

STANDARDS COMMITTEE

14 OCTOBER 2013

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Connah's Quay Town Council, Quay Building, Fron Road, Connah's Quay on Monday, 14 October 2013

PRESENT: Mrs Patricia Jones (Chair)

Councillors: Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen and Edward Michael Hughes

APOLOGIES: Councillor David Cox, Chris Bretherton-Watt, Phillipa Ann Earlam and David Cox

ALSO PRESENT: Leader and Deputy Leader of the Council

TOWN & COMMUNITY COUNCIL REPRESENTATIVES:

Councillors Ian Jolly and Roy Marsh of Argoed Community Council

Mr. Gareth Roberts (Clerk) and Councillor Cradoc Williams of Bagillt Community Council

Councillor Michael Moriarty of Caerwys Town Council

Councillor Carol Granger and Mr. Ian Jones (Clerk) of Connah's Quay Town Council

Councillor Alan Evans of Saltney Town Council

Councillor Shelley Webber of Sealand and Queensferry Community Councils

IN ATTENDANCE: Head of Legal & Democratic Services, Democracy & Governance Manager and Committee Officer

22. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

The Head of Legal & Democratic Services explained that County Council Members in attendance who had submitted a dispensation request under Agenda Item 6 would need to declare a personal and prejudicial interest. The usual practice was that these Members would be given the opportunity to speak on the item and present their case but would need to withdraw from the meeting during the debate and decision-making on that item. The relevant Members who were present during that item were Councillors Bernie Attridge and Aaron Shotton, together with Councillor Hilary McGuill who had submitted a late dispensation request.

23. MINUTES

The minutes of the meeting held on 2 September 2013 had been circulated with the agenda.

Matters Arising

Minute 17: Minutes of Previous Meeting - the Head of Legal & Democratic Services referred to the agreement for a demonstration of the Dispensations database to be given at this meeting and suggested that the Committee may wish to consider under the Forward Work Programme whether this was still required, as an extract from the database was appended to the report in Agenda Item 6.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

24. TRAINING

The Chair welcomed representatives of Town and Community Councils for a joint training session on Good Governance on Employment Relations for Town and Community Councils. Following the training session, the Head of Legal & Democratic Services advised that a Good Governance toolkit was to be made available on the County Forum section of the Council's website.

25. MEETING WITH TOWN AND COMMUNITY COUNCIL REPRESENTATIVES

The Chair explained that questions had also been sought from representatives in advance of the meeting.

In response to questions raised by Mr. Gareth Roberts, Clerk of Bagillt Community Council, the Head of Legal & Democratic Services advised that it was the responsibility of councillors to identify whether or not they had an interest on an item under discussion. He spoke of the difficulties that individuals sometimes had in recognising that they may have an interest on an item and the responsibility of other councillors to raise this with their colleague if they felt that an interest should be declared. Failure to declare an identified interest must be reported as a breach to the Code of Conduct to the Public Services Ombudsman for Wales (PSOW) by other councillors who would themselves breach the Code if they failed to do so.

When asked if a situation arose whether Chair could refuse a councillor permission to speak on an item if they were aware of a conflict of interest, the Head of Legal & Democratic Services explained that this was dependent on the Standing Orders. In general practice, the Chair could refuse the councillor permission to speak if the meeting was disrupted. Ordinarily it would be for the Chair to warn the councillor about the possible existence of a personal and prejudicial interest and the need to withdraw and the consequences of failing to do so.

The Democracy & Governance Manager said that some councillors could not recognise that they had a prejudicial interest on an item because of their closeness to that issue. There was often a need to discuss the reasons for the interest to ascertain whether it was an interest and if so, what type, therefore the County Council encouraged councillors to seek advice on any possible interests in advance of the meeting which may allow time to apply to the Standards Committee for dispensation.

In line with paragraph 2 of the Code of Conduct guidance, it was confirmed that councillors must observe the Code, including declaring interests, whilst acting, claiming to act or giving the impression of acting in their official capacity at formal and informal meetings, which included working groups and committees. This also applied to councillors who were present as observers at such meetings.

In response to queries raised by Mr. Ian Jones, Clerk of Connah's Quay Town Council, the Head of Legal & Democratic Services said that an interest would be prejudicial if a member of the public (with all the facts) would say it was significant enough to prejudice the councillor's judgement of what was in the public interest. Prejudicial interests were mainly declared on matters relating to finance, planning or licensing where there was involvement in the issue by friends and family. However, a councillor who was nominated onto the body by the Council would not have a personal and prejudicial interest as they would be expected to report back to the Council on matters affecting that body. An exemption allowed Town and Community councillors to consider requests for funding up to £500 to community/voluntary organisations, irrespective of whether the councillor was appointed to that committee by the Council. In response to a further query, an example was cited whereby a Council Member speaking on a planning item at Town or Community Council level would need to avoid prejudging their stance at County Council level.

The Democracy & Governance Manager said that the County Council's Planning Committee had an arrangement where members of the public were able to speak on an item for three minutes enabling Council Members with a personal and prejudicial interest on the item to address the Committee in the same way, except that the councillor had to leave the room during the debate and vote.

