

STANDARDS COMMITTEE
10 MAY 2021

Minutes of the remote meeting of the Standards Committee of Flintshire County Council held on Monday, 10 May 2021.

PRESENT: Julia Hughes (Chair)

Councillors:

Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes, Mark Morgan and Gill Murgatroyd

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

40. APPOINTMENT OF CHAIR

The Monitoring Officer explained the requirements as set out in the Constitution and sought nominations for a new Chair of the Committee.

Phillipa Earlam nominated Julia Hughes and this was seconded by Mark Morgan. No further nominations were received.

Julia thanked the Committee for their nomination and support and paid tribute to the previous Chair of the Committee, Mr Rob Dewey.

RESOLVED:

That Julia Hughes be appointed Chair of the Committee.

(From this point Julia chaired the remainder of the meeting)

41. APPOINTMENT OF VICE-CHAIR

The Chair sought nominations for a Vice-Chair of the Committee. Phillipa Earlam nominated Mark Morgan and this was seconded by Councillor Paul Johnson. No further nominations were received.

RESOLVED:

That Mark Morgan be appointed Vice-Chair of the Committee.

42. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

The Chair declared a personal interest in agenda item 7 – Review of Dispensation Procedures at Conway, Denbighshire and Wrexham Councils, as she was a member of the Standards Committee of Denbighshire County Council.

The Chair also declared a personal interest in Item 9 – Public Services Ombudsman for Wales (PSOW) Casebook Issue 24 (January 2020 – December 2020), as she was a member of Denbighshire County Council.

43. MINUTES

The minutes of the meeting held on 1st March 2021 were approved as a correct record.

Matters arising:

Item 35: The Monitoring Officer reported that the Protocol had been approved and adopted by County Council. A report would be submitted to the next meeting of the Planning Strategy Group to start the process of transferring those parts of the Protocol which related to Planning to the Planning Code of Guidance.

Item 36: The Monitoring Officer advised that following the recent visits by independent members of the Standards Committee to County Council meetings, recommendations for improvements were included in the procedural notes for Chairs on the conduct of meetings and incorporated in the agenda pack.

The minutes were moved as an accurate record by Councillor Paul Johnson and seconded by Mark Morgan

RESOLVED:

That the minutes be approved as a correct record.

44. DISPENSATIONS

None.

45. REVIEW OF DISPENSATION PROCEDURES AT CONWY, DENBIGHSHIRE AND WREXHAM COUNCILS

The Deputy Monitoring Officer introduced a report to compare and contrast how other Councils in North Wales processed applications for dispensation. He provided background information and advised that the report reviewed how dispensations were dealt with at Conwy, Denbighshire, and Wrexham Councils (the Councils).

The Deputy Monitoring Officer explained that no dispensation applications had been made between 2019 and 2021 at those Councils and therefore the report detailed the latest applications dealt with by each one. He referred to the procedures for consideration of applications at the councils and said they were similar to that of Flintshire County Council. The Deputy Monitoring Officer reported on the requests for dispensation received by the councils as detailed in the report and the decisions reached.

The recommendation was moved by Jonathan Duggan-Keen and seconded by Mark Morgan.

RESOLVED:

That the processes and procedures for dealing with applications for dispensation by County Councillors and Town and Community Councillors at Conwy, Denbighshire, and Wrexham, be noted.

46. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Chair introduced the item which was for independent members of the Standards Committee to provide feedback from meetings of the Council they had observed.

The following meetings were attended and verbal feedback given during the meeting by the relevant Independent Member on their visits:

- 03.03.21 – Planning Committee (Jonathan Duggan-Keen)
- 18.03.21 – Education & Youth Overview and Scrutiny Committee (Phillipa Earlam)
- 24.03.21 – Audit Committee (Phillipa Earlam)
- 24.03.21 – Constitution & Democratic Services Committee (Jonathan Duggan-Keen)

The Monitoring Officer summed up the key points arising from the feedback as follows:

- clear identification of participants by name or job title to enable distinction to be made between Members and Officers in attendance
- Members to be specific when making a declaration of interest as to whether the declaration was personal or personal and prejudicial

In presenting their reports the Independent Members advised that meetings had been well conducted and chaired, and a good range of topics considered and debated.

