

Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:
Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

At: Robert Dewey (Cadeirydd)

Cynghorwyr: Patrick Heesom, Paul Johnson ac Arnold Woolley

Aelodau Cyfetholedig:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Michael Hughes, Julia Hughes a Kenneth Molyneux

27 Tachwedd 2018

Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn 6.30 pm Dydd Llun, 3ydd Rhagfyr, 2018 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

Bydd y sesiwn hyfforddiant ar gyfer aelodau'r Pwyllgor Safonau yn cael ei chynnal o 6.00pm tan 6.30pm

R H A G L E N

1 YMDDIHEURIADAU

Pwrpas: I dderbyn unrhyw ymddiheuriadau.

2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

Pwrpas: I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

3 COFNODION (Tudalennau 3 - 8)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 12 Tachwedd 2018.

4 GODDEFEBAU (Tudalennau 9 - 12)

Pwrpas: Derbyn unrhyw geisiadau am oddefebau.

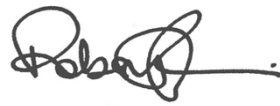
5 YMWELIADAU GAN AELODAU I GYNGHORAU TREF A CHYMUNED
(Tudalennau 13 - 16)

Cytuno ar broses a gweithdrefn ar gyfer adrodd yn ôl i'r Pwyllgor ar ymweliadau a gyflawnir gan Aelodau i Gyngorau Tref a Chyngor, a sefydlu proses a gweithdrefn ar gyfer darparu adborth i Gyngorau Tref a Chymuned y mae'r Aelodau wedi ymweld â nhw.

6 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 17 - 20)

Pwrpas: Er mwyn i'r Pwyllgor ystyried testunau i'w cynnwys ar y Rhaglen Gwaith i'r Dyfodol.

Yn gywir



Robert Robins
Rheolwr Gwasanaethau Democraidd

Eitem ar gyfer y Rhaglen 3

STANDARDS COMMITTEE **12 NOVEMBER 2018**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Caffi Isa, Mynydd Isa Library Community Centre, Mold, on Monday, 12 November 2018. This was also the annual joint meeting to which Town and Community Council representatives were invited to participate.

PRESENT: Robert Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

APOLOGY: Jonathan Duggan-Keen

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Miriam Shepherd (Argoed Community Council), Councillor Dave Mackie (Hawarden Community Council), David Seddon, Debbie Seddon and Robert Hazelhurst (Mostyn Community Council), Huw Morghan (Nannerch Community Council), Gwen Smith and Linda Deane (Northop Community Council), John Gollidge (Northop Hall Community Council), Councillor Richard Lloyd, Tracey Brown and Jason Shallcross (Saltney Town Council), Mrs Doreen Mackie (Shotton Town Council), Phillip Griffiths (Ysceifiog Community Council)

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

Prior to the start of the meeting the Chair expressed thanks to Mr. Hughes for his work during his term of office as Chair of the Standards Committee.

28. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

29. MINUTES

The minutes of the meeting of the Committee held on 1 October 2018 were submitted.

RESOLVED:

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

30. DISPENSATIONS

None

31. RESPONSE FROM WELSH GOVERNMENT TO A REQUEST FOR INCREASED SANCTIONS

The Chair referred to the response which had been received from the Welsh Government (WG) to the request from the Committee to increase the range and flexibility of sanctions in the Local Government Bill.

Julia Hughes said the response from the WG to the Committee's request was disappointing because it did not give an indication of when the regulations would be reviewed in the future. She felt it was important that the Committee expressed its views on the need for a wider and more flexible range of sanctions.

The Monitoring Officer commented on the the awareness of this issue at national level which had been raised at the recent Wales Standards Conference attended by members of Standards Committees and relevant local government officers.

Councillor Arnold Woolley suggested that all local authorities in Wales be contacted to determine their views on the need to increase the range and flexibility of sanctions. In response the Monitoring Officer advised that the Committee could contact the monitoring officers in other authorities and ask them to raise the issue with the Welsh Language Committee; the Committee could also contact the Chairs of other Standards Committees to ask them to write to the WG, and political pressure could be sought through the WLGA, leaders of the Councils and Members. The Monitoring Officer also suggested that town and community councils could lobby groups such as one voice Wales if they wished.

Following a proposal from Julia Hughes it was agreed that the Monitoring Officer would write to the Monitoring Officers in other local authorities to share the correspondence which had been sent from the Chair of the Flintshire Standards Committee to the WG, and the response received, and request that the issue be raised with their respective Standard Committees with a view to submitting a collective request to the WG if they shared the same concerns.

