

**STANDARDS COMMITTEE**  
**1 OCTOBER 2018**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 1 October 2018

**PRESENT:**

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Rob Dewey, Phillipa Earlam, Julia Hughes and Ken Molyneux

**APOLOGIES:**

Jonathan Duggan-Keen and Edward Hughes

**IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

**17. APPOINTMENT OF CHAIR**

The Monitoring Officer explained the requirements as set out in the Constitution and advised that the current Chair did not wish to be re-appointed due to work commitments.

Nominations were sought for a new Chair of the Committee. Councillor Woolley nominated Rob Dewey and this was seconded by Phillipa Earlam. No further nominations were received.

**RESOLVED:**

That Rob Dewey be appointed Chair of the Committee.

(From this point, he chaired the remainder of the meeting)

**18. APPOINTMENT OF VICE-CHAIR**

The Chair sought nominations for a Vice-Chair of the Committee. Phillipa Earlam's nomination for Julia Hughes was seconded by Ken Molyneux. No further nominations were received.

**RESOLVED:**

That Julia Hughes be appointed Vice-Chair of the Committee.

**19. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None.

## **20. MINUTES**

The minutes of the meeting held on 2 July 2018 were submitted and approved, subject to a number of changes on minute number 86 and a typographical error on minute number 87.

### Matters Arising

In relation to the final paragraph of minute number 86, Phillipa said it was her understanding that the flyer had been circulated on the day of the Forum.

Councillor Heesom made reference to the procedure for a councillor standing down whilst an investigation was taking place. The Chair said it would be useful to share this with the Committee.

The Monitoring Officer agreed to contact his counterpart at Gwynedd Council to ascertain what the document was and whether it was to be tabled at the forthcoming Monitoring Officers' group meeting.

Minute number 88: Forward Work Programme - Julia Hughes queried the outcome from two actions from previous meetings. Councillor Johnson confirmed that he had received a copy of the template annual report. The frequency of reporting on the Overview of Ethical Complaints would be dealt with under the Forward Work Programme.

### **RESOLVED:**

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

## **21. DISPENSATIONS**

None were received.

## **22. ADJUDICATION PANEL FOR WALES SANCTIONS GUIDANCE**

The Deputy Monitoring Officer presented a report on sanctions guidance recently issued by the Adjudication Panel for Wales (APW) for use where a councillor was found to have breached the Members' Code of Conduct by a case tribunal or an appeal tribunal. The five purposes of the guidance were detailed along with the five stage approach to determining a sanction.

In recalling discussion at the Standards Conference, the Monitoring Officer explained that although only a small number of cases reached the tribunal stage, a broader range of appropriate sanctions was available for use in England. Whilst the APW was unable to campaign for a change to legislation in Wales, it was possible that councils could make their own representations. The Monitoring Officer advised that the introduction of the Local Government (Wales) Bill next year provided an opportunity to adopt such a change and that the Committee may

wish to consider writing to the Welsh Government to make representations on this.

In moving this suggestion as an additional recommendation, Councillor Woolley said that providing panels with a greater range of options on sanctions could help to reduce the process.

**RESOLVED:**

- (a) That the Committee notes the contents of the guidance; and
- (b) That the Committee supports seeking the range of sanctions and flexibility that existed in England by writing to the Welsh Government.

**23. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT FOR 2017/18**

The Deputy Monitoring Officer presented a report which summarised the main issues from the Annual Report of the Public Services Ombudsman for Wales (PSOW) in relation to standards of county and town/community councils. A breakdown of closed Code of Conduct complaints (CCC) for each council was appended to the report.

It was stated that the 14% increase in Code of Conduct complaints was wholly due to a significant rise in complaints about the behaviour of town/community councillors, with the majority relating to the promotion of equality and respect. Whilst most of the CCCs had been closed after initial consideration, there was a decrease in the number of complaints closed after full investigation. Of the three cases which had been referred to the Adjudication Panel for Wales (APW), serious breaches were found in two.

The Monitoring Officer gave a reminder that detailed information was available in the Ombudsman's Casebook. Although there was an increase in complaints, this was still a low percentage given the total number of town/community councils in Wales. It was noted that the statistics quoted in each annual report included some cases overlapping between years.

In response to comments from Councillor Johnson on the varying nature of complaints, the Monitoring Officer said that the introduction of the Local Resolution Procedures helped to filter out low-level complaints.

When asked by Phillipa Earlam, the Monitoring Officer reported that there were a low number of complaints received in Flintshire and that an update would be scheduled on the Forward Work Programme.

**RESOLVED:**

That the matters relating to the Code of Conduct Complaints reported in the Public Services Ombudsman for Wales Annual Report be noted.

## **24. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK**

The Deputy Monitoring Officer provided an overview of the outcomes from complaints investigated by the Public Services Ombudsman for Wales (PSOW) as shown in the most recent edition of the Ombudsman's Casebook. A link to the Casebook had been included on the agenda for information. Of the three summarised cases, one involved no evidence of a breach and no action was deemed necessary on the other two cases.

On the case where a member with a personal and prejudicial interest had spoken at a meeting, Julia Hughes said that even though the Chair had given permission, it was the responsibility of individual members to know that they should not speak. The Deputy Monitoring Officer agreed and explained that the mitigating circumstances involved in this particular case meant that no further action was needed.

## **25. NORTH WALES STANDARDS FORUM**

Julia Hughes presented her report on the Standards Conference held on 14 September 2018, copies of which had been circulated prior to the meeting. Whilst the report contained her own findings from the conference, she acknowledged that each attendee would have their own viewpoints and invited contributions from the Committee's other representatives who had attended.

She highlighted some of the key points which had been raised by speakers, including representatives from the Public Services Ombudsman for Wales (PSOW) and the Adjudication Panel for Wales (APW).

Councillor Heesom commented on the low number of elected Members in attendance at the conference which he felt had been well chaired by the Monitoring Officer. With regard to discussion on dispensations, he felt that the process in Flintshire should be reviewed by the Planning Strategy Group, taking into consideration the work undertaken by Gwynedd Council on catchment areas in relation to application sites. In explaining the approach taken in Flintshire, the Monitoring Officer agreed to contact Gwynedd Council and report back the findings to the next available meeting. The Chair suggested that Wrexham County Borough Council also be contacted on the same matter.

The Monitoring Officer agreed to circulate a website link where papers and video clips of the conference were available.

### **RESOLVED:**

That the report be received.

## **26. FORWARD WORK PROGRAMME**

In considering the Forward Work Programme, the following changes were agreed:

November meeting:

The meeting had been moved to 12 November to encourage attendance by town/community council representatives. The venue had been changed to Caffi Isa in Mynydd Isa and a training session would take place prior to the start. The Monitoring Officer would shortly be contacting all Clerks to give them an opportunity to submit agenda topics. Other items for the meeting were:

- Report by the Deputy Monitoring Officer on training undertaken.
- Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council.
- Annual Report of the Adjudication Panel for Wales.
- The latest version of the Public Services Ombudsman for Wales Casebook which was shortly due to be published.
- Item to consider the frequency of reporting on the Overview of Ethical Complaints.

For future meetings after November:

- Code of Conduct complaints in Flintshire.
- Feedback from visits to Town/Community Councils.

On the latter point, the Monitoring Officer agreed to provide the Committee with a full list of town/community councils (as the list previously shared may be incomplete) together with the document detailing the purpose of the visits.

**RESOLVED:**

That the Forward Work Programme, as amended, be noted.

**27. 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 7.55pm)

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**Chair**