

STANDARDS COMMITTEE

15 MAY 2023

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 15 May 2023

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

CO-OPTED MEMBERS:

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

ALSO PRESENT: Councillor Bernie Attridge (as an observer)

IN ATTENDANCE:

Chief Officer (Governance), and Democratic Services Officer

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

There were no declarations of interest..

2. **MINUTES**

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

Accuracy

Ian Papworth referred to page 6, third paragraph, and queried the sentence: "The Community Association had signed a 27-year lease to run the village hall and issues had arisen around building insurance and management tax". It was agreed that the word "tax" was a typographical error and would be removed from the minutes.

Page 7, 4th paragraph, Gil Murgatroyd to be amended to read: 'Gill Murgatroyd'.

Page 11, 4th paragraph, first sentence be amended to read: "The Chair agreed saying it was important that any items that the Committee wanted to put forward were considered".

Subject to the above amendments, the minutes were approved as an accurate record as moved by Mark Morgan and seconded by Councillor Andrew Parkhurst.

Matters arising

Referring to page 11, item 57, Forward Work Programme, Gill Murgatroyd asked if there was any initial feedback to report on the results of the survey on newsletters. The Chief Officer advised that there was no information to share at this meeting but it had been agreed that the item on the Results on the Survey of

Newsletters be scheduled for the next meeting of the Committee to be held on 3 July 2023.

RESOLVED:

That subject to the amendments as stated above, the minutes were approved as an accurate record.

3. DISPENSATIONS

There were no applications for dispensation.

4. ROLLING REVIEW OF THE EMPLOYEES CODE OF CONDUCT

The Monitoring Officer presented a report on the Rolling Review of the Employees Code of Conduct. He advised that as part of the rolling review of the Constitution, the Committee had to consider whether the Employees Code of Conduct needed amendment to keep it up to date. The Monitoring Officer explained that at the meeting held in January the Committee had made some minor suggested amendments to the Employee's Code. The Committee had also wanted to understand how other Councils sought to balance an employee's right to freedom of expression with the reasonable expectation that the employee would not unjustly criticise the employer in public in a way that eroded the necessary relationship of trust and confidence. Options on how this might be achieved were set out in the report.

The Committee supported the example of the relevant provision in Wrexham County Borough Council's social media policy which was set out in section 1.04 of the report.

Referring to section 1.04 and the paragraph: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary or other appropriate action in line with Council policies and could lead to dismissal", Gill Murgatroyd suggested that the wording be amended to read: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings in line with Council policies and could lead to dismissal". She also suggested that more clarification was required around the wording "in line with Council policies" and proposed that the sentence be further amended to read: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings which may lead to dismissal". This was agreed by the Committee.

The Monitoring Officer responded to the concerns and points raised by Ian Papworth concerning provision to address the matter of whistleblowing and the issue of conflict of wording between different policies. During discussion the Monitoring Officer suggested that the wording be amended to make clear that the prohibition on criticism was not intended to prevent employees making a protected disclosure.

Councillor Andrew Parkhurst referred to section 1.04 of the report and questioned the use of the recommendation: "Don't identify yourself as a Council

employee within a social network” regarding the implications for an employee standing for election to Flintshire County Council. Councillor Parkhurst also referred to section 15.2 in the draft which was appended to the report and suggested that the sentence “This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities” should be included. In his response the Monitoring Officer referred to sections 15.1 and 15.2 in the proposed amendments to the Employees Code of Conduct which was appended to the report and said the wording in both these sections would be applicable in conjunction with the wording used by Wrexham County Borough Council.

Councillor Parkhurst suggested that the wording in the example from Wrexham County Borough Council with reference to social media could be broadened to include media other than social media.

David Davies referred to the sentence in section 1.04 which read: “You should not say anything about colleagues, your managers, or your workplace which is defamatory, untrue or offensive” and suggested that the words ‘Elected Members’ be included prior to the word ‘colleagues’. This was agreed by the Committee.

Gill Murgatroyd referred to page 17 of the report, section 2.2, and suggested that the last sentence should be amended to read: “Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary proceedings”. This was agreed by the Committee.

The Chair referred to page 24 of the report, section 9.4, and commenting on the current £10 limit set for the offer of hospitality suggested that it be increased to £25 to reflect the rise in costs and this was agreed by the Committee

The proposed amendments as detailed above to the Employees Code of Conduct to manage unjust public criticism by employees were moved by Ian Papworth and seconded by Jacqueline Guest. When put to the vote this was carried.

RESOLVED:

That the proposed amendments as detailed above to the Employees Code of Conduct be approved.

5. RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON IMPLEMENTING THE PENN REVIEW

The Monitoring Officer presented the report and provided background information. He referred to the recent workshop, which all members were invited to attend, to discuss the consultation and said the views expressed at that meeting had been combined with those of the Committee to prepare a draft response to the consultation. The draft response to the Welsh Government consultation on implementing the Penn review was appended to the report for approval.

Ian Papworth referred to the response to Question 3 in the draft response concerning anonymity of witnesses. He commented that there was no restriction on

the defendant not publicising the identify of the witnesses. The Monitoring Officer explained that the Adjudication Panel had powers to protect the anonymity of witnesses.

Gill Murgatroyd commented that Q8 had not yet been completed. Following discussion it was agreed that the answer to Q8 would be 'Yes'.

The recommendation in the report was moved by David Davies and seconded by Councillor Teresa Carberry.

RESOLVED:

That the draft response to the Welsh Government consultation on implementing the Penn review be agreed.