RESOLVED:

That the Monitoring Officer writes to the Monitoring Officers in other local authorities to share the correspondence which had been sent from the Chair of the Flintshire Standards Committee to the WG, and the response received, and request that the issue be raised with their respective Standard Committees.

32. UPDATED GUIDANCE ON THE USE OF SOCIAL MEDIA FROM WLGA

The Deputy Monitoring Officer introduced a report to update the Committee on the revised guidance from the WLGA. He provided background information and advised that the Council had not adopted a separate social media protocol but had circulated to Members the guidance published by the WLGA which addressed the issues raised by social media clearly and comprehensively. The Deputy Monitoring Officer said the purpose of the updated guidance was to enable Councillors to benefit from the use of social media whilst minimising the associated risks such as reputational damage and/or breaching the code of conduct, as well as providing practical advice on how to manage social media in the interests of Councillors' personal well-being. The updated guidance also provided a link to new guidance specifically dealing with handling online abuse. A copy of the guidance was attached to the report.

During discussion the Monitoring Officer responded to the question raised by the Clerk of Saltney Town Council regarding what action could be taken if there was a breach of the social media policy. He explained that when investigating a complaint the Ombudsman would look to see if there had been a breach of the provisions of the code of conduct and would use supplementary guidance, where there was a lack of clarity within the code, or look for further explanation around what that may require. The Monitoring Officer emphasised that the Ombudsman could only take action if there had been a breach of the code of conduct. In response to the further questions raised by the Clerk of Saltney Town Council concerning how to prevent any breach of the social media policy arising, the Monitoring Officer explained that strong Chairmanship was the first defence against unacceptable behaviour which could resolve matters at an early stage.

Councillor Richard Lloyd expressed a number of concerns around the inappropriate use of social media during local elections. The Monitoring Officer explained that the Authority would address complaints which were made to the Council and would look to see if there had been a breach of the rules by candidates but did not have the resources to fully monitor the extensive use of social media. He advised that existing Members were bound by the code of conduct during local elections and advised that it was a breach of election law for candidates to state an untruth about the character of another candidate (for example their opponent).

The Deputy Monitoring Officer drew attention to page 34 in the WLGA updated guidance which was attached to the report on the monitoring of social media.

In response to the concerns expressed by Councillor Paul Johnson on the issue of online abuse by trolls, the Monitoring Officer referred to the guidance on staying safe and dealing with trolls contained in the WLGA guidance on social media and drew attention to the information on Facebook and Twitter help pages regarding how to block users and report abuse.

Responding to a further query from Nannerch Community Council regarding how a breach of the social media policy would be addressed, the Monitoring Officer advised that if the matter was escalated to the Standards Committee it would then be referred to the Ombudsman which would consider if there had been a breach of the Code of Conduct. If Town and Community Councils had adopted their own social media policy it would be used to judge the circumstance around the issue.

The Deputy Monitoring Officer commented that the WLGA guidance contained information around controlling and managing use of social media and the creation of separate personal and work identities.

Councillor Arnold Woolley proposed that the wording of the recommendation in the report be amended to read 'That the Committee recommends that Members conform to the Updated Guidance'. This was seconded and when put to the vote was agreed.

The Monitoring Officer agreed to circulate the WLGA updated guidance to all Members and to Clerks of Town and Community Councils to inform that it had been endorsed by the Standards Committee and recommend that it be brought to the attention of Town and Community Councils which did not have an existing policy.

RESOLVED:

That the Committee recommends that Members conform to the Updated Guidance.

33. VISITS TO TOWN AND COMMUNITY COUNCILS BY INDEPENDENT MEMBERS

The Chair explained that members of the Committee were visiting all town and community councils to observe practice and gain understanding of how local council business was conducted. The visits were being undertaken with a view to benefiting from shared experiences and knowledge in the future.

In response to the questions raised the Monitoring Officer explained that the visits were not intended to be an assessment process and were with consent. The view was that there were positive benefits to be gained by the Authority and Town and Community Councils from interaction and the sharing of good practice and procedures. He explained that it was intended to provide feedback on the visits to Town and Community Councils at the end of the programme when all the information collected could be considered. He advised that if there were any specific concerns arising in the meantime the Authority would raise this with the Town or Community Council concerned.

A number of Clerks of Town and Community Councils asked if feedback could be provided in the interim to the Town and Community Councils which had been visited to provide reassurance that good practice was being followed and no concerns had been highlighted. Julia Hughes commented that it would

be beneficial to both the Standards Committee and Town and Community Councils to have confirmation that common good practice was being followed.

Councillor Paul Johnson proposed that feedback be provided to Town and Community Councils following a visit and this was seconded. When put to the vote this was agreed by the Committee.

