

STANDARDS COMMITTEE
2 SEPTEMBER 2019

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 2 September 2019.

PRESENT: Rob Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Julia Hughes and Phillipa Earlam

APOLOGIES: Jonathan Duggan-Keen and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

17. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

18. MINUTES

The minutes of the meeting held on 1 July 2019 were submitted.

Matters Arising

Minute 11: It was agreed that the minutes be amended to reflect that the Chair had requested a member of the public to leave the room prior to determination of a request for dispensation.

Minute 13, third paragraph : Mrs Julia Hughes asked that the minutes be amended to read: "As the Clerk of Flint Town Council had not received feedback from the Standards Committee circulated by email".

RESOLVED:

That subject to the above amendments, the minutes be approved and signed by the Chairman as a correct record.

19. DISPENSATIONS

The Monitoring Officer explained that a request for dispensation had been received from Councillor Dennis Hutchinson. He referred to a dispensation which had been granted to Councillor Hutchinson in March 2019. He advised that as the new application was substantially the same as the previous application, in line with the resolution of the Committee in March, he had extended the existing dispensation to cover this request. The terms and expiry date from the original dispensation would not change but would now cover planning applications 060160 and 058489.

20. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS

The following independent members presented their verbal reports:

Mr. Robert Dewey – Mold Town Council
Mrs. Julia Hughes - Shotton Town Council
Mrs Phillipa Earlam – Queensferry Community Council

The Chairman spoke on his positive visit to attend a meeting of Mold Town Council. He explained that business had proceeded at a good pace and was ably lead by the Clerk and Chair with opportunity for discussion and questions on matters arising without stifling debate. Officers from the Council had attended and reported knowledgeably on business, regeneration, and financial matters. The meeting was conducted in a formal setting which he felt had contributed to the efficient atmosphere. In summary he said that the meeting had been an exemplar of good practice.

Mrs Julia Hughes explained that despite best efforts she had to abandon her visit to Shotton Town Council on 8 July as she had been unable to locate the venue for the meeting. She also reported that she had encountered difficulty in trying to contact the Clerk and obtain information from the website. She expressed concern that due to her experience members of the public might also have difficulty in locating and attending meetings of the Town Council.

Mrs Phillipa Earlam provided feedback on her visit to Queensferry Community Council. She said the meeting had been well chaired and was a positive experience overall. Commenting on the website Mrs. Earlam said only a summary of the agenda had been available before the meeting, however, a copy of the agenda was provided to her at the meeting. During the meeting a presentation had been given on the Enforcement Funding Scheme and an officer from Streetscene was also present and reported on progress on outstanding items and new matters affecting various areas. During discussion the Monitoring Officer responded to the queries raised by Mrs. Earlam.

The following points were raised which were to be fed back to Town and Community Councils:

- an agenda item on Declarations of Interest to be included for all meetings

- accessibility of venue and good use of signage
- information on the location of meetings and directions should be provided on Town/Community Council websites

The Monitoring Officer commented on the need to present an overall report on member's visits to Town and Community Councils at the joint meeting of the Standards Committee and Town and Community Councils to be held on 30 September 2019. The Monitoring Officer said he would contact Shotton Town Council in the meantime to establish the date of the next meeting.

Councillor Paul Johnson suggested that following the feedback provided on visits by members the Town and Community Councils be contacted to ask if it was helpful and if any suggestions had been implemented.

The Chair suggested that basic guidance be provided to assist new Councillors on procedural matters during Town and Community Council meetings. This was supported by Councillor Patrick Heesom.

Mrs Julia Hughes suggested that a copy of the Authority's own guidance on the standards of behaviour aspired to might be helpful to Town and Community Councils. She also suggested that guidance be provided to Town and Community Councils on the legislative requirements relating to websites.

RESOLVED:

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

21. REVIEW OF THE FLINTSHIRE STANDARD

The Monitoring Officer introduced a report to review the expected standards of behaviour contained within the Flintshire Standard/Local Resolution Procedure. He provided background information and advised that both Members and Officers had wished to review the contents of the Flintshire Standard to expand and clarify the guidance within it and restate and reinforce the behaviours expected. The amendments suggested by Officers and Group Leaders to the Standard were as detailed in the appendix to the report.

During discussion the following further amendments were suggested by members of the Committee:

Page 15: the word 'Chairman' to be replaced by 'Chair' throughout

Page 15, final bullet point: wording to be amended to read 'Members collectively and individually to ensure that officers are treated with respect at public meetings within the ward(s)'.

Page 17, paragraph 2: Councillor Arnold Woolley commented on the need to address matters of poor behaviour quickly and expressed concerns about the 12 months timeframe referred to. The Monitoring Officer responded to the comments

raised and provided clarification on procedures. Following discussion it was agreed that the wording be amended to read 'This procedure will therefore only apply to incidents or behaviour occurring in the 90 days prior to a complaint being made in writing to the Monitoring Officer'.

Page 18, paragraph 7: it was suggested that the wording 'or a nominated substitute' be considered if the Chief Executive was not available to attend a meeting

Page 18, paragraph 8: the wording be amended to read 'The purpose of this meeting will be to try to resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer and/or the Deputy Monitoring Officer for advice and assistance'.

Page 18, paragraph 9: the word 'Standard' be amended to read 'Standards'.

The Monitoring Officer advised that the revised document would need to be considered by the Constitution & Democratic Services Committee prior to submission to Council for approval.

