations that were submitted.

Following a discussion, it was agreed that Councillor Thomas could contact officers in writing and speak on the specific issues of the Music Service when it was considered at Lifelong Learning Overview & Scrutiny Committee meetings but not vote and to leave the room when the voting took place. It was also agreed that Councillor Thomas could speak and vote when the general budget was discussed.

RESOLVED:

That Councillor Carolyn Thomas be granted dispensation under paragraphs (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001:-

- (a) to contact officers in writing and to speak on the specific issue of the Music Service when it is considered in the Lifelong Learning Overview & Scrutiny Committee meeting but not vote and to leave the room when the voting takes place.
- (b) to speak and vote when the general budget is discussed

33. PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14

The Chief Officer (Governance) introduced the report on the Annual Letter of the Public Service Ombudsman for Wales.

He explained that the number of complaints had reduced slightly and the figure for Flintshire County Council was now below the Welsh average. A summary of cases for a range of subject areas considered by the Ombudsman were reported and the Chief Officer (Governance) said that it was important to listen to, and learn from, the comments of the Ombudsman. He advised that three complaints had been made under the Local Resolution Procedure and had been resolved by the Monitoring Officer or Deputy Monitoring Officer.

Councillor Hilary McGuill highlighted the complaint about unauthorised development and sought clarification of the process put in place to update the complainant about the progress being made with the enforcement action. Robert Dewey also referred to the complaint about noise & other nuisance issues which included a recommendation from the Ombudsman that the complainant be kept up to date with progress in addressing the noise issue.

Councillor Arnold Woolley raised concern that updates may not be provided to complainants once an initial response to the complaint had been issued. Robert Dewey queried whether a quicker response time was in place for complaints by email rather than by letter and suggested that updates should be provided to complainants every 28 days until a case was completed and closed. The Chief Officer (Governance) advised that the Customer Services Policy contained details of response times to complaints by email but did not include information on when updates should be provided to complainants of progress made.

In response to a query from the Chairman, the Democracy and Governance Manager suggested that the relevant Chief Officer be asked about the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues. He added that the response could be reported back to the next meeting of the Committee.

RESOLVED:

- (a) That the report and the reduction in the number of complaints be noted;
- (b) That congratulations be passed on about the progress made in dealing with complaints; and
- (c) Report back the findings on the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues to the next meeting of the Standards Committee.

34. DECLARATIONS OF INTEREST

The Chief Officer (Governance) introduced a report to update the Committee on the results of an audit into declaration of interests.

He explained that the first audit was reported to the Committee in November 2013 and the results had significantly improved. Training on

declaring interests and completion of the relevant form had been undertaken with Members. One form had not been returned but the person was no longer a member of the Council and could therefore not complete the required paperwork.

The Chairman noted the improvement from 66% to 99% and felt that congratulations should be passed on for the improved results.

RESOLVED:

- (a) That the results of the audit be noted; and
- (b) That congratulations on the results be passed on to the relevant officers.

35. REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS

The Democracy and Governance Manager introduced a report on the review of the Protocol for Member/Officer relations.

He explained that the Constitution Committee was in the last year of a three year programme of reviewing all parts of the Constitution. The suggested amendments comprised Sections 3 and 4 which had been taken from the Member/Officer Relations protocol devised by Mr. Peter Keith-Lucas and a number of other small changes had been made for clarity or updating.

Phillipa Earlam referred to sentence 4.2(g) and suggested that the word 'improperly' be moved to before the word 'influence'. Robert Dewey also suggested that the word 'differing' be included before the word 'pressures' in sentences 4.1(c) and 4.2(b).

Councillor Hilary McGuill sought clarification on the role of Overview & Scrutiny Facilitators on issues such as requesting information from Betsi Cadwaladr University Health Board. The Chief Officer (Governance) and Democracy and Governance Manager provided a response to confirm that this was appropriate.

RESOLVED:

- (a) That the following additional amendments be made to the protocol:-

Sentence 4.2 (g)

Move the word 'improperly' to before the word 'influence'

Sentence 4.1 (c) and 4.2 (b)

Add in the word 'differing' before the word 'pressures'

- (b) That the proposed amendments be submitted to the Constitution Committee for consideration.

36. FORWARD WORK PROGRAMME

The Democracy and Governance Manager introduced a report on the forward work programme of the Committee.

The Chairman suggested that the Chief Officer (Governance) and the Democracy and Governance Manager determine topics for future meetings of the Committee.

During an earlier discussion about timescales for responding to complaints by emails or letters, the Chief Officer (Governance) had referred to the Customer Services Policy; he confirmed that the policy could be considered in a future training session. Phillipa Earlam asked whether updates on restructures of services could be provided once the budget discussions had taken place.

Councillor Hilary McGuill asked whether a training session on the mandatory responsibilities of the Council could be provided. The Chief Officer (Governance) felt that it would be difficult to provide this information to a satisfactory level due to the large number of mandatory responsibilities in place. Following a discussion, the Democracy and Governance Manager suggested that the role of the Ombudsman regarding maladministration could be included as a training session.

RESOLVED:

- (a) That the Forward Work Programme be noted;
- (b) That the Chief Officer (Governance) and Democracy and Governance Manager determine topics for future meetings; and
- (c) That the Forward Work Programme be updated to include training on the following items:-
 - Customer Service Policy
 - Updates on restructure once the budget discussions had taken place
 - Ombudsman's role regarding maladministration

37. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.21 pm)

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Chairman