The Chair invited Kenneth Molyneux to report on his visit to Argoed Community Council and attendance at a meeting held on 2 October 2018.

In response to the questions raised the Monitoring Officer provided advice on procedures regarding declarations of interest at Town and Community Council meetings. The Monitoring Officer emphasised that when a declaration of interest was made it was essential that the person making the declaration completed a declaration of interest form at the time otherwise the declaration would be regarded as void. The Monitoring Officer also advised that where a declaration of interest had been previously registered it was still necessary to declare the interest at subsequent meetings.

RESOLVED:

- (a) That the report be noted and received; and
- (b) That feedback be provided to Town and Community Councils following a visit.

34. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer introduced the report which provided a running total of the ethical complaints alleging a breach of the code that had been submitted to the Public Service Ombudsman for Wales. He provided background information on how the register of complaints was compiled and reported that there had been further complaints submitted in respect of a single Town Council since the last report. One complaint had been made by a member of the public which the Ombudsman had decided to investigate.

The Monitoring Officer reported on the list of complaints received during 2016/17 and 2017/18. During discussion the Monitoring Officer commented that few complaints developed to investigation and a minority of those progressed to a hearing.

RESOLVED:

That the number and type of complaints be noted.

35. THE ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES FOR 2016/17

The Deputy Monitoring Officer provided a verbal report on the Annual Report of the Adjudication Panel for Wales for 2016/17. He gave an overview of the following key sections within the report:

- about us - the Adjudication Panel for Wales (APW) - statutory functions
- performance and progress
- case summaries
- our customers - customer satisfaction survey
- business priorities
- expenditure

Councillor Richard Lloyd took the opportunity to thank the Deputy Monitoring Officer for the training session he recently provided at Saltney Town Council which had also been well attended by members of other Town and Community Councils.

RESOLVED:

That the report be received.

36. FORWARD WORK PROGRAMME

The Committee received the current Forward Work Programme for consideration. The Monitoring Officer referred to the items for consideration at the next meeting of the Committee to be held on 3 December, and advised that a review of the Planning Code of Practice was scheduled for consideration at the meeting as part of the Authority's rolling review of the Constitution.

RESOLVED:

That the Forward Work Programme be noted.

37. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance and no members of the press.


(The meeting started at 6.30 pm and ended at 7.46 pm)

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Chairman

Eitem ar gyfer y Rhaglen 4

Buckley..... TOWN/COMMUNITY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE BY MEMBER OF THE COUNCIL

Name of Councillor	Dennis Hutchinson
Address	NEWLYN PADESWOOD RD. BUCKLEY CH7 2JW
Ward	BUCKLEY PENTRESTIN
Nature of Dispensation sought	To remain in the room while matters related to local bus routes are debated and voted on.
Level of Dispensation sought (i.e. to speak only or to speak and vote)	To remain present so that I can listen to the debate.
Relevant Paragraph under which Dispensation is requested (see overleaf)	(d) given that I am not seeking to speak or to vote but only to listen to the debate.
Details of the Prejudicial Interest	I am in the business of providing local bus services and currently have a contract as a provider of bus services, and those services are due to be discussed at Town Council meetings over the next 3 months. I understand that my contract to provide these services may not be renewed or I may have to apply for a new contract for the services as part of a re-tender.
Details of any position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	
Signed: 	Date: 26/11/18

Circumstances When A Standards Committee May Grant Dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

**APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL**

Name of Councillor	Jeannie Hutchinson
Address	NEWLYN PADESWOOD RD. BUCKLEY CH7 2JW
Ward	BUCKLEY PENTROFIN
Nature of Dispensation sought	To remain in the room while matters related to local bus routes are debated and voted on.
Level of Dispensation sought (i.e. to speak only or to speak and vote)	To remain present so that I can listen to the debate.
Relevant Paragraph under which Dispensation is requested (see overleaf)	(d) (given that I am not seeking to speak or to vote but only to listen to the debate).
Details of the Prejudicial Interest	My husband is in the business of providing local bus services and currently has a contract as a provider of bus services which are due to be discussed at Town Council meetings over the next 3 months. His contract to provide these services may not be renewed or he may have to apply for a new contract for the services as part of a re-tender.
Details of any position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	NONE <i>EJ Hutchinson</i>
Signed: <i>EJ Hutchinson</i>	Date: 26-11-18

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- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 3 December 2018
Report Subject	Visits by Members to Town and Community Councils
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

On the 3rd of March 2018 the Committee resolved that Members who are not County Councillors would attend and observe Town and Community Council meetings across Flintshire.

