

STANDARDS COMMITTEE
4TH MARCH 2024

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4th March 2024

PRESENT: Julia Hughes (Chair)

Councillor: Teresa Carberry Antony Wren

Co-opted member: David Wynn Davies, Mark Morgan, Gill Murgatroyd and Jacqueline Guest

ALSO PRESENT: Councillor Mared Eastwood (as an observer)

APOLOGIES: Councillor Andrew Parkhurst

IN ATTENDANCE: Chief Officer (Governance) / Monitoring Officer and Democratic Services Officer.

The Monitoring Officer referred to the apology from Councillor Parkhurst and explained that for most committees elected Councillors were able to send a substitute under the Political Balance Rules. Unfortunately for this committee substitutions were not permitted.

63. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

64. MINUTES

8 January 2024

The minutes of the meeting held on 8 January 2024 were presented for approval.

The minutes were approved as an accurate record as moved by Mark Morgan and seconded by Gill Murgatroyd.

Matters arising

Page 5

The Chair asked if the Monitoring Officer was able to provide an update on the number of Town & Community Councils who had signed up to the Civility and Respect Pledge. In response the Monitoring Officer confirmed that 18 out of the 34 Councils had confirmed that they had accepted the pledge. The Chair asked if an update could be provided at the next meeting to see if the level had increased.

Page 6

The Chair asked for an update on the vacancy for the Town & Community Council Councillor representative.

In response the Monitoring Officer confirmed that Town & Community Councils had been asked to nominate candidates and an outline of the voting process was provided which had a deadline set for the 1st of March 2024. It was confirmed that 6 candidates had been nominated with 20 Town and Community Councils responding with their first and second choices. Once the results had been analysed the appointment would be reported to the County Council meeting on the 16th of April. If that appointment was approved, then training would be arranged for that individual. It was confirmed that this opportunity would be used to provide catch up training for existing members of the committee who had missed the last training session.

Page 8

The Chair referred to the two resolutions on page 8 and asked for an update.

The Monitoring Officer confirmed that the Governance and Audit Committee had its own Forward Work Programme and was due to consider the Confidential Whistleblowing Procedure at its March meeting.

Referring to the feedback report to Higher Kinnerton Community Council the Monitoring Officer confirmed that he had spoken with the Clerk.

Page 9

The Chair referred to the key points and asked if the feedback from the visits had been shared with Chairs and Members. The Monitoring Officer apologised saying that the email had been prepared and that would be sent out shortly.

Page 10

The Chair referred to the resolution for item 56 and asked for an update.

The Monitoring Officer confirmed that information on this would be circulated in the email to Chairs and Members. It was explained that the training programme had two aspects, respect and equality, and that discussions were ongoing with the trainer to arrange 5 training sessions which would enable all Councillors to attend. The Monitoring Officer had also spoken with Audit Wales to ascertain if they were able to provide some advice regarding their recent visit to a nearby council. There could be examples of lessons learned on unproductive and productive styles of behaviour which could be useful.

It was explained that the request for training came from a Group Leader and that following a meeting of the Constitution & Democratic Services Committee a better understanding of the request had been obtained. Following this meeting the Ombudsman was asked for clarification around the freedom of speech which was afforded to Members of Parliament and Members of the Senedd but was not however afforded to local Councillors. The Chair asked if an update could be given when the response was received.

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

Accuracy

5 February 2024

The minutes of the meeting held on 5 February 2024 were presented for approval.

The minutes were approved as an accurate record as moved by Councillor Teresa Carberry and seconded by David Davies.

RESOLVED

That the minutes of the 8 January and 5 February 2024 be approved as an accurate record.

65. DISPENSATIONS

There were no applications for dispensation.

66. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS

The report was introduced by the Monitoring Officer who explained that the Council spent over £200m per year through its various contracts. A large number of rules were in place involving contracts which ensured that the contractors were able to perform the tasks, were value for money, were transparent with clear audit trails and that nothing was said or done to undermine those important principles. The Monitoring Officer then referred to the recent changes in the Employees' Code of Conduct which required employees to observe the Contract Procedure Rules. There was however no obligation on Members with regard to this. This Protocol supplements the Members' Code of Conduct to describe how Members should act so as not to undermine these processes. The Monitoring Officer provided examples of the questions which were raised around contracts which were awarded by Westminster during the Pandemic and this Protocol was key to avoiding such questions and instances occurring in Flintshire. This Protocol had been reviewed a number of years ago and was now being reviewed under the

rolling review programme but the Monitoring Officer felt that the Protocol was still pertinent and up to date.

