

STANDARDS COMMITTEE
2 NOVEMBER 2020

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

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES: Councillor Vivienne Blondak of Buckley Town Council, Phillip Parry - Clerk to Caerwys Town Council, David Jones - Youth representative for Hope Community Council, Councillors Sue Delaney and Andy Trumper of Holywell Town Council, Tracey Brown - Clerk - and Councillors Veronica Gay, Richard Lloyd and Aled Roberts of Saltney Town Council

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring officer, Democratic Services Team Leader and Democratic Services Officer

11. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

12. MINUTES

The minutes of the meeting held on 21 September 2020 were approved, subject to amendments to typographical errors on minute numbers 4 and 6.

Matters Arising

On minute number 5, the Deputy Monitoring Officer advised that a report on the promotion of the Dispensation process at other authorities would be brought to a future meeting.

RESOLVED:

That subject to the two amendments, the minutes be approved as a correct record.

13. DISPENSATIONS

None.

14. ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS

Town and Community Councils had been given the opportunity to raise any items in advance of the meeting: none were received.

15. DIRECTIONS FROM THE PRESIDENT OF THE ADJUDICATION PANEL FOR WALES

The Monitoring Officer presented a report to consider the directions received from the President of the Adjudication Panel for Wales (APW) on the role of the Monitoring Officer at APW proceedings, disclosure and anonymising evidence of witnesses and third parties.

The Monitoring Officer explained that the matter had arisen following his written request to the President of the APW for clarity on the process during tribunal proceedings. He gave an overview of the three practice directions that were subsequently issued which helped to ensure consistency, fairness and transparency at tribunals but were not legally binding. These would need to be considered by the Committee at any future hearings.

Having been moved and seconded by Councillor Paul Johnson and Julia Hughes, the recommendation was carried. Councillor Heesom asked that his abstention from the vote be recorded.

RESOLVED:

That the Committee welcomes the practice directions and agrees to consider applying similar principles (as appropriate) where required to any hearing before the Committee.

16. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the regular report on the number of ethical complaints alleging a breach of the Code of Conduct which had been submitted to the Public Services Ombudsman for Wales (PSOW).

Since the last report, a total of 16 complaints had been received. As previously agreed, the information was anonymised with references assigned to differentiate between individual Councils and Councillors for each period. Attention was drawn to a single complaint made against nine Councillors at the same time which had to be reported as separate complaints.

In response to questions from Julia Hughes, the Monitoring Officer agreed to check on whether the complaint reference 16/7020 related to a Town or Community Council. On reference 17/7925, he clarified that the missing wording indicated there was no breach of the Code, in line with his advice.

When asked by Councillor Andy Trumper, the Monitoring Officer provided clarification on the target timescales applying to various stages of the process. He also advised that changes within the Adjudication Panel for Wales

may help to speed up the process from referral to the case tribunal hearing stage in future.

The recommendation was moved by Councillor Arnold Woolley and seconded by Julia Hughes.

RESOLVED:

That the number and type of complaints be noted.

17. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 23 (OCTOBER 2019-DECEMBER 2019) AND THE ANNUAL LETTER FROM THE PSOW

The Deputy Monitoring Officer introduced the report on the outcomes from the latest publication of the Public Service Ombudsman Wales (PSOW) Code of Conduct Casebook covering October to December 2019. He provided an overview of the two complaints investigated during the period where no action was found necessary.

On the PSOW Annual Letter for 2019/20, the outcomes of the two complaints relating to County Councillors were summarised. It was noted that the 14 complaints against Town/Community Councillors, which were all closed after initial consideration, included nine relating to the same incident.

The recommendations were moved by Phillipa Earlam and seconded by Councillor Paul Johnson.

RESOLVED:

- (a) That having reviewed the cases summarised in Issue 23 of the Casebook, the Committee is satisfied that no action needs to be taken at Flintshire County Council to avoid similar complaints; and
- (b) That having had regard to the PSOW's annual letter and having already considered and acted upon the outcome of the case referred to the APW, and having noted that the other complaints submitted during 2019/20 were not investigated by the Ombudsman, the Committee concludes that no action is needed.

18. FORWARD WORK PROGRAMME

The Monitoring Officer presented the current Forward Work Programme for consideration.

An additional item was required for the January 2021 meeting on the recruitment process for an independent member on the Committee, as the Chairman's final term of office was due to end shortly.

RESOLVED:

That the Forward Work Programme be noted.

19. 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 7.20pm)

.....
Chairman