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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Edward Michael Hughes (Chairman)
Councillors: David Cox, Hilary McGuill and
Arnold Woolley

CS/NG

5 May 2015

Co-opted Members

Robert Dewey, Jonathan Duggan-Keen, Phillipa
Ann Earlam and Kenneth Harry Molyneux

Sharon Thomas 01352 702324
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Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 11TH MAY, 2015** at **6.30 PM** to consider the following items.

Please note that a training session for the Standards Committee members will be held from 6.00pm until 6.30pm.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 3 - 8)
To confirm as a correct record the minutes of the meeting held on 13 April 2015.
- 4 **DISPENSATIONS** (Pages 9 - 12)

5 **FORWARD WORK PROGRAMME** (Pages 13 - 14)

For the Committee to consider topics to be included on the attached Forward Work Programme.

STANDARDS COMMITTEE **13 APRIL 2015**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 13 April 2015.

PRESENT: Edward Hughes (Chair)

Councillors:

Hilary McGuill and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux

IN ATTENDANCE:

Democracy and Governance Manager and Team Manager – Committee Services

53. DECLARATIONS OF INTEREST (including whipping declarations)

There were no declarations of interest.

54. MINUTES

The minutes of the meeting held on 9 February 2015 were submitted.

RESOLVED:

That the minutes be received, approved and signed by the Chairman as a correct record.

55. DISPENSATIONS

The Democracy and Governance Manager advised that a dispensation request had been submitted from Councillor Brian Dunn, to speak to officers and to speak and vote on proposals for Flintshire payments to no longer be able to be made at Post Offices if considered at any Council or Committee meeting. This was a personal and prejudicial interest as Councillor Dunn was owner and Postmaster at Wepre Post Office in Connah's Quay.

The Committee had previously granted three similar applications, two of which from County Councillors and related to the modernisation of Post Offices and one from a Town Councillor who worked at a sorting office.

The Democracy and Governance Manager advised that oral communication was not usually granted by the Standards Committee but written communication was if they were so minded. Whilst the previous similar applications had been granted to speak and vote the current subject more closely affected individual Post Offices with the footfall reducing and payments for such transactions no longer being received.

Councillor McGuill said Councillor Dunn represented his community who would no longer be able to use his Post Office for such transactions. The decision on how to pay for their Council Tax was being taken away from them and she felt it was important that Councillor Dunn was able to represent those residents, many of whom, in her view, were the most vulnerable in the community. In her experience, the financial gain from such payments was minimal. Mr Dewey whilst partly agreeing expressed concern over the direct financial benefit.

Councillor Woolley said the Committee should consider public perception because Councillor Dunn's financial interest could be impinged by any decision taken. Mr Duggan-Keen concurred with this view and said regardless of whether the amount was minimal, it was about public perception.

The Chair said members needed to bear in mind that as a Post Master, Councillor Dunn would be in receipt of a financial gain for such payments and added that his views could still be represented by speaking at meetings but not voting which would not then be seen as him voting for something for his own financial gain.

Councillor McGuill said the Council had a number of other Councillors who were Post Masters and asked what advice they would receive. The Democracy and Governance Manager explained that there was an Overview and Scrutiny Committee meeting in May where a report on this topic may be submitted. Councillor Rosetta Dolphin had sought advice from him and he had advised that there was a Standards Committee meeting prior to that Overview and Scrutiny Committee meeting to which Councillor Dolphin could submit a request for dispensation. The same advice would be given to any other Post Masters who were Councillors if they approached the Democracy and Governance Manager.

Councillor Woolley proposed that dispensation be granted for Councillor Dunn to communicate with officers in writing and to take part in debates, but not vote, when the topic was submitted to a Council or Committee meeting which was seconded.

Councillor McGuill proposed an amendment to Councillor Woolley's proposal to allow Councillor Dunn to also vote which was not seconded.

Members voted on the substantive motion proposed by Councillor Woolley which was approved and following a suggestion by the Democracy and Governance Manager, it was agreed that the dispensation be granted for a period of one year.

RESOLVED:

That Councillor Brian Dunn be granted dispensation to enter into written communication with officers, on proposals for Flintshire payments to no longer be able to be made at Post Offices. To take part in the debate but not vote

when the item is reported to a Committee or County Council meeting. The duration of the dispensation was granted for one year ceasing on 12 April 2016.

56. THE ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2013-2014

The Democracy and Governance Manager introduced the annual report of the Adjudication Panel for Wales (APW) for the year 2013-14.

The APW had two statutory functions:

1. To form case or interim case tribunals to consider reports from the Ombudsman following the investigation of allegations that a Member had failed to comply with their authority's Code of Conduct; and
2. To consider appeals from Members against the decisions of local authority Standards Committees that they have breached the Code of Conduct

Graph 2.5 in Appendix 1 showed that the three most common type of breach over the last five years related to (1) failure to show respect / equalities / bullying (2) bringing the office / authority into disrepute, and (3) failure to disclose an interest and / or withdraw.

Councillor Woolley suggested that the report be sent to all Members, drawing their attention to Graph 2.5 in Appendix 1, which was agreed.