Gill Murgatroyd referred to paragraph 2.2 and wondered if the protective characteristics would need updating as there were now 9 but this paragraph only included 6. This was agreed by committee.

The recommendation within the report was moved by Jacqueline Guest and seconded by Councillor Antony Wren.

RESOLVED:

That the Committee, having reviewed the Protocol for Members in their Dealings with Contractors and Other Third Parties and agreed that it subject to the small amendment that it remained up to date and pertinent.

67 ROLLING REVIEW OF THE MEMBERS CODE OF CONDUCT

The Monitoring Officer presented the report saying that the Members' Code of Conduct was renewed annually and had recently been reviewed following recommendations within the Penn Report. An overview of the changes was provided together with information on the requirement for Members to refuse any gifts or hospitality which also included a requirement to register anything which had been accepted over a specified value. The value was currently £10 and Richard Penn was seeking approval from local authorities to harmonise the amount to £25 across Wales. It was explained that this recommendation was discussed at the January meeting of the Constitution and Democratic Services Committee. At that meeting Members declined to endorse the move to increase the amount from £10 to £25 which was mainly because of public perception. The current situation was that there were two conflicting views and the Monitoring Officer commented that he had brought this back to seek the committee's views prior to it being presented to the April meeting of County Council.

Councillor Wren felt that this should be standardisation across Wales and be presented to County Council for a decision to be made.

David Davies commented that he would like the Authority to be consistent with other local authorities in Wales. He sought clarification on the aggregate amount of £100. The Monitoring Officer confirmed that this covered a member who received a number of small gifts from the same source so it was agreed that the threshold of £100 be included.

The Committee all agreed to support consistency across Wales and that this be presented to County Council for approval. The Monitoring Officer confirmed that this could be taken to the 16 April meeting.

The Monitoring Officer then referred to the Code which was updated recently following the Penn Review saying that Welsh Government (WG) had consulted with Local Authorities to establish if legislation was required to enact the changes proposed by Richard Penn. WG had concluded that legislation was required but that it would not proceed during this Senedd term which meant that changes to the Code could not take place until the next term in 2026. It would also depend on when this found legislative time with the order not only dependent upon when it was drafted but also had to include political priorities.

The Chair commented that apart from the voluntary changes, that the remaining changes would take some time.

The recommendation was moved by David Davies and seconded by Mark Morgan

RESOLVED:

That the Committee having reviewed the Code of Conduct ask that Council consider the difference in views of this Committee on the level of gifts and hospitality and that notwithstanding the views of the Constitution and Democratic Services Committee that it should be standardised with other Authorities in Wales

68 REPORT FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Chair introduced the report and explained that Independent Members had agreed a rota for attending and observing formal meetings of the County Council for 2023/24, which were similar to the arrangement undertaken for Town and Community Council meetings. She invited the Independent Members to present their reports on the visits which had taken place, as follows:

- County Council (Hybrid Meeting) – 23.01.24 (Julia Hughes)
- County Council (Hybrid Meeting) – 20.02.24 (Gill Murgatroyd)
- Licensing Committee – 21.02.24 (Gill Murgatroyd)

In response to questions raised by Gill Murgatroyd, the Monitoring Officer commented that Chairs normally addressed Councillors and Officers by their names. At full Council meetings however it was more difficult because of the layout of the Chamber but it was explained that the Chair had the support from Officers to ensure the meetings were positive and worked well. With regard to the Declarations of Interest point it was explained that these were declared prior to the start of the meeting and an outline of the process for dealing with them was given.

Councillor Teresa Carberry spoke as Chair of the Education Youth & Culture Overview & Scrutiny Committee and commented on the invaluable support that she received from the Facilitator.

