

STANDARDS COMMITTEE
21ST SEPTEMBER 2020

Minutes of the meeting of the Standards Committee of Flintshire County Council held remotely via Webex on Monday 21st September 2020.

PRESENT: Rob Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted members:

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

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Team Leader – Democratic Services.

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

2. MINUTES

The minutes of the meeting held on 2nd March 2020 were submitted and approved as a correct record.

RESOLVED:

That the minutes be approved and signed by the Chairman as a correct record.

3. DISPENSATIONS

The Monitoring Officer explained that one dispensation request had been received following despatch of the agenda. The dispensation was a re-application for a dispensation granted to Councillor Clive Carver the previous year.

Details of the original application were that Hawarden Rangers Football Club had applied to Flintshire County Council for planning permission (060060) to erect a 100 seat stand on the Herbert Gladstone Recreation Ground which was managed by Hawarden Community Council. By virtue of being a Hawarden Community Councillor, he was a trustee of the Herbert Gladstone Recreation Ground. He had been advised that the exemption provided normally by Paragraph 12(b) of the Code of Conduct did not apply in respect of planning applications.

As one of the three Hawarden Community Councillors for Hawarden Ward and the sole County Councillor for Hawarden, he wished to be able to communicate with planning officers and speak at the Flintshire Planning Committee. He also sought to be able to communicate in email, in writing and verbally with planning officers.

The original application had been determined in July 2019 so had lapsed. A renewal was being sought to allow Councillor Carver to correspond with officers should he need to. There were no material changes to the original application that had been determined, and approved, by Committee.

It was approved that the application be granted on the same terms as the previous application.

RESOLVED:

That Councillor Carver's re-application to be granted on the same terms as in July 2019, which was: That Flintshire County Councillor and Hawarden Community Councillor Clive Carver be granted dispensation under paragraphs (a), (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak at Flintshire County Council and Hawarden Community Council Planning Committee, but leave before the debate and vote on planning application 060060 or any application, which, in the opinion of the Monitoring Officer, is similar. This allows for making verbal and written communications on the matter to officers of Flintshire County Council provided there is at least one witness when speaking to officers, thereby ensuring that there are at least three people involved in the conversation which should be minuted. The dispensation is to be granted for 12 months, ceasing on 20th September 2021.

4. ETHICS AND GOVERNANCE DURING LOCKDOWN

The Monitoring Officer introduced the report and explained that until this year, local authority meetings operated under legislation that required the majority of Members to be physically present. As well as being unsafe, the coronavirus restrictions on movement and assembly effectively made such meetings impossible.

On 17th March 2020 the Council was forced to cancel all of its Council, Cabinet and Committee meetings for the remainder of the month, and then again for the whole of April. Town and Community Councils likewise cancelled their Member meetings.

Member meetings were gradually restored from May as new models of governance were put in place and later legislation was passed that enabled meetings to be held without any physical attendance. Meetings were now taking place via video conference and a full calendar of meetings had been restored from September.

The requirement on Councillors to observe the Code of Conduct and, in particular, to declare interests, had been operated continuously throughout the temporary governance arrangements.

Information was provided on the arrangements that had been put in place, such as Individual Cabinet Member decisions and the process undertaken to determine urgent planning applications.

Weekly telephone briefings also took place with Group Leaders on key issues which they were able to comment on.

Mr Robert Dewey thanked all staff for the work involved in the temporary change to procedures.

Councillor Johnson referred to the exercise undertaken the previous year whereby independent members of the Standards Committee undertook visits to Town and Community Councils and reported back on those visits. He said they were all working in different ways during this time so he felt it would be useful if that exercise could be undertaken again via virtual means. The Monitoring Officer said that could be looked into and added that as the rules of allowing members of the public to attend council meetings were being relaxed, this could also provide the opportunity for the independent members to attend Flintshire meetings if they so wished.

RESOLVED:

That the Committee be assured that ethical arrangements have been maintained during the response phase of the emergency.