RESOLVED:

That the Annual Report for 2013-14 of the Adjudication Panel for Wales be sent to all Members, drawing their attention to Graph 2.5 in Appendix 1.

57. VACANCY ON THE STANDARDS COMMITTEE

The Democracy and Governance Manager outlined the process for filling the vacancy on the Standards Committee.

The vacancy had been held open since June 2014 to enable a shared recruitment process with Denbighshire County Council who had a forthcoming vacancy. However, Denbighshire had undertaken their own recruitment without seeking to share the process.

Wrexham County Borough Council would have two vacancies arising towards the end of the calendar year and were looking to advertise in July with interviews in September. They had indicated that they were willing to share the recruitment process through it was not possible to hold joint interviews, despite the possibility of making a joint appointment. However, they had not provided any further information.

Members agreed that the appointment panel should consist of:

- The Chair of the Council
- The Committee Chair
- The Community Council representative
- Graham Binnie, lay person
- A Councillor Member of Standards Committee

Councillor Woolley proposed that the advert to fill the vacancy be made, with any costs shared with Wrexham County Borough Council where possible, which was agreed. It was also agreed that Councillor McGuill be the Councillor Member of the Standards Committee and if she was unavailable, Councillor Woolley would substitute.

RESOLVED:

- (a) That the Chief Officer (Governance) advertises to fill the vacancy on the Standards Committee and shares as much of that process with Wrexham County Borough Council as possible; and
- (b) That a Panel of the following consider applications and makes recommendations to County Council for the appointment of any suitable candidate:
 - The Chair of the Council
 - The Standards Committee Chair
 - The Community Council representative
 - Graham Binnie, lay person
 - A Councillor Member of the Standards Committee as detailed above

58. FORWARD WORK PROGRAMME

The following training topics were identified:

- Details on the roles and responsibilities of Chief Officers following the re-structure
- What constitutes confidentiality in relation to each of the following:
 - The legislation that applies to Flintshire County Council
 - The legislation that applies to Town and Community Councils
 - Data Protection and personal information

RESOLVED:

That training on the topics listed above be provided prior to the commencement of future meetings.

59. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

The meeting commenced at 6.30p.m. and ended at 7.10p.m.

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Chairman

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FLINTSHIRE COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL

<p>Name of Councillor</p>	<p>ROSETTA DOLPHIN</p>
<p>Address</p>	<p>11 FFOADD AEWYD CAMEL CH8, 8SH</p>
<p>Electoral Division</p>	<p>GREENFIELD WARD.</p>
<p>Nature of Dispensation sought</p>	<p>PERSONAL + MATERIAL PREJUDICIAL.</p>
<p>Level of Dispensation sought (i.e. to speak only or to speak and vote)</p>	<p>SPEAK ONLY -</p>
<p>Relevant Paragraph under which Dispensation is requested (See overleaf)</p>	<p>F, D.</p>
<p>Details of the Prejudicial Interest</p>	<p>OWN A POST OFFICE</p>
<p>Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)</p>	

<p>Signed: </p>	<p>Date: 15-4-15</p>
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Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

FLINTSHIRE COUNTY COUNCIL

**APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL**

Name of Councillor	RICHARD JONES
Address	TY GWYN FARM, WELL STREET BUCKLEY, FLINTSHIRE CH7 2PO
Electoral Division	BUCKLEY BISTRE EAST
Nature of Dispensation sought	TO PARTICIPATE IN MAKING THE CASE AGAINST CAR PARKING CHARGES IN FCC CAR PARKS AS OUTLINED IN THE 'STRATEGY FOR CAR PARKING,
Level of Dispensation sought (i.e. to speak only or to speak and vote)	TO COMMUNICATE WITH OFFICERS WRITTEN & ORAL REPRESENTATIONS, TO SPEAK AND VOTE
Relevant Paragraph under which Dispensation is requested (See overleaf)	(e) (d)
Details of the Prejudicial Interest	MY WIFE HAS A FLOWER SHOP IN BUCKLEY
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	COUNTY COUNCILLOR

Signed: 	Date: 22/4/15
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Circumstances When A Standards Committee May Grant Dispensation

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- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
December 2015	<ul style="list-style-type: none"> • Training • Dispensations • Review of protocol on production of Councillor newsletters 	
November 2015	<ul style="list-style-type: none"> • Training • N W Standards Conference • Dispensations 	Action Feb meeting - That the NW Standards Conference which was scheduled for April 2015 be reported to Committee after October following the re-arranged date of the Conference.
July 2015	<ul style="list-style-type: none"> • Training • Dispensations • Report back on NW Standards Forum from 16 June 2015 • Review of protocol for Members in their dealings with contractors / developers 	
June 2015	<ul style="list-style-type: none"> • Review of Members Code of Conduct • Training • Dispensations 	
May 2015	<ul style="list-style-type: none"> • Training • Any dispensations 	Topics for training : <ul style="list-style-type: none"> • planning process, particularly how a decision is taken that a decision made by committee is a significant departure from policy • Social Services complaints process

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