

STANDARDS COMMITTEE

2 SEPTEMBER 2024

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 2 September 2024

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry and Ian Hodge and Antony Wren

CO-OPTED MEMBERS:

David Wynn Davies, Ros Griffiths, Jacqueline Guest, Mark Morgan, and Gill Murgatroyd

ALSO PRESENT: Councillor Richard Lloyd (as an observer)

IN ATTENDANCE:

Chief Officer (Governance), Legal Services Manager, and Solicitor (Geldards LLP)

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

There were no declarations of interest

21. **ADDITIONAL ITEMS – URGENT MATTERS**

Ethical Liaison group meetings

The Chair provided background information and invited the Chief Officer (Governance) to provide feedback on the meeting of the Ethical Liaison Group held on 19 July 2024 which he had attended. The Chief Officer reported on the outcomes of the meeting.

National Standards Forum

The Chair provided background information and provided feedback on the meeting of the National Standards Forum held on 24 June 2024 which she had attended. The next meeting of the Forum will be held on 27 January 2025.

22. **MINUTES**

The minutes of the meeting held on 3 June 2024 were presented for approval.

Accuracy

Item 6 – typographical error – correction of the word 'Notification' in the title.

Matters arising

The Chair asked if the Chief Officer was able to provide a further update on the Town & Community Councils who had signed up to the Civility and Respect Pledge. The Chief Officer explained that the outstanding Town & Community Councils had decided not to take action.

Item 7 – Review of the Member/Officer Protocols – The Chief Officer gave an update on the progress being made in consultation with the Public Services Ombudsman for Wales (PSOW). He referred to the awaited outcome of a joint review of Local Resolution Procedures (LRP) by monitoring officers across Wales.

Item 6 – Notification of the Decision of the Adjudication Panel for Wales - In response to a request for an update the Chief Officer confirmed that resolutions (b), (c), (d), and (f) had been implemented.

Item 10 – Overview of Ethical Complaints - The Chair referred to page 10, second paragraph, and asked the Chief Officer if he could provide an update on the outcome of the internal investigation held by the PSOW and the potential impact on resources to investigate complaints.

The minutes were approved as an accurate record as moved by Councillor Teresa Carberry and Ros Griffiths.

The minutes of the meeting held on 1 July 2024 were presented for approval.

Matters arising

Item 17 – Reports from Independent Members on visits to County Council meetings - Councillor Richard Lloyd referred to the feedback on the meeting of the Planning Committee held on 25 October 2023 and explained that some of the points raised had not been correct.

The minutes were approved as an accurate record as moved by David Davies and Councillor Ian Hodge.

RESOLVED:

That the minutes of the meetings held on 3 June and 1 July 2024 be approved as an accurate record.

23. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Chair provided background information and invited Jacqueline Guest to provide a verbal report on the following meeting she had attended:

- Flintshire County Council held on 22 July 2024

The report from the Independent Member was positive overall. The following point was noted:

- that the meeting was well chaired, professionally conducted, and well supported by the Chief Officer

During discussion the following additional point was made:

- that Independent Members be introduced prior to the start of a meeting when in attendance as observers to report on procedures

It was agreed that the Chief Officer would share feedback from the visit in a communication to the Chair of the County Council and to Chairs of the Committees.

RESOLVED:

- (a) That the Committee notes the verbal report; and
- (b) That feedback be provided to the Chair of the County Council and to Chairs of the Committees.

24. OVERVIEW OF ETHICAL COMPLAINTS

The Chief 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 accordance with the Committee's resolution, the complaints distinguished between different Councils and Councillors whilst remaining anonymous. The report provided information on the number and types of complaints being made and the outcome of consideration by the PSOW. Since the last report (3 June 2024) 4 complaints had been received; 3 were not investigated and 1 was under investigation. One complaint was still outstanding.