The following key points were raised from the visits:

- That Members kept their cameras on especially when voting was taking place and that this was reinforced.
- That the names and roles of the officers should be confirmed when inviting them to speak but it was appreciated that Full Council was a difficult meeting to Chair.
- That Members clearly stated the item that their declarations of interest related to and how that interest arose.

The Monitoring Officer agreed to include this feedback in the email to all Members.

The recommendation with the report was moved by Councillor Teresa Carberry and seconded by Councillor Antony Wren

RESOLVED:

That the Committee noted the verbal feedback to be shared with all Members

69. REPORT FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCIL MEETINGS

To receive verbal reports from independent members of the Committee on their visits to the following councils:

- Buckley Town Council (re-visit) – 23.01.24 (Mark Morgan)

The Committee agreed that no feedback was necessary as the meeting was very professionally managed with no concerns arising.

RESOLVED:

That positive feedback be provided to Buckley Town Council.

70. FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEE

In presenting the report the Chair provided background information on the creation of the All Wales Forum. She then referred to the meeting which took place on 29th January and followed a recommendation from the Penn Review. The Chairs of Standards Committees across Wales attended with Monitoring Officers attending on a rota basis. She confirmed that the minutes from this meeting would be circulated to all committee members.

The Chair highlighting the following points which she felt would be of interest to committee.

- The Forum welcomed a new panel Adviser, Justine Cass, the Deputy Monitoring Officer, Torfaen County Borough Council
- Consultation following the Penn Review with any changes made following the next term of the Senedd.
- Presentation and discussion with Michelle Morris, the Public Services Ombudsman for Wales
- Presentation on Corporate Joint Committees (CJCs) by Iwan G.D. Evans the Monitoring Officer for Gwynedd County Council and Corporate Joint Committee in North Wales.
- Resourcing of Standards Committees
- Local Protocols
- Group Leaders sitting on Standards Committees.
- Gifts and Hospitality
- Guidance on the use of Social Media – guidance provided by the WLGA. A suite of 24 Cyber Security Training Modules had been used by the National Park.
- Civility & Respect Pledge
- Chair training was provided by the Forum on the 12 February 2024
- Standards Committees requiring DBS Checks

It was explained that anything that the Forum put forward would be referred back to individual Standards Committees for ratification.

David Davies asked if this was a face to face or online meeting commenting that face-to-face meetings enabled Chairs to network with other Chairs. The Chair confirmed that they were held remotely and agreed with the comments made. It would be difficult to move to face to face because of the scale and organisation required for everyone to attend one venue as well as the costs.

The Chair then referred to the National Standards Conference which would likely be a remote meeting and asked the Chief Officer (Governance) to obtain an update for the committee.

RESOLVED:

That the feedback from the National Forum for Standards Committees be noted.

71. FORWARD WORK PROGRAMME

The Chair asked Committee if they had any topics which they would like to be included on the Forward Work Programme.

Jacqueline Guest asked if her re-visit Bagillt Community Council and attendance at the Audit & Governance Committee and Planning Committee could be included for the next meeting.

Mark Morgan wondered if consideration should be given to the comments made around Group Leaders sitting on Standards Committees as Councillor Andrew Parkhurst was a Group Leader. The Monitoring Officer confirmed that the informal meetings between Group Leaders and the Committee would be held during March and April which would provide an opportunity for this to be discussed. It could then be included on the Forward Work Programme if necessary for the May meeting with discussions held with Councillor Parkhurst in the meantime.

The Chair explained that the one-to-one meeting which were held with Group Leaders enabled an overview of the actions which they had taken during the previous year to be discussed. This also provided clarification that they were undertaking their duty as Group Leader to ensure that their members adhered to the Code of Conduct and had good professional behaviour.

The Chair commented that the draft Annual Report was scheduled for the June committee meeting. The Monitoring Officer confirmed that if this was agreed then it could be presented to either the July or September meeting of Full Council.

The Chair explained the reasons why the Review of the Member Officer Protocol had been moved forward to June.

The recommendation with the report was moved by Gill Murgatroyd and seconded by Mark Morgan

RESOLVED:

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

72. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 6.00pm and ended at 8.29pm)

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Chair