

STANDARDS COMMITTEE
4th DECEMBER 2023

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4th December 2023

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Mark Morgan, Gill Murgatroyd and Councillor Ian Papworth

IN ATTENDANCE: Head of Legal Services, Team Leader – Democratic Services and Clare Hardy, Partner at Geldards Solicitors for agenda item number 4.

APOLOGIES: Jacqueline Guest

42. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

43. ADOPTION OF PROCEDURE FOR DEALING WITH A REPORT REFERRED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) REGARDING ALLEGATIONS OF BREACH OF A CODE OF CONDUCT FOR MEMBERS

The Legal Services Manager introduced the report and explained that the Standards Committee was responsible for dealing with reports that were referred to the Council's Monitoring Officer by the Public Services Ombudsman for Wales under section 69 of the Local Government Act 2000.

Such a referral is made after the Ombudsman has carried out an investigation into and had concluded that there is evidence suggestive of an alleged breach of the authority's code of conduct for members.

When the Standards Committee received a report, it must deal with such a report in accordance with the requirements of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

The Standards Committee did not currently have a procedure for dealing with reports that were referred to it for determination. The Council had received a report from the Public Services Ombudsman for Wales and was referring it to the Standards Committee for determination. The Standards Committee therefore needed to adopt a procedure to deal with the immediate report and for any reports that may be referred to the Standards Committee in the future.

The appendix to the report outlined out a recommended procedure.

Following a discussion and clarification of some points, the following amendments to the procedure were agreed:

- Paragraph 2.1 – the two key elements to be bullet pointed
- Paragraph 4.2 – removal of the words ‘will be informed’
- Paragraph 4.3 – include (g) and the wording ‘Whether the Ombudsman requires the hearing to be conducted in Welsh’
- Paragraph 4.6 – full stop after the word ‘Council’, delete the word ‘and’, then start the next sentence with ‘The’
- Covering report to be consistent with 5.1 in relation to training and refer to four years

RESOLVED:

That the procedure set out in Appendix 1 to the report, with the amendments as outlined above, for dealing with reports regarding alleged breaches of a local authority’s code of conduct for members be adopted.

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) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

44. PRELIMINARY MATTERS ARISING FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) INTO AN ALLEGED BREACH OF THE CODE OF CONDUCT FOR MEMBERS

The Legal Services Manager introduced the report and explained that item required consideration of a referral from the Public Services Ombudsman for Wales (PSOW) relating to an alleged breach of the Code of Conduct.

Committee were required to determine either:

- there was no evidence of any failure to comply with the Code of Conduct;
- or that the Councillor who was the subject of the complaint should be given the opportunity to make representations to the Committee either orally or in writing in respect of the findings of the investigation.

RESOLVED:

- (a) That a person who is the subject of the investigation must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of any allegation of a failure to comply with the relevant authority's code of conduct; and

- (c) That the Legal Services Manager be authorised to communicate with the subject member and to make arrangements for the subject member to make representations, instructing external legal advisers where necessary.

45. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

None.

(The meeting started at 6.00pm and ended at 8.30pm)

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