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To: Edward Michael Hughes (Chairman)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted Members

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

1 December 2015

Dear Member

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 7th December, 2015 in the Clwyd Committee Room, County Hall, Mold CH7 6NA 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.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 8)

Purpose: To confirm as a correct record the minutes of the meeting held on 2 November 2015.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

5 **REVIEW OF LOCAL RESOLUTION PROCEDURE** (Pages 9 - 12)

To review the Local Resolution Procedure after is being in operation for 2 years.

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Evans', with a long horizontal flourish extending to the right.

Peter Evans
Democracy & Governance Manager

STANDARDS COMMITTEE
2 NOVEMBER 2015

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold CH7 6NA on Monday, 2 November 2015

PRESENT: **Edward Hughes (Chairman)**

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted members:

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

ALSO PRESENT:

Councillors: Mike Peers and Dennis Hutchinson

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

21. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

Councillor Arnold Woolley queried whether he needed to declare an interest as some of the dispensation requests were from Members on Buckley Town Council. The Monitoring Officer confirmed that membership of the same Council was not a requirement under the Code to declare an interest.

22. MINUTES

The minutes of the meeting of the Committee held on 2nd November 2015 were submitted.

Matters Arising

The Monitoring Officer confirmed that the advice note on interests had been circulated to all County, Town & Community Councillors.

Mr. Kenneth Molyneux referred to page 5 and queried whether the time limit on the dispensation granted to Councillor Bernie Attridge had been confirmed. The Monitoring Officer advised that he had not yet spoken to Councillor Attridge but would do so.

RESOLVED:

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

23. DISPENSATIONS

County Councillors Carol Ellis, Dennis Hutchinson and Mike Peers and Buckley Town Councillors David Ellis and Jeanne Hutchinson

The Committee was asked to consider requests for dispensation submitted by Councillors Carol Ellis, Dennis Hutchinson and Mike Peers to participate in communications with officers of both Buckley Town Council & Flintshire County Council in all matters relating to the Old Buckley Baths Community Hall Limited. Town Councillors David Ellis and Jeanne Hutchinson had requested dispensation to be allowed to discuss matters with Buckley Town Council in all matters relating to the Old Buckley Baths Community Hall Limited.

The Chairman explained that Councillors Mike Peers and Dennis Hutchinson were in attendance to provide any clarification required by the Committee members on the dispensation requests.

The Monitoring Officer explained that the Old Buckley Baths building was currently unused and was a key and historic building in the area. A limited company had been formed to try and take forward the future use of the building and Councillors Carol Ellis, Dennis Hutchinson and Mike Peers had all been appointed as Directors/Trustees of the company which would be registered as a charity in the future. The Councillors would need to undertake discussions with officers of Flintshire County Council and debate the matter at meetings of Buckley Town Council and therefore dispensation was being sought to allow this to happen. The Monitoring Officer explained that the sum of £50,000 had been earmarked by the Town & Community Council for the project. The Councillors were to serve as volunteers on the not-for-profit company. Four of the five Councillors had applied to speak but not vote and the Monitoring Officer explained that a precedent had been set in granting dispensation for Hawksbury Community Centre Management Company to speak but not vote. He also referred to a dispensation granted to Councillor Veronica Gay where she had been granted a dispensation to speak and not vote and the dispensation had also allowed for negotiation with officers but only if at least three people were present and that the discussion was minuted. He asked members to bear in mind the previous dispensations when considering the requests before the Committee and added that a good reason would need to be provided if the granting of dispensation was to differ from the precedent set.

Councillor Arnold Woolley sought clarification on whether the company was already established. He also indicated that the setting up of the company was not being undertaken by Buckley Town Council. The Monitoring Officer confirmed that the Councillors were already Trustees but that the company was currently a shell company. He added that the project was an example of the Community Asset Transfer programme.

In response, Councillor Mike Peers explained that the company was registered at Company House but to enable it to have charitable status, a deposit of £5,000 was needed to apply. He advised that the Trustees were part way through the process of applying for a bank account but this had been held up as the register at Company House showed four directors but one of the directors had since left and the bank account could not be set up until confirmation was

received that the record at Company House had been corrected. Councillor Peers indicated that the dispensation request was also asking to be able to communicate with officers in writing by letter or email to ensure that there was an audit trail.

Councillors Hutchinson and Peers left the meeting whilst the dispensation request was considered.

In response to a query from Mr. Dewey, the Monitoring Officer provided clarification on the request to communicate verbally with officers of Flintshire County Council and Buckley Town Council.

