

STANDARDS COMMITTEE
4 SEPTEMBER 2023

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4 September 2023

PRESENT: Julia Hughes (Chair)

Councillors: Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Jacqueline Guest and Mark Morgan

ALSO PRESENT: Councillor Bernie Attridge

IN ATTENDANCE: Monitoring Officer and Democratic Services Officer

APOLOGIES: Councillor Teresa Carberry, Gill Murgatroyd and Councillor Ian Papworth

20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Antony Wren declared a personal and prejudicial interest on Agenda item 4: Dispensations

Councillor Bernie Attridge declared a personal interest on Agenda Item 9: Overview of Ethical Complaints . He later updated this interest to personal and prejudicial. He withdrew from the meeting during Item 9.

Councillor Andrew Parkhurst declared a personal and prejudicial interest on Agenda item 9: Overview of Ethical Complaints

21. MINUTES

The minutes of the meeting held on 3 July 2023 were presented for approval.

The minutes were approved, as moved, and seconded by Jacqueline Guest and Mark Morgan

Matters Arising

Minute number 15 - In relation to visits to observe county council meetings by standards committee members, David Davies asked if a statement would be shared with members of the Committee at the start of the meetings. The Monitoring Officer confirmed that he had asked Nicola Gittins to prepare a draft and communicate it to members.

Minute number 16 - the Chair reported that the further report in this item was included on this Agenda at item 9.

RESOLVED:

That the minutes be approved as a correct record.

22. DISPENSATIONS

Introducing this item, the Monitoring Officer explained that the dispensation request had been received from Councillor Debbie Owen who was trying to resolve an issue regarding the boundaries of her property, which had been ongoing for many years. Following a brief email exchange with Councillor Owen the Monitoring Officer had advised her to submit a dispensation application. It was explained that Councillor Owen wished to speak to officers to enable her to purchase land adjacent to her property from the Council. Due to her position as a councillor there was a risk that officers would feel compromised in discussing issues with her and that the validity of any land transaction might, in turn, might be subject to question. Councillor Owen wished to write to and speak directly to the officers to find a solution. To assist the Committee the Monitoring Officer provided information on previous dispensations which had been considered by Committee and the resolutions made. This dispensation directly affected Councillor Owen and the Monitoring Officer provided guidance on how this could be dealt with

In response to a question from Councillor Andrew Parkhurst on the human rights implications, the Monitoring Officer explained that Article 1 Protocol 1 was not engaged. There could be implications under Article 8 which were explained.

The proposal to go into closed session was moved by Mark Morgan and seconded by David Davies.

RESOLVED

That the Committee resolved to grant a dispensation to allow Councillor Owen to speak and write to officers. When speaking to officers this must be in the presence of an independent witness, another officer, and the conversation must be minuted. The dispensation was to last for 12 months.

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

The Chair invited members of the Committee to present their reports on the following visits:

- Jacqueline Guest - Flint Town Council on 20 March
- Jacqueline Guest - Shotton Town Council on 3 April

David Davies asked if it was known what agenda item the members of the public was interested in. It was confirmed that there were eight members present who had attended to observe the meeting.

- Jacqueline Guest – Queensferry Community Council on 9 May

David Davies asked if the member of the public was given the opportunity to speak. It was confirmed that the Chair moved the item up the agenda so they could speak first and leave the meeting. A good discussion followed with the member of the public raising his concerns. He then left the meeting feeling his concerns were being addressed.

The Monitoring Officer reported that since this meeting he had received notification that there had been a change of Clerk at this Community Council.

- Jacqueline Guest – Hawarden Community Council on 10 July

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

- Whilst an interest could be declared at any time it was good practice to have Declarations of Interests upfront on the agenda prior to items of business being discussed
- Good teamwork between the Chair and Clerk resulted in well run meetings
- It was better that there were no or fewer side discussions so that everyone could hear all the points which were raised during a meeting.
- Council administration should not be undertaken at public meetings

Jaqueline Guest asked if she should arrange to revisit Queensferry Community Council. The Chair felt that this should be left for a while to enable the new clerk to build a working relationship with the Council. David Davies felt it was prudent to leave the visit for a couple of months to allow the clerk time to settle in.