Arrangements were made for the visits to be split between Members of the Committee with the intention that, over the course of the year, all Town and Community Councils would be visited. Town and Community Councils were informed by the Monitoring Officer of the intention for Members to undertake these visits.

At the meeting of the Committee on the 12th November 2018, it was resolved that feedback would be provided to Town and Community Councils following a visit by a Member of the Committee.

There has not yet been a resolution by the Committee about how the visits should be reported back to the Committee, or how feedback should be provided to the respective Town and Community Councils. It is important that appropriate procedures and processes are in place in this regard.

RECOMMENDATIONS

1	That the number of feedback reports from visits to town and community Councils considered at each meeting is adjusted so that agenda are not overloaded, unless urgent issues need to be fed back when these will be placed on the agenda for the next meeting; and
2	That Members undertaking visits to Town and Community Councils take written notes that are suitable to be disclosed and circulated as feedback to Town and Community Councils; and
3	That the written notes of visits taken by Members are circulated with the

	Agenda papers for the Committee so that Members have time to consider any issues that have arisen; and
4	That Members inform the Monitoring Officer of a visit to a Town or Community Council and send their written notes of the visit to him, as soon as possible after a visit has taken place, for the purposes of agenda planning for the Committee.

REPORT DETAILS

1.00	
1.01	There are essentially two ways in which Member visits to Town and Community Councils can be reported to the Committee and in which feedback can be provided to Town and Community Councils. Reports and feedback can either be written or verbal.
1.02	If a Member takes written notes of a visit those notes could provide the Member with a speaking note to aid them in a verbal report to the Committee, and equally verbal feedback could be provided to the Town or Community Council. In these circumstances Members could retain their speaking notes.
1.03	However, any written notes taken by Members in respect of visits to Town and Community Council meetings are potentially disclosable as background papers should a request for disclosure be made.
1.04	A preferable alternative would be for members undertaking a visit to prepare their written notes in a manner that is appropriate for both reporting the visit to the Committee (by the notes being included with the agenda papers for the Committee). Further if the notes are in a form that is also suitable for them to form the basis for feedback then subject to any comments or observations at Committee they can be disclosed to the council concerned.
1.05	Whilst it is recommended that reporting back on visits is done by workload, it is important that any big issues identified at any visits to Town or Community Councils that need to be addressed as a matter of urgency are reported as soon as possible so that feedback can be given in a timely manner.
1.06	Therefore when the Monitoring Officer is notified of visits that have been undertaken, it is important that the member who has undertaken the visit flags up that there is something urgent that needs to be reported and the Monitoring Officer will ensure that the report on that visit is submitted to the next Standards Committee. As in the recommendation, others will be placed on upcoming agendas based on workload.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2018/19

Date of Meeting	Topic	Notes/Decision/Action
1 July 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
3 June 2019	<ul style="list-style-type: none"> • Training • Dispensations • Members' Code of Conduct • Town and Community Council Visits by Independent Members 	
29 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman 	
1 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
4 March 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	

Tudalen 17

Eitem ar gyfer y Rhaflen 6

Date of Meeting	Topic	Notes/Decision/Action
4 February 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman 	
7 January 2019	<ul style="list-style-type: none"> • Training • Dispensations • Officers Code of Conduct • Town and Community Council Visits by Independent Members • Planning Code of Practice • Councillor Training 2018 	Report by Matt Georgiou
3 December 2018	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	Report by Matt Georgiou
12 November 2018	<ul style="list-style-type: none"> • Training • Dispensations • Response from WG to a request for increased sanctions • Revised Social media Guidance by WLGA • Town and Community Council Visits by Independent Members • Overview of Ethical Complaints • Annual Report of the APW 2016/2017 	Verbal report Report by Matt Georgiou Verbal update by Ken Molyneux Report Verbal update by Matt Georgiou

Date of Meeting	Topic	Notes/Decision/Action
1 October 2018	<ul style="list-style-type: none"> • Training • Dispensations • Standards Conference September 2018 • APW Sanctions Guidance • Public Services Ombudsman's Annual Report for 2017/18 • The Public Services Ombudsman for Wales Case Book • 	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
3 September 2018	Meeting Cancelled	
<p>To be scheduled –</p> <p>Report by the Deputy Monitoring Officer on training undertaken. Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Annual Report of the Adjudication Panel for Wales. The latest version of the Public Services Ombudsman for Wales Casebook which was shortly due to be published. Item to consider the frequency of reporting on the Overview of Ethical Complaints.</p> <p><u>For future meetings after November:</u></p> <p>Code of Conduct complaints in Flintshire.</p>		

Mae'r dudalen hon yn wag yn bwrpasol