

STANDARDS COMMITTEE
1ST MARCH 2021

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 1st March 2021

PRESENT: Rob Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Mark Morgan

IN ATTENDANCE:

Monitoring Officer and Team Leader - Democratic Services Officer

31. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

32. MINUTES

The minutes of the meeting held on 11th January 2021 were approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

33. DISPENSATIONS

None.

34. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CONSULTATION ON REVISED GUIDANCE ON THE CODE OF CONDUCT

The Monitoring Officer presented the report and explained that the Public Services Ombudsman for Wales (PSOW) published guidance for Councillors on how to interpret the Code of Conduct. The guidance was applicable to County Councillors and also covered Fire Authorities and National Parks.

The Ombudsman had published a consultation on proposed revisions to the guidance, and a link to the draft revisions was included in the report.

In addition, the PSOW published separate guidance for Town and Community Councillors, a link of which was also included in the report.

The changes to both sets of guidance did not fundamentally alter current advice on the meaning of the Code. The changes sought to improve layout, improve clarity and to provide recent examples of the outcome of real life cases.

The principle changes were:

- Ombudsman had expanded the explanation of the 2 stage test applied to decide whether to investigate a complaint;
- Slightly clearer and more emphatic guidance on freedom of speech as it effected the requirement to treat people with respect, the prohibition on bullying and disrepute; and
- The guidance on what to do if one had a personal interest was expanded and more explicit.

RESOLVED:

That the proposed changes to the guidance be welcomed.

35. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS

The Monitoring Officer presented the report and explained that the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties provided advice to them on how to avoid inadvertently compromising required levels of impartiality and transparency required of them and the Council when awarding contracts or considering planning applications.

The protocol was due for review as part of the Committee's rolling programme of reviewing the Constitution. The periodic refresh of the protocol was an opportunity to check that the document remained up to date.

The guidance on dealing with potential contractors remained necessary and needed only minor updates. The guidance on dealing with developers did need updating. However, in addressing those matters the protocol overlapped with the Planning Code of Guidance. It would be better if the protocol did not seek to duplicate advice given elsewhere and the parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead.

In response to a question from Julia Hughes, the Monitoring Officer explained that information on Members declaring if they had been spoken to four or more times would be expanded upon when the Planning Code of Guidance was submitted to Standards Committee. In response to a further question, the Monitoring Officer said the Members Code of Conduct had not been changed, but he had made the wording in 2.3 clearer.

Julia Hughes asked if the Gifts and Hospitality Policy should be referred to Standards Committee. The Monitoring Officer explained that there was no such Policy, the obligations for declaring gifts and hospitality were outlined in the Members Code of Conduct.

Councillor Johnson explained the difficulties that sometimes occurred when being contacted by developers in relation to planning applications and the

rights of the Members in requesting Committee determination should be protected.

In response to a question from Rob Dewey, the Monitoring Officer said the following officers should be recorded in section 5.6 of the protocol: Chief Executive, Section 151 Officer, Monitoring Officer and Deputy Monitoring Officer.

The protocol would be updated and report to Planning Strategy Group before coming back to Standards Committee.

RESOLVED:

- (a) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to dealings with parties who might be bidding for or seeking a contract with the Council be amended as shown in the appendix and as shown above; and
- (b) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to Planning be transferred to the Planning Code of Guidance (to the extent that they are not already incorporated therein) and that the Planning Code of Guidance be updated.

36. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Monitoring Officer introduced the item which was for independent members of the Standards Committee to provide feedback from meetings of the Council that they had attended and observed.

The following meetings had been attended:

- Cabinet – 19.01.21 (Julia Hughes)
- Community, Housing and Assets Overview and Scrutiny Committee – 20.01.21 (Rob Dewey)
- Social and Health Overview and Scrutiny Committee – 21.01.21 (Phillipa Earlam)
- Flintshire County Council – 26.01.21 (Julia Hughes)
- Environment and Economy Overview and Scrutiny Committee – 09.02.21 (Rob Dewey)
- Corporate Resources Overview and Scrutiny Committee – 11.02.21 (Mark Morgan)

The Monitoring Officer summed up the common messages coming from the feedback as:

- Lack of distinction between who were Members and who were officers;
- Explanations being given when jargon was being used;

- Declarations of Interest needed to be clear as to whether they were personal, or personal and prejudicial;
- Explanation to be given about speeches being timed;
- Meetings were well run.

He suggested that a list be compiled with areas of good practice and where things could be improved for clarity.

RESOLVED:

- (a) That the independent member visits to County Council meeting be noted; and
- (b) A list of areas of good practice and where things could be improved for clarity be drawn up.

37. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report which provided a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). In line with the Committee's resolution, the complaints distinguished between different Councils and Councillors whilst still remaining anonymous.

The report provided an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. The Monitoring Officer explained that the figures in the report were incorrect and should read; "since the last report in November 2020, 10 complaints had been received. Three complaints had been resolved since that report, and seven remained outstanding". As with previous reports one Council was experiencing the majority of complaints and the Monitoring Officer had recently engaged with the PSOW as an external facilitator in an attempt to improve the position within that Council. A further update was available in that since the despatch of the agenda, six of those seven complaints had been resolved.

RESOLVED:

That the number and type of complaints be noted.

38. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme for consideration.

The Programme had been structured as agreed at a previous meeting of Standards Committee.

RESOLVED:

That the Forward Work Programme be agreed.

Councillor Johnson proposed a thank you to the outgoing Chair of the Standards Committee as this was his last meeting following serving two terms of office. Members and the Monitoring Officer wished Rob Dewey well and thanked him for all of his hard work whilst being on the Standards Committee. Rob Dewey expressed his thanks for all of the support and encouragement he had received over the years, and for the amount of work that members and officers put into the Committee.

39. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 6.30pm and ended at 8.15pm)

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Chairman