The Chair commented that this could be looked at again in a couple of months' time.

RESOLVED:

That the verbal reports be received and feedback given to the Town and Community Councils

24. RESULTS OF THE SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS

In presenting the report the Monitoring Officer outlined that work was being undertaken looking at the rolling review of the Constitution document

which included codes and protocols. The Protocol for Councillor Newsletters currently stated that council resources were not used to produce these, with councillors producing their own as it allowed more freedom to express their views and political points. He explained the protocol was developed following a survey of councillors and that this survey was repeated to establish if this was still their view. Only thirteen responses had been received with the majority not wishing to use council resources. The Monitoring Officer outlined the options for the committee to consider which were to re-affirm the protocol on that basis, to go back to councillors to see if a greater response could be achieved to the survey or to amend the survey.

Councillor Andrew Parkhurst proposed that the exiting protocol be re-affirmed. Councillor Anthony Wren seconded this.

RESOLVED

- (a) That the current protocol prohibiting the use of council IT to produce councillor's newsletters remained in place.
- (b) That councillors were made aware of the provision that they can produce an annual report that would be published on the council's website.

25. AGENDA ITEMS FOR THE NEXT ETHICAL LIAISON MEETING

The Chair introduced the report which sought suggestions for agenda items for discussion at the next Ethical Liaison Meeting between the Chair, Vice Chair and Senior Councillors. The Chair referenced the statutory and non-statutory guidance for principal Councils in Wales, which had been recently revised by the Minister of Finance and Local Government. The sections which related to Standards Committees, especially the guidance relating to Group Leaders and Standards Committee duties, were also highlighted. Point 6.4 referred to the Standards Committee meeting with Group Leaders at the beginning of each Council year to agree a number of issues and confirm the frequency of meetings with political Group Leaders throughout the year. The Chair outlined the duties covered by this guidance and said that although the Committee had met with individual group leaders separately when looking at their annual reports, that this was not conducted at the start of each council year and that this had to be borne in mind.

The Monitoring Officer presented the report and suggested that the meeting should discuss:

1. Feedback on the first annual report process
2. The request for training from one of the group leaders on respectful communication on social media but the Monitoring Officer felt that it should be broader to include all communications. That would need to encompass freedom of political expression which underpinned what was acceptable under the code, and a greater understanding of the roles of Councillors and Officers. The WLGA offers training and the council might wish to emulate work which was being undertaken in a neighbouring authority.
3. The Monitoring Officer then referred to the Ombudsman's two stage test for enforcement action which tied into the discussions around what was or was

not a breach of the code. Occasionally the Ombudsman might decide that there was a breach of the code but that no action was needed in the public interest. Such a finding was not to be regarded as an endorsement of the behaviour subject to the complaint.

The Chair sought clarification of when the joint meeting with Group Leaders was likely to take place. The current practice was that a meeting would be arranged around March / April to consider the previous municipal year in preparation for the annual report for that year. The Chair sought clarification that the whole committee should meet Group Leaders just before the start of the Council year. The Monitoring Officer confirmed that was correct.

The recommendation, as amended, was moved and seconded by Councillor Jacqueline Guest and Councillor Antony Wren.

RESOLVED:

- (a) That the draft agenda for the next Ethical Liaison Meeting be agreed.
- (b) That the final agenda be agreed by the Chief Officer Governance in consultation with the parties to the meeting.

26. PUBLIC SERVICES OMBUDSMAN FOR WALES' "MY FINDINGS" PUBLICATION

In presenting the report the Monitoring Officer confirmed the report covered the period to the 10 August and findings published since then would be included in the next report. The Ombudsman now had a searchable database of decisions on its website rather than publishing a periodical report. The website was useful for research purposes but was a little less readable when preparing the cases for Members. The Monitoring Officer had extracted and attached all issues which relating to the code, with eight cases attached with summary findings. The cases were wide ranging and sensitive to or guided by the facts of each case. It did not appear that themes could be identified. However, the Monitoring Officer did advise that, even in the absence of themes running through these cases, it might be possible that the Committee would identify messages that it thought were important for councillors.