Mrs. Phillipa Earlam asked why Councillor Jeanne Hutchinson was seeking dispensation to vote. The Monitoring Officer indicated that he did not know the reason for the request but that this was something that needed to be considered by the Committee. Councillor Woolley felt that the same dispensation should be given to Councillor Jeanne Hutchinson as to Councillor David Ellis and that neither should be permitted to vote.

Following a discussion, the Monitoring Officer sought clarification from the Committee of the dispensation that they were granting for each of the County Councillors and the Buckley Town Councillors. He summarised their considerations as:-

- Be able to speak and answer questions
- To leave the meeting before the debate takes place
- Not to vote
- Communicate with officers in writing
- Discuss with officers if at least 3 people are present – 2 independent (not another trustee or their spouse) and that the discussions be minuted
- To apply until the next County Council election in May 2017

Councillors Hutchinson and Peers returned to the meeting and were informed of the decision.

The Monitoring Officer indicated that the decision on the dispensation would apply to all five of the County Council and Buckley Town Councillors that had submitted requests and that confirmation would be sent to them the following day.

Councillors Chris Bithell and Helen Brown

The Committee was asked to consider requests for dispensation submitted by Councillors Chris Bithell and Helen Brown to participate in discussion at meetings with officers and in Cabinet.

The Monitoring Officer explained that one of the issues under discussion at Cabinet in relation to identifying a balanced budget for the next financial year was rate relief for local groups and charities. Councillors Bithell and Brown were both members of local community groups that could be affected by suggestions to reduce rate relief by 10% and this was why the applications for dispensation

that related to two different community groups were being considered together. The applications were only to participate in discussion in Cabinet or Overview & Scrutiny Committee meetings but not vote.

In response to a query from Councillor Arnold Woolley, the Monitoring Officer explained that the application related to being able to participate in discussions as part of the budget process on the issue of reductions in rate relief for National Non Domestic Rates for commercial organisations.

Following a discussion, the Monitoring Officer sought clarification from the Committee of the dispensation that they were granting to Councillors Bithell and Brown. He summarised their considerations as:-

- Be able to speak at Informal Cabinet and Cabinet meetings and answer questions
- Not vote and leave the room when voting takes place
- Discuss with officers if at least 3 people are present (2 to be independent) and that the discussions be minuted
- Dispensation to apply to the conclusion of the budget setting process for financial year 2016/17 (no later than March 2016)

The Monitoring Officer advised that he had checked that the dispensation request only applied to the two Cabinet Members who had submitted forms and not to the other Cabinet Members as they were not members of local community groups that would be affected by the changes.

RESOLVED:

That County Councillors Carol Ellis, Dennis Hutchinson and Mike Peers be granted dispensation under paragraphs (d), (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001, and Buckley Town Councillors David Ellis and Jeanne Hutchinson be granted dispensations under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to:-

- Be able to speak and answer questions
- To leave the meeting before the debate takes place
- Not to vote
- Communicate with officers in writing
- Discuss with officers if at least 3 people are present – 2 independent (not another trustee or their spouse) and that the discussions be minuted
- To apply until the next County Council elections in May 2017

That Councillors Chris Bithell and Helen Brown be granted dispensation under paragraphs (d), (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to:-

- Be able to speak at Informal Cabinet and Cabinet meetings and answer questions
- Not vote and leave the room when voting takes place

- Discuss with officers if at least 3 people are present (2 to be independent) and that the discussions are minuted
- Dispensation to apply to the conclusion of the budget setting process for financial year 2016/17 (no later than March 2016)

24. BIENNIAL STANDARDS CONFERENCE 2015

The Chairman introduced the briefing note that had been prepared by Mr. Robert Dewey following his attendance at the Standards Conference on 20 October 2015. He advised that the Deputy Monitoring Officer had also attended the Conference.

The Deputy Monitoring Officer explained that he had also attended two workshops, one by One Voice Wales and the second on the complaints procedure undertaken by Rhondda Cynan Taf. The procedure differed in three ways from that followed by Flintshire County Council Standards Committee and these were:-

- (i) That the complaint had to be received within one month
- (ii) If the complaint was referred to the Local Service Ombudsman and was not pursued by them, it would not be referred back to the Standards Committee to be considered under the Local Complaints Procedure
- (iii) the process followed for dealing with issues of conflict

Mr. Dewey drew the Committee's attention to the information on the new White Paper on Town & Community Councils. He expressed concern about Community Councils that were not aware of the White Paper and the Deputy Monitoring Officer commented that, given the proposals were at this stage a white paper, it was uncertain whether all of the proposals would be taken forward. He commented on the suggestion of certain benchmarks to allow a Town & Community Council to be "accredited" and to notify the Local Authority and the need for the Local Authority to have a Committee for that purpose.