5. REVIEW OF DISPENSATION PROCEDURE AT ANGLESEY AND GWYNEDD COUNCILS

The Deputy Monitoring Officer introduced the report and explained that there were no statutory procedures in place for dealing with applications for dispensations and every Standards Committee implemented its own arrangements.

Flintshire's Standards Committee considered that it would be useful to explore what processes other Councils in North Wales had for dealing with applications for dispensations. The report reviewed the processes and procedures for dealing with dispensations at Anglesey County Council and Gwynedd County Council with a focus on applications during 2019/20, including the numbers dealt with by each authority.

Anglesey County Council was very similar to Flintshire County Council, but they had a Sub-Committee of Standards Committee to deal with dispensations. At full Standards Committees, a specific report was submitted to explain any dispensations that had been considered.

In response to a question from Julia Hughes as to how each authority promoted the process to encourage individuals to submit applications for dispensation, the Deputy Monitoring Officer said the information outlined in the report had been sourced from the websites of each authority. A discussion ensued and it was agreed that other authorities would be contacted with that specific question being asked.

RESOLVED:

- (a) That the processes and procedures for dealing with applications for dispensations by County Councillors and Town and Community Councillors at Anglesey and Gwynedd be noted; and
- (b) Other local authorities be contacted to gather the same information as Anglesey and Gwynedd, with the specific question of how did they promote the process to encourage individuals to submit applications for dispensation, being asked.

6. FORWARD WORK PROGRAMME

The Monitoring Officer introduced the report and explained that the Standards Committee regularly tended to receive reports on a cyclical basis which enabled it to complete scheduled work over a period of time, or allowing it to build up and maintain its knowledge. That work fell into the following categories:

- Promoting compliance with the Code;
- Reviewing codes, protocols and processes;
- Information about the operation of the ethical process; and
- Decisions on the effective running of the Committee itself.

Those reports could be scheduled so that the work programme gave due attention and weight to each aspect of the Committee's functions during the course of a year. Structuring the work programme also gave an opportunity to re-examine the frequency of meetings which was unusually high within Mid and North Wales.

The table outlined in Appendix 1 showed the items considered by the Committee at each of its meetings since June 2017. In addition to the items listed, every meeting considered dispensations and the Forward Work Programme. It was possible to categorise the work as follows:

1. **Promoting compliance with the code** e.g. deciding dispensations, the annual meeting with Town and Community Councils, the liaison meetings with the Chair and Leader of the Council, planning training for Councillors etc;
2. **Reviewing codes, protocols and processes** e.g. the rolling review of the codes/protocols within the Constitution, visits to Town and Community Councils meetings etc;

3. **Information about the operation of the ethical process** e.g. the overview of ethical complaints, the annual report from the PSOW/APW and the PSOW case book etc; and
4. **Decisions on the effective running of the Committee itself** e.g. managing recruitment to the Committee, briefing/de-briefing for the NMWW Standards Forum, agreeing the Forward Work Programme etc.

Using those categories of work it was possible to compile a Forward Work Programme that addressed the Committee's full terms of reference in six principal meetings through the year. At each meeting the Committee could consider 2/3 items of work. Additionally it could also consider dispensation requests and any reports relating to the running of the Committee which, by their nature, tended to be quicker to write and consider. Meetings could be scheduled every two months, with a slot reserved in the intervening months in case of requests for dispensation. A suggested Forward Work Programme based on that approach was attached at Appendix 2 for consideration.

A discussion took place and all members supported the approach as suggested. In response to a question from Julia Hughes, the Monitoring Officer confirmed the items on the Forward Work Programme could be moved around.

Following a question on the logistics of a meeting with Town and Community Councils in November, the Monitoring Officer said either a briefing session would be offered before the meeting, or a training session could be arranged on the use of webex. Members then discussed the Zoom platform which they understood was used by many Town and Community Councils. The Monitoring Officer said if Zoom was the application of choice then that could be used.

RESOLVED:

- (a) That the Committee schedules its principal meetings every other month with reserved dates in the intervening months in case it needs to determine any requests for dispensation; and
- (b) That the Forward Work Programme at Appendix 2 be approved.

7. 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 7.35pm)

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Chairman