David Davies referred to page 33 the case at Llandovery Town Council and wondered how they arrived at the length of time for suspension. He asked if the Ombudsman provided any guidance on the length of time or was this for the Standards Committee to decide. In response the Monitoring Officer explained that there were no tariffs or sentencing guidelines similar to the criminal justice system. A huge amount of discretion sat with the Standards Committee and it could be difficult finding precedents for cases. The cases were wide ranging and vastly different and there was no body or organisation that sought to achieve a measure of harmony or unity of approach across Standards Committees. There was no way of moderating the decisions they made.

The Chair understood that there was no clear theme running through these cases but asked if there was anything such as training which would assist when reviewing protocols. In response the Monitoring Officer was unsure saying the previous cases relating to former members which had been dealt with. There was range of fairly common place things which were not particularly unusual or surprising. He felt that these were things that a member who had been sanctioned would understand that this was not acceptable under the Code.

The recommendation, was moved and seconded by Mark Morgan and Councillor Andrew Parkhurst

RESOLVED:

That the Committee reviewed the cases summarised in the appendix to this report, and identified any issues or themes which it felt needed to be raised with all councillors.

27. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report and confirmed that he had received more decisions since the report was prepared, but they would be reported to a later meeting. To assist Members, he had greyed out the cases which had already been considered.

An overview was provided on the complaints received with those which were still under investigation and the number of complaints rejected at the outset by the Ombudsman on the grounds of lack of evidence highlighted. This was part of the Ombudsman's two stage test and information on the evidence and process required together with the detail included in the letters of rejection. It was difficult to identify any specific themes but there were elements of bullying which was the only theme which came through.

The Chair referred to the Annual Report of the Public Services Ombudsman for Wales which highlighted an increase in the number of complaints involving issues around equality and respect. She asked if the Monitoring Officer felt that this was reflected in Flintshire's complaints. In response the Monitoring Officer commented that two or three of the complaints included bullying which overlapped with equality and respect and was reported as a breach of the Code.

The Monitoring Officer then referred to the Summary Report which related to a complaint following the Election last year. An overview of the complaint was provided together with reference to its impact on social media. The complainant had, following a year in the role, asked the Ombudsman to withdraw the complaint. The Ombudsman had taken this into account but commented that the term "bought" which had been used in the social media posts was disrespectful and had brought the authority into disrepute. This case would have proceeded to a hearing because of the terminology used. The complaint included an element of bullying which the Ombudsman did not

support but concluded it was disrespectful and implied impropriety. Because of the public apology on social media and the complainant not wishing to take this forward, the case was not referred for a hearing. The Ombudsman's findings were that there had been a breach of the Code. The summary text would be published on the Ombudsman's website and would be referred to in the next "my findings" report. The Monitoring Officer had asked the Ombudsman for a more detailed report to share with the Committee in private session but he was still awaiting a response from them.

The Chair referred to the report which would be published on the Ombudsman's website and asked if the Standards Committee and the County Council were obliged to publish anything on its website. The Monitoring Officer confirmed that it did not as there was only a requirement to publish the outcome of a hearing by the Adjudication Panel for Wales.

The Chair referred to the feedback in the summary report and whilst waiting for the fuller report asked if any specific training should be considered. The Monitoring Officer felt that this could be covered within the training provided.

The recommendation, as amended, was moved and seconded by Councillor Antony Wren and Jacqueline Guest.

RESOLVED:

That the Committee note the number and type of complaints

28. FORWARD WORK PROGRAMME

The Monitoring Officer reminded Members that the joint meeting with the Town and Community Councils was arranged for 6 November 2023. He would be writing to Clerks to ascertain if they had any issues they wished to raise at the meeting.

The Chair suggested the following :-

- that feedback from the joint meeting with Group Leaders on the 6 October meeting be included.
- that the minutes of the National Forum were shared with Standards Committee members.
- that the decision from the consultation on implementing the Penn Review could be included
- that feedback from the Ethical Liaison meeting be included for the November meeting

Jaqueline Guest asked if the feedback from her revisit to Bagillt Community Council could be included on the 6 November meeting. The Monitoring Officer confirmed that it could be incorporated within the summary and round up of all the meetings and advice provided.

The recommendation, as amended, was moved by Mark Morgan and seconded by Jacqueline Guest.

RESOLVED:

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

29. 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 8.24 pm)

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Chair