

STANDARDS COMMITTEE
1ST JULY 2024

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 1st July 2024.

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Ian Hodge and Antony Wren.

Co-opted members: David Wynn Davies, Ros Griffiths, Jacqueline Guest and Gill Murgatroyd.

IN ATTENDANCE: Chief Officer (Governance) / Monitoring Officer, Head of Legal Services and Team Leader - Democratic Services.

OTHER MEMBERS IN ATTENDANCE:

Councillors: David Coggins Cogan and Sam Swash

Buckley Town Councillor accompanied by Councillor Carol Ellis.

14. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

15. DISPENSATIONS

The Chief Officer (Governance) provided background information on the dispensation request from Councillor Sam Swash which was attached to the agenda.

He explained that a planning application was due to be submitted for a number of houses on the Gladstone Estate which backed onto a relative's property which would result in Councillor Swash having a personal and prejudicial interest. Councillor Swash had been active in Stop the Gladstone Estate Campaign which was a locally formed group. If a dispensation was not granted, it would limit the Councillor on making representations to the Planning Committee.

He added that the ward was represented by two Members, with the other Member being Councillor Turton. Details of previous similar requests for dispensation were provided.

Councillor Swash said he represented the residents of Hawarden and Mancot which included the land off Gladstone Way and it was important for him to make written and oral representations. His mother owned the property which abutted the site but he did not live in the property nor have any financial interest in it. He did not believe that being a member of the Stop the Gladstone Estate made his interest prejudicial. It was his strong belief that if a dispensation was not granted it would firmly damage public confidence in him as he was elected on the basis of being the voice of the residents in opposing this planning

application. He could provide evidence of his election literature which was based on his views on the Gladstone Estate plans.

In response to a question on the ward having two representatives, Councillor Swash explained that he founded the campaign against the planning application over five years ago. He felt that Councillor Turton would want Councillor Swash to represent the local residents.

In response to a question from the Monitoring Officer, Councillor Swash clarified his request was to speak at Planning Committee. He felt he should remain in the room whilst the vote took place so he could understand the reasons why Members voted a certain way so he could continue to represent his residents in the future. The Monitoring Officer explained that, due to the technology now used for Council meetings, Councillor Swash would be able to view the rest of the debate and vote so his request to remain in the room could be outweighed by that. Having a presence in the room could influence how people behaved. If there was a legal challenge in relation to the application the recording of the meeting would be on the Council's website within 24 hours where a full record of the debate could be seen.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

At this point, the Chair proposed that the press and public be excluded for the remainder of the item by virtue of exempt information under paragraph(s) 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

16. DISPENSATION - DECISION

RESOLVED:

That Flintshire County Councillor Sam Swash be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak to and write to officers; and to speak for five minutes at meetings of the Planning Committee in relation to the above application and also any application which, in the opinion of the Monitoring Officer, was similar. Councillor Swash would be advised that when he speaks to officers about the issue there would need to be an independent witness present and there must be minutes taken of any such meetings.

Councillor Swash could speak at the above meetings about the issue but should leave the meeting once he has spoken and before the matter was debated and voted on. Before speaking at any such meetings about the issue Councillor Swash should still declare his interest in the matter and confirm that he had a dispensation to speak about it. The same applied to any written communications with officers. The dispensation to be granted for 12 months, ceasing on 30th June 2025.

17. REPORTS FROM INDEPENDENT MEMBERS ON VISITS TO COUNTY COUNCIL MEETINGS AND A COMMUNITY COUNCIL MEETING

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:

Bagillt Community Council – 08.11.23– re-visit (Jacqueline Guest)

New Chair, supported by the Clerk; behaviours much improved; lot of public in attendance however two were turned away as no space; mobile phones not on mute.

Points to feedback to all Town and Community Councils as a way of a reminder

- Not to send members of the public away
- Mobile phones to be muted
- Chair ably supported by the Clerk

Planning Committee – 25.10.23 (Jacqueline Guest)

Welcomed and introduced by the Chair. Good discussions; couldn't see all who were present remotely as some Members did not have their cameras on.

Points to feedback

- Cameras on where possible
- Well chaired
- Professional and respectful debate

Governance & Audit Cttee - 22.11.23 (Jacqueline Guest)

Welcomed and introduced by the Chair; housekeeping covered; well chaired and ably supported; all items discussed with good participation; meeting progressed well despite a comprehensive agenda.

Points to feedback

- Well chaired
- Comprehensive reports

County Council – 14.05.24 (David Davies)

AGM. Outgoing chair reminded members to speak with respect and show consideration to those speaking. Chaired well by outgoing and incoming chair. All members conducted themselves in line with the code of conduct. Special FCC after the AGM, four declarations of interest, two of which were personal and prejudicial.

Points to feedback

- A lot of tension in the room with a new group forming but everybody conducted themselves appropriately despite the tense atmosphere.

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

RESOLVED:

That the Committee noted the verbal feedback to be shared with all Members and Town and Community Councils.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following item by virtue of exempt information under paragraph(s) 18a of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

18. CODE OF CONDUCT COMPLAINT: PRE-HEARING REVIEW

At the Standards Committee on 4th December 2023 the Committee considered the Ombudsman's report and resolved that the member who was the subject of the Ombudsman's report should be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of the allegations that the member had failed to comply with the Code of Conduct. The Councillor had confirmed that his preference was to make representations orally at a hearing of the Standards Committee.

The Committee resolved to conduct a pre-hearing review in accordance with its procedure and to decide upon the arrangements for the final hearing. The Committee permitted another Councillor to remain in the meeting as a companion to the Councillor in question and it was confirmed she would no longer be called by the Councillor as a witness.

The Committee considered and resolved upon various administrative arrangements for the hearing. A provisional date for the hearing of 30th September 2024 was set and the hearing would take place in person, but with facilities available for any party or witness that wished to attend remotely. It was noted the neither the Councillor nor the Ombudsman had requested that the hearing should be conducted in Welsh but that if any witnesses wished to give their evidence in Welsh, notification should be given in advance of the hearing, and arrangements would be made. It was anticipated that the hearing would be open to the press and public with any deliberations in private.

The Committee also gave consideration to the issues in dispute having regards to representations made by the Councillor and the Ombudsman. It was resolved that a new list of disputed facts were to be sent by the Legal Services

Manager to the Ombudsman and the Councillor in order that they could provide final confirmation of the identity of witnesses to be called and the facts in dispute that such witnesses would be called to speak upon. A decision would then be made as to whether the Committee would reconvene further to consider final arrangements for the hearing.

RESOLVED:

- (a) That in accordance with its procedure the arrangements for the final hearing be agreed;
- (b) That the hearing would provisionally be on 30th September 2024 and would be held as a hybrid should any party or witness wish to attend remotely; and
- (c) That a new list of disputed facts be sent by the Legal Services Manager to the Ombudsman and the Councillor in order that they could provide final confirmation of their witnesses.

19. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

None.

(The meeting started at 6.30pm and ended at 10.35pm)

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