6. DRAFT ANNUAL REPORT

The Monitoring Officer presented the report to approve the Committee's first draft of the Annual Report. He explained that the Local Government and Elections (Wales) Act 2021 introduced a duty on Standards Committees to produce an annual report and specified some of the content that must be included. The first draft annual report was appended for approval.

During discussion it was agreed that the first sentence of paragraph 5, page 66, be amended to remove the words 'county council'.

The Chair referred to the heading The Penn Review on page 68 and said there was a need to insert when the findings were published in July 2021. She also drew attention to the recommendation at the end of Page 69, and suggested that the wording of the recommendation be amended to also include that Clerks be reminded about the process to seek dispensations.

The Chair drew attention to the requirement in the Annual Report to include the Committee's assessment of the extent to which leaders of political groups on the Council had complied with their duties under section 52A(1) during the financial year. The Chair gave an overview of the Committee's assessment of the compliance of Group Leaders with the duty to promote good behaviour by their group Members based on reports from the Group Leaders themselves, as per the agreed process. She asked members to confirm if they were satisfied that Group Leaders had complied with their duty. When put to the vote this was agreed. Following further discussion around the outcomes of the process the Chair proposed that the Committee recommends to the County Council the following two areas of training: social media and dispensations. The proposal was moved by Gill Murgatroyd and seconded by Mark Morgan and when put to the vote was agreed.

RESOLVED:

- (a) That subject to the above amendments the draft annual report be approved; and

- (b) That the Committee recommends to the County Council the following two areas of training: social media and dispensations

7. ITEMS FOR THE FORUM

The Chair provided background information and asked members if they had any suggestions for items they would like to be discussed at the National Standards Forum in June.2023.

The Chair suggested the following items:

- feedback on the Group Leaders duties as reported in the Annual Report
- feedback on the outcome of the Welsh Government consultation on the Penn Review

RESOLVED:

That the above items be put forward for inclusion on the agenda for the next meeting of the National Standards Forum in June 2023.

8. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS

The Chair provided background information and invited the Independent Members to provide verbal reports on the following visits which had been undertaken recently:

David Davies provided verbal feedback on his attendance at the meeting of Llanasa Community Council held on 26 January 2023.

Ian Papworth gave verbal feedback on his attendance at the meeting of Hope Community Council held on 1 March 2023. He also provided verbal feedback on his attendance at the meeting of Leeswood & Pontblyddyn Community Council held on 7 March 2023.

Jacqueline Guest provided verbal feedback on her attendance at the meeting of Bagillt Community Council held on 8 March 2023. Following the feedback Gill Murgatroyd proposed that specific feedback be provided to Bagillt Community Council to discuss the concerns raised by the Independent Member on her visit. The proposal was seconded by David Davies and when put to the vote was agreed by the Committee.

The Independent Members agreed that the visits had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members noted that as a matter of good practice, 'Declarations of Interest' was an item on all agendas.

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

- It is the role of the Chair to conduct meetings in a way that makes poor behaviour less likely and to tackle any poor behaviour that does arise. The

Chair needs to retain high levels of self-control in order to be able to fulfil that responsibility. Where a Chairperson feels strongly about a matter, they need to plan how they intend to deal with the issues without losing that self-control and/or manifesting poor behaviour themselves.

- Councillors are reminded that meetings are public and should be conducted in a professional manner lest they undermine public confidence in the running of that Council. It is the nature of politics that Councillors may not share the same views and diversity of perspective is a strength of local democracy not a weakness. Councillors should therefore not accuse others of being negligent for not sharing the same view. Councillors should not be lampooned, ridiculed or scorned for holding a different opinion.

The Committee intended that the feedback be useful and acknowledged the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

RESOLVED:

- (a) That the verbal reports be received and feedback be given to Town and Community Councils; and
- (b) That specific feedback be provided to Bagillt Community Council on the visit by an Independent Member on 8 March 2023.

9. FORWARD WORK PROGRAMME

The Chair presented the Forward Work Programme for consideration.

Gill Murgatroyd commented on the potential to undertake further visits to observe meetings of the County Council. It was agreed that an item on 'visit schedules for County Council meetings' would be included on the Forward Work Programme for the meeting of the Committee to be held on 4 September 2023.

The Chair advised that an item on the Annual Report 2023-2024 would need to be considered in 2024. It was agreed that an item on the draft Annual Report would be scheduled onto the Programme for the meeting to be held on 3 June 2024.

The Chair questioned the item on 'Introductions' scheduled on the Programme for the meeting of the Committee to be held on 8 January 2024. The Monitoring Officer agreed to look into this.

The Chair asked that an item on the Public Services Ombudsman for Wales (PSOW) findings be included on the 2023/24 Programme. She also asked that an item on the Welsh Government decision following consultation on implementing the Penn Review be listed for consideration at a meeting of the Committee in the future.

Gill Murgatroyd suggested that feedback on the meetings of the National Standards Forum be scheduled on the 2023/24 Programme. It was agreed that an item on 'feedback on meetings of the National Standards Forum' be scheduled for the meetings of the Committee to be held on 4 September 2023 and 8 January 2024.

The Chair advised that the following items would also need to be scheduled onto the Forward Work Programme:

- feedback from Ethical Liaison meetings
- feedback from independent Member visits to Town and Community Councils
- feedback from independent Member attendance at meetings of the County Council (to be confirmed)

The following recommendation was moved by Councillor Andrew Parkhurst and seconded by Councillor Antony Wren

RESOLVED:

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

10. MEMBERS OF THE PRESS IN ATTENDANCE

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

(The meeting started at 6.30pm and ended at 8.40 pm)

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Chair