In response to the further comments and points raised by Independent Members the Monitoring Officer agreed to provide a training session to a future meeting of the Standards Committee on the role and function of the Overview and Scrutiny Committees

The recommendation was moved by Mark Morgan and seconded by Councillor Paul Johnson.

RESOLVED:

That the Independent Member visits to County Council meetings be noted.

47. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 24 (JANUARY 2020 – DECEMBER 2020)

The Deputy Monitoring Officer presented the report. He explained that the Public Services Ombudsman for Wales (PSOW) summarised the complaints he had investigated on a quarterly basis in the Code of Conduct Casebook. In reference to (c) and (d) findings, the Casebook only contained the summaries of those cases for which the hearings by the Standards Committee or Adjudication Panel for Wales (APW) had been concluded and the outcome of the hearing was known.

The Deputy Monitoring Officer explained that this edition covered January to December 2020 and highlighted that 13 complaints had been investigated by the PSOW during this time. The Deputy Monitoring Officer advised that 10 were findings of no action necessary; 2 were referred to the relevant Monitoring Officer for consideration by their Standards Committee, and 1 was referred to the APW.

The Deputy Monitoring Officer responded to a query by Gill Murgatroyd in respect of the PSOW findings on a complaint investigated concerning a Former Member of Laleston Community Council.

The recommendation was moved by Councillor Paul Johnson and seconded by Councillor Arnold Woolley.

RESOLVED:

That having reviewed the cases summarised in issue 24 of the Casebook the Committee was satisfied that no action needed to be taken at Flintshire County Council to avoid similar complaints.

48. ANNUAL REPORTS OF THE ADJUDICATION PANEL FOR WALES FOR 2018/19 AND 2019/20

The Deputy Monitoring Officer provided a verbal update on the Annual Reports of the Adjudication Panel for Wales (APW) for 2018/19 and 2019/20 and summarised the two statutory roles and composition of the APW.

The Deputy Monitoring Officer advised that during 2018/19 there was one case tribunal which related to Monmouthshire County Council (currently Mathern Community Council) and a telephone conference relating to the same hearing. No appeals were considered by the High Court and there were no formal complaints made against the APW during this period. The Deputy Monitoring Officer referred to the case hearing, the outcome, and the total cost of the tribunal proceedings for 2018/19.

Referring to the Annual Report of the APW for 2019/20, the Deputy Monitoring Officer advised that there were 3 case tribunals resulting from referrals from the Ombudsman. No appeals were considered by the High Court. He reported on the cases determined as summarised in the report. There was also one application to appeal made to the APW in respect of a sanction imposed by the Standards Committee of the relevant authority and the appeal was concluded during the following financial year. In conclusion the Deputy Monitoring Officer referred to the total cost of APW expenditure for 2019/20.

The recommendation was moved by Councillor Arnold Woolley and seconded by Mark Morgan.

RESOLVED:

That the update be noted.

49. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme. Referring to the items listed for consideration at future meetings of the Committee he advised that the Welsh Government may decide to issue a consultation document on changes to the Code of Conduct and this would be included on the Forward Work Programme if received. He asked members to put forward any suggestions for items they wished to be included on the Programme.

The Chair referred to the agreement that on completion of the Independent Member visits to County Council meetings the findings of the visits would be reported back to the Chair and Leader of the Council for information. In addition

feedback would also be provided to Group Leaders. The Monitoring Officer said he would clarify if any visits were outstanding and if they had been completed feedback to Group Leaders would be included on the agenda for the next meeting.

In response to the suggestion by Councillor Paul Johnson that the Standards Committee also be included in the list of meetings to be observed, the Monitoring Officer explained that the Standard Committee's statutory role was to promote compliance with the Code of Conduct to support other Committees within the Council.

Gill Murgatroyd suggested that following the meetings of the Standards Committee a short review could be held to consider practice and procedures. It was agreed that a de-brief be held post each meeting to identify if there was any need for improvement. Gill Murgatroyd moved the proposal and this was seconded by Councillor Paul Johnson.

RESOLVED:

That the Forward Work Programme be agreed.

50. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 6.30pm and ended at 8.09pm)

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Chairman