In response to a question from Councillor Shelley Webber of Sealand and Queensferry Community Councils, the Head of Legal & Democratic Services gave an example of a situation where a Town/Community Council meeting was considering a request for funding from a school. A councillor who had been appointed as a school governor by the Town/Community Council could speak and vote on the item whereas a councillor who had not been appointed in this way would need to declare a personal interest only and could speak on the item if the funding sought was below the £500 limit. For funding sought over this amount, this councillor would need to declare a personal and prejudicial interest and would not be able to take part in the discussion.

26. REQUESTS FOR DISPENSATION

The Head of Legal & Democratic Services reported on requests for dispensations from County Council Members to participate in the briefings and debate on Single Status. A total of 12 dispensation forms were appended to the report out of a total of 16 councillors who believed that they had a personal and prejudicial interest. In addition, copies of a request submitted by Councillor Hilary Isherwood were circulated and Councillor Hilary McGuill had also put forward a request earlier in the day.

The Leader and Deputy Leader of the Council together with Councillor McGuill each outlined their reasons for seeking dispensation and were informed

that they could remain to hear the advice given and would be requested to leave the room whilst the matter was discussed.

The Head of Legal & Democratic Services detailed the background to Single Status and explained the requirement in the Code of Conduct for councillors to declare an interest if they were closely associated to an affected employee. He stressed that at no time had any information on individuals affected by Single Status been shared with councillors and that the nature of information to be shared at the forthcoming meetings was not specific to individuals. If agreed by the Committee, the dispensations would be granted until the point at which affected employees were to receive notification on the outcome of Single Status. After this point, he recommended that councillors would need to make further requests for dispensation as they would then be aware of how those employees they were closely associated with were affected.

The Head of Legal & Democratic Services outlined the grounds on which the applications for dispensation to speak and vote on the item had been made, together with the relevant circumstances in which the Committee could consider granting dispensation in accordance with the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. Whilst paragraphs (c) and (d) were relevant in all cases, he felt that paragraph (e) was not relevant in this instance, although he said that the Committee may take a different view. In addition, three of the councillors had included paragraph (f) due to their roles on the Cabinet.

Councillor Attridge explained the reasons why paragraph (e) had been included on his dispensation and requested that this be removed and paragraph (c) added, so that paragraphs (c), (d) and (f) applied in his case.

At this point, the Leader, Deputy Leader and Councillor McGuill left the room to enable the Committee to make their considerations.

The Head of Legal & Democratic Services advised that as dispensation forms had only been received from 13 of the 16 councillors named in the report with a personal and prejudicial interest, the Committee was not able to consider dispensations for Councillors Chris Dolphin, Rosetta Dolphin and Adele Davies-Cooke.

Councillor A. Woolley proposed that the recommendations be accepted to grant dispensation to those listed in paragraph 4.01 of the report, with the inclusion of Councillor McGuill and exception of the three councillors previously mentioned. This was duly seconded and agreed by the Committee.

The Leader, Deputy Leader and Councillor McGuill were invited back to the room and were informed of the decision. The Head of Legal & Democratic Services advised that he would write to the relevant councillors to confirm the Committee's decision.

RESOLVED:

- (a) That dispensation be granted under paragraphs (c) and (d) of the Standards Committee (Grant of Dispensations)(Wales) Regulations 2001 to Councillors: Alex Aldridge, Bernie Attridge, Amanda Bragg, Helen

Brown, Hilary Isherwood, Kevin Jones, Colin Legg, Billy Mullin, Hilary McGuill, Neville Phillips, Aaron Shotton, Ian Smith, Carolyn Thomas and David Williams;

(b) That dispensation be granted under paragraph (f) of the above regulations to Councillors: Bernie Attridge, Billy Mullin and Aaron Shotton;

(c) That all dispensations be granted in the following terms:

‘That the councillor is allowed to participate in all briefings and meetings in respect of the current proposed Single Status agreement and that they be allowed to communicate with officers, whether orally or in writing, on the issues of general principle involved (including the impact of changes to general terms and conditions such as travelling expenses etc). This dispensation to include approval to remain in the room, speak and vote on the issue’; and

(d) That the dispensation does not permit the councillor to ask about the impact on a closely associated person and will not apply if the councillor is or becomes aware of any impact that is specific to the post occupied by any closely associated person within the meaning of paragraph 10(2)(c) of the Code of Conduct.

27. FORWARD WORK PROGRAMME

The Head of Legal & Democratic Services invited the Committee to consider the current Forward Work Programme and to suggest items for discussion or specific training at future meetings. He reported that the item on the audit of the Declaration of Interest process would be included for the next meeting on 4 November 2013. In response to the question raised earlier in the meeting, Members of the Committee felt that a demonstration of the Dispensations database was no longer necessary.

As Councillor Hilary McGuill had not been present for the training session on councillors with dual roles, the Head of Legal & Democratic Services agreed to meet with Councillor McGuill separately.

The Head of Legal & Democratic Services gave a reminder of a training session for Town and Community Councils on the Code of Conduct which was to be hosted by Flint Town Council on 7 November 2013 and asked that an officer raise this with Mr. Gareth Roberts of Bagillt Community Council.

RESOLVED:

That the Forward Work Programme be updated accordingly.

28. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 8.12 pm)

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Chair