RESOLVED:

That subject to the further amendments detailed above the Flintshire Standard be recommended to Council for adoption.

22. STANDARDS COMMITTEE FORUM FOR NORTH AND MID WALES

The Monitoring Officer introduced a report to provide feedback from the Standards Committee Forum for North and Mid Wales. He provided background information and referred to the key issues, as detailed in the report, which should be considered by the Committee. The draft minutes of the meeting of the North Wales Standards Committees Forum held on 24 June 2019, were appended to the report.

The Monitoring Officer referred to the best practice recommendations that were potentially relevant from the report of the Committee on Standards in Public Life and advised that whilst Council could not change legislation it could adopt the recommendations voluntarily where they were not already in effect. The Committee was asked to consider the recommendations as identified in the report.

The Committee recommended that the Council should put in place the following best practice recommendations:

- R6 Code to require registration of gifts/hospitality over £50 or over £100 pa from a single source
- R19 Parish clerks to be qualified - it was suggested that this could be raised at the joint meeting with Town and Community Councils to be held on 30 September.
- R24 Councillors to be "prescribed persons" in Public Interest Disclosure Act 1998

- BP4 Code readily accessible in prominent position on local authority website – it was suggested that there could be more transparency around this
- BP5 Local authorities to update registers of gifts and hospitality quarterly and make accessible
- BP11 Standards complaints about member on clerk conduct to be made by Chair or Parish (Community) Council as a whole - it was suggested that this could be raised at the joint meeting with Town and Community Councils to be held on 30 September.
- BP15 senior officers to meet regularly with group leaders or whips re standards – it was suggested that the Chair and Vice Chair of the Standards Committee might wish to meet with the Leader of the Council and the Monitoring Officer to discuss standards within the Council twice a year.

The Monitoring Officer agreed to provide a report on progress on recommendation BP15 at the meeting of the Standards Committee to be held on 4 November 2019.

The Monitoring Officer advised that across the North Wales region there were 8 Standards Committees (including the Fire and Rescue Authority and National Park). Each covered similar areas of responsibility and met frequently based on workload. Since 2016 it was legislatively possible to have joint Standards Committees service two or more authorities. Attached to the report was a presentation on the risks and issues for the creation of one or more joint Standards Committees across the North Wales region.

Julia Hughes asked that the minutes of the North Wales Standards Committees Forum meeting held on 24 June 2019, be amended to include her attendance under those present as follows: North Wales Fire & Rescue – Julia Hughes (Vice-Chair).

RESOLVED:

- (a) That offices should contact those counties identified by the Public Services Ombudsman as representing good practice to see what improvement could be made to the Council's ethical training;
- (b) That the Council should put in place those best practice recommendations from the report of the Committee on Standards in Public Life as agreed by the Committee; and
- (c) That the Monitoring Officers in all 6 Councils plus the Fire and National Parks Authority, be asked to collectively prepare a more detailed analysis of how one or more Joint Standards Committees might be introduced in North Wales.

23. PUBLIC SERVICE OMBUDSMAN FOR WALES CASEBOOK ISSUE 20 (JANUARY – MARCH 2019)

The Deputy Monitoring Officer introduced the report to inform the Committee of the latest publication of the Public Service Ombudsman's Code of Conduct Casebook. He provided background information and advised that two complaints had been investigated by the PSOW of which both were findings of no action necessary. There were no findings of no breach, no referrals to Monitoring Officers for consideration by their Standards Committees and there were no referrals to the Adjudication Panel for Wales for adjudication by a tribunal.

The Deputy Monitoring Officer reported on the main considerations, as detailed in the report, and referred to the findings of the Pembroke Dock Town Council – Promotion of equality and respect case, and the Saltney Town Council – Promotion of equality and respect case.

RESOLVED:

That the findings of those complaints that were investigated by the PSOW during January to March 2019, as summarised in issue 20 of the Casebook, be noted.

24. UPDATE ON THE COMMUNITY ASSET TRANSFER PROGRESS

The Monitoring Officer introduced a report to give an update on the Community Asset Transfer Progress. He provided background information and referred to the main considerations as detailed in the report. He advised that ethically there are potential difficulties during the negotiation of a transfer and subsequently where Councillors are involved in the management of the newly transferred asset, however, there are mechanisms within the Code and ways of working which can ease the potential difficulties.

Councillor Patrick Heesom expressed concerns around the progress achieved on some applications to transfer assets and expressed the view that local communities were being disadvantaged as a result. The Monitoring Officer acknowledged the points raised by Councillor Heesom and said he would provide feedback to the Chief Officer Housing and Assets.

RESOLVED:

That the Committee is assured that the mechanisms within the code of conduct/dispensation process are satisfactory for managing any potential ethical issues arising from the Community Asset Transfer Scheme.

25. FORWARD WORK PROGRAMME

The current Forward Work Programme was considered. The Monitoring Officer reminded members that the next meeting of the Committee would be a joint meeting with Town and Community Councils. The meeting of the Committee scheduled for 4 November, would include an item on the suggestion made during the meeting that the

Chair and Vice Chair of the Standards Committee meet with the Leader of the Council and the Monitoring Officer to discuss standards within the Council. It was agreed that a training session would be held prior to the meeting on 4 November. The Monitoring Officer asked members to put forward any items for training. Councillor Patrick Heesom asked that training be provided on the Community Asset Transfer Scheme.

RESOLVED:

That the Forward Work Programme be noted.

26. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance.

(The meeting started at 6.00pm and ended at 8.00pm)

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Chair