RESOLVED:

That the number and type of complaints be noted

25. FORWARD WORK PROGRAMME

The Chair presented the Forward Work Programme (FWP) September 2024 – July 2025. She referred to the previous decision of the Committee to defer the Review of the Member/Officer Protocol and the Review of the Flintshire Standard to a future meeting. During discussion the Chief Officer suggested the Committee consider the following:

- that the item on the Protocol on the Production of Councillor newsletters be removed from the FWP as this had been reviewed in 2023
- that the Review of the Member/Officer Protocol and the Review of the Flintshire Standard be considered at the meeting of the Committee to be held in March 2025.
- that an item to consider topics for the National Standards Forum be scheduled for the meeting to be held on 4 November 2024
- that feedback on the meeting of the National Standards Forum be submitted to the meeting of the Committee to be held in March 2025
- that an item to suggest agenda items for the next meeting of the Ethical Liaison Meeting be added to the meeting to be held on 13 January 2025
- that an item to approve the Annual Report be included on the FWP for the meeting to be held on 2 June 2025

The Chair asked that an item on the All Wales Conference be listed under the heading 'Reports to be Scheduled' on the FWP

In response to a question concerning completion of the current Programme of Independent Member Visits to Meetings of the County Council and Town and Community Councils, the Committee agreed that the Programme of visits would be resumed in 2026 and that any specific request made in the meantime would be considered.

Subject to the above amendments the Forward Work Programme was agreed.

RESOLVED:

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

26. **PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT FOR THE YEAR 2023/24**

The Chief Officer presented a report on the Annual Report published by the Public Services Ombudsman for Wales. The report summarised the headline points in the Annual Report with particular focus on matters relating to standards of County & Town and Community Councillors. The Chief Officer reported on the main considerations.

The Committee considered the matters relating to the Code of Conduct Complaints reported in the Annual Report and decided that no action was needed by the Committee.

The following recommendation was moved by Mark Morgan and seconded by Councillor Ian Hodge.

RESOLVED

That having considered the matters relating to the Code of Conduct Complaints reported in the Annual Report the Committee decided that no action was needed.

27. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That the press and public be excluded for the remainder of the meeting as the following item is considered to be exempt by virtue of Paragraph(s) 18c of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The report contains information from a report by the Public Services Ombudsman for Wales in relation to a forthcoming hearing, which was received by the Council in confidence. The public interest in withholding the information outweighs the interest in disclosing it until such time as the information is revealed during the hearing.

At this point the Chief Officer (Governance) and Councillor Richard Lloyd (Observer) withdrew from the meeting.

28. CODE OF CONDUCT COMPLAINT – UPDATE ON HEARING ARRANGEMENTS

The Chair informed members of the Standards Committee of the need to finalise arrangements for a hearing to consider allegations that a member of a Town Council breached the Code of Conduct for members. This followed the publication of a report by the Public Services Ombudsman for Wales (“the Ombudsman”), following an investigation into the allegations. The Standards Committee had invited the Councillor to make representations and the Councillor had confirmed that their preference was to do this at a hearing of the Standards Committee.

At the Standards Committee meeting on 1st July 2024 the Standards Committee held a pre-hearing review. This had been attended by the Councillor who was the subject of the allegations, supported by another Councillor. A representative of the Ombudsman had provided written comments to be considered at the pre-hearing review. At the pre-hearing review the parties had agreed a list of facts presented in the Ombudsman’s report which were agreed between the parties and a list of facts which were disputed. They had also agreed that the hearing would take place on 30th September 2024 and that this would be in a hybrid format.

The Standards Committee discussed the following arrangements which needed to be confirmed for the hearing:

1. The start time for the hearing.
2. The venue for the hearing.
3. A running order, in accordance with the procedure that the Standards Committee had adopted at its meeting on 4th December 2023.
4. The witnesses to be called by each of the parties.
5. The written evidence that would be presented.

RESOLVED:

- (a) That the hearing should take place at Flintshire County Council’s offices at County Hall, Mold, on 30th September 2024 with facilities for persons to attend remotely.
- (b) That the hearing should start at 9.15am.
- (c) That the hearing should follow the following running order:
 1. Preliminary matters.
 2. Determining the facts.
 3. Whether the facts demonstrate a breach of the code of conduct.
 4. If relevant, deciding a sanction.
- (d) That the parties should be allowed to call the witnesses they had requested to call, as set out in the report.
- (e) Witness statements must be provided to the Legal Services Manager by 16th September 2023 for any witness who have not already provided a statement

and a failure to do so may mean that the party is not permitted to provide evidence from any witness who has not provided a statement.

- (f) That the Councillor should be allowed to present at the hearing the additional written evidence he had requested to present, as set out in the report, subject to considering any objections that the Ombudsman might have.
- (g) That the Legal Services Manager should be authorised to finalise the administrative details for the hearing and to inform the parties.

29. 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 9.40 pm)

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Chair