

STANDARDS COMMITTEE

6 JULY 2015

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold CH7 6NA on Monday, 6 July 2015

PRESENT: Edward Hughes (Chair)

Councillors:

Hilary McGuill and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen and Ken Molyneux

APOLOGIES: Councillor David Cox and Phillipa Earlam

IN ATTENDANCE:

Monitoring Officer and Team Manager – Committee Services

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

2. MINUTES

The minutes of the meeting held on 11 May 2015 were submitted.

Minute Number 64 – Any Other Business - Pride of Flintshire Awards

Members of the Committee commented on the recent Pride of Flintshire Awards which had been an excellent event. The contributions made by the members of the Standards Committee had been gratefully used to help purchase watches for the boys and bracelets for the girls.

RESOLVED:

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

3. DISPENSATIONS

The Monitoring Officer explained that a dispensation request had been received from Councillor Mary Auty of Holywell Town Council to speak and vote on an issue in relation to Greenfield Resident's Association to be discussed at Holywell Town Council. There was a lease on the community garden and open space which had ended in March 2015 and the Resident's Association continued to maintain the site until a decision was taken about a possible transfer of assets. Councillor Auty was Secretary to the Resident's Association.

The Monitoring Officer advised the Committee that he felt Councillor Auty did not have a personal and prejudicial interest under the Code of Conduct because of the exemption at paragraph 12(2) of the Code which was:

“(2) Subject to sub-paragraph (3) (which did not apply in this case), you will not be regarded as having a prejudicial interest in any business where that business –

(a) relates to –

(ii) Body exercising functions of a public nature in which you hold a position of general control or management”

He explained that the Resident’s Association in providing communal gardens and open space was clearly providing functions of a public nature.

Although not the current practice in Flintshire, Monitoring Officer colleagues in Wales followed a procedure by which if the Committee felt that there was no personal and prejudicial interest, the Monitoring Officer would write to the person who had requested the dispensation to that effect which would provide that person with adequate defence if they were challenged in the future. Members agreed with the advice of the Monitoring Officer and resolved that he write to Councillor Auty with the decision of the Committee.

RESOLVED:

That the Monitoring Officer write to Councillor Auty to explain that a dispensation was not granted as it was not deemed that she had a personal and prejudicial interest.

4. REVIEW OF THE PROTOCOL FOR MEMBERS IN THEIR DEALINGS WITH CONTRACTORS / DEVELOPERS AND OTHER THIRD PARTIES

The Monitoring Officer introduced the report which was to undertake a periodic review of the protocol for Members in their dealings with contractors / developers and other third parties to identify any necessary alterations. This was part of a rolling programme of a review of protocols.

This protocol referred to other documents such as the Members’ Code of Conduct and the Planning Code of Conduct, both of which had been reviewed since this protocol was introduced. Nevertheless the reference in the protocol to those other documents remained accurate and up-to-date with one exception. The Planning Code of Conduct no longer referred to the Unitary Development Plan but to the Development Plan so as to cover the move to Local Development Plans. The word ‘Unitary’ should therefore be deleted from Clause 4.1 of the protocol.

Mr Dewey felt there was a discrepancy between the wording in paragraph 5.5 and 5.6 of the protocol. He suggested that paragraph 5.6 of the protocol be amended to include reference to an audit trail being kept as to why a decision was taken for Members to attend the meetings of that company or its representatives in the first place, which was agreed by the Committee.

In response to a comment from Councillor McGuill, the Monitoring Officer explained that when a Member declared that they had been contacted on more than 3 occasions by the same person, this was not the Member declaring an interest but was for information and in the interests of transparency.

In reading paragraph 1.3 of the protocol, the Monitoring Officer advised that an amendment was required to reflect the relevant section from the Planning Code of Conduct, to read “where a Member has been contacted on more than 4 occasions” and not 3 occasions.

RESOLVED:

- (a) That paragraph 5.6 be amended to include reference to an audit trail being kept as to why the decision was taken for Members to attend the meetings of that company or its representatives in the first place; and
- (b) That paragraph 1.3 be amended to reflect the relevant section from the Planning Code of Conduct, to read “where a Member had been contacted on more than 4 occasions”.

5. ANNUAL REVIEW OF MEMBER'S CODE OF CONDUCT

The Monitoring Officer introduced the report which was on the annual review of the Members’ Code of Conduct.

The Committee last reviewed the Members’ Code at its meeting on 6 October 2014 as part of the Constitution Committee’s review of all parts of the Constitution which led to minor changes to the Members’ Code. Based on that, the Committee agreed that that the Members’ Code of Conduct was up to date.

RESOLVED:

- (a) That the annual review of the Members’ Code of Conduct be noted; and
- (b) That no further changes are required at the present time.

6. BIENNIAL ALL WALES STANDARDS CONFERENCE, CARDIFF - 20 OCTOBER

The Monitoring Officer provided details of the Standards Conference on Tuesday 20 October “Standards & Ethics in a Changing World”.

Following a discussion it was agreed that the four places at the Conference be allocated as follows:

1. The Chairman of Standards Committee (or the Vice Chairman in his absence) as a lay representative
2. The Monitoring Officer
3. A Town or Community Council Representative
4. A County Councillor Member of Standards Committee

It was agreed that the Monitoring Officer would contact Town and Community Councils to ask for a nomination and if the place was not taken by a Town or Community Council Representative, the place would divert to a member of the Standards Committee. A copy of the correspondence to Town and Community Councils would also be sent to Councillor David Cox and Phillipa Earlam who had sent their apologies to this meeting.

RESOLVED:

That the four places at the Standards Conference on 20 October be allocated as follows:

1. The Chairman of Standards Committee (or the Vice Chairman in his absence) as a lay representative
2. The Monitoring Officer
3. A Town or Community Council Representative
4. A County Councillor Member of Standards Committee

If the place was not taken by a Town or Community Council Representative the place would divert to a member of the Standards Committee.

7. FORWARD WORK PROGRAMME

A discussion took place and the following training topic was identified and agreed:

- Review of Local Resolution Procedures

Ian McClaren would attend the meeting in September to provide the requested training on Social Services Complaints.

The meeting in October would be a joint meeting with Town and Community Councils.

RESOLVED:

That training on the topic listed above be provided prior to the commencement of a future meeting.

8. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at Time Not Specified and ended at Time Not Specified)

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Chairman