Mr Dewey commented that the white paper referred to competency tests.

Councillor Arnold Woolley thanked Mr. Dewey and the Deputy Monitoring Officer for their attendance at the Conference and the feedback that they had provided.

Councillor Hilary McGuill indicated that she had submitted apologies as she had been unable to attend due to being in hospital.

RESOLVED:

That the update be received.

25. ANNUAL REPORT

The Monitoring Officer introduced the Standards Committee Annual Report for 2014/15 and the circulation list for the report.

The Chairman said that the report provided a good overview of the work that had been undertaken by the Committee during the past 12 months. The Monitoring Officer asked if Members were in agreement with the proposed circulation list; this was confirmed.

RESOLVED:

- (a) That the content of the Annual Report be approved; and
- (b) That the intended circulation list be confirmed.

26. FORWARD WORK PROGRAMME

The Monitoring Officer presented the current Forward Work Programme for consideration.

He confirmed that the Review of Local Resolution Procedures would be considered at a future meeting of the Committee. In referring to the topics included for the December meeting, the Monitoring Officer indicated that the Review of protocol on production of Councillor newsletters was part of the monthly programme of reviewing areas of the Constitution. He felt that it was good practice to undertake such reviews, even if no changes were suggested.

RESOLVED:

That the Forward Work Programme be noted.

27. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.23 pm)

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Chairman



MEETING

Date of Meeting	Monday, 7 December 2015
Report Subject	REVIEW OF LOCAL RESOLUTION PROCEDURE
Report Author	Gareth Owens

EXECUTIVE SUMMARY

1. The Council adopted the Local Resolution Procedure (LRP) on 25 June 2013. Since then 6 cases have been handled under the LRP and whilst this is a small evidence base it is appropriate to review the effectiveness of the procedure 2 years after its adoption.
2. The experience from the cases shows that where both parties work in good faith the procedure can swiftly and successfully resolve an issue. The speed at which complaints are handled is important in resolving an issue whilst it is relevant and whilst parties are willing to participate. There is no current mechanism for preventing delay and the committee may wish to add such a mechanism.

RECOMMENDATIONS

1	To consider whether to impose a requirement for complaints under the Local Resolution Procedure to be handled with due speed.
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REPORT DETAILS

1.00	LOCAL RESOLUTION PROCEDURE
1.01	Council approved the Local Resolution Procedure at its meeting on 25 June 2015. The LRP provides an alternative route for resolving some breaches of the Councillors' Code of Conduct. The following 6 cases have been handled under the procedure.

	Complainant	Comment
	Councillor A	LRP not appropriate. Case closed.
	Councillors B & C	Apology issued and accepted. Case closed.
	Officer	Apology issued and accepted. Case closed.
	Councillor D	Member not willing to offer an apology and Monitoring Officer did not uphold cause for complaint. Complainant did not want to proceed to stage 2. Case closed.
	Councillor E	Partial compliance with “agreed” resolution by member subject of the complaint.
1.02	The two cases where an apology was issued reflected the optimum scenario for use of the LRP, ie. the councillor subject to the complaint had not realised their actions had caused offence and so apologised immediately. As such these cases presented no difficulties. The case where the Monitoring Officer did not find the complaint justified could have proceeded to stage 2 but the complainant chose not to do so. Again the case did not reveal any flaws or failings in the process.	
1.03	By contrast, the final case has still not been resolved. Currently the procedure imposes a 12 month time limit on bringing a complaint but no upper limit on how long they take to resolve. Whilst issues giving rise to a complaint can be upsetting, it is clear that complaints are easier to resolve, and any outcome (eg. an apology), has more relevance when the matter is fresh. Imposing an upper time limit (eg. 6 months) might be too rigid, though it would be possible to allow extension at the Monitoring Officer’s discretion. Another alternative might be to give the Monitoring Officer discretion to terminate complaints that are not being handled sufficiently quickly in his opinion.	
1.04	The last case also resulted in only partial compliance with the “agreed” mediated settlement by the member complained of. In such circumstances the complainant retains the right to proceed to the next stage or to complain to the PSOW which should be sufficient remedy.	

2.00	RESOURCE IMPLICATIONS
2.01	Providing a mechanism to end complaints will help to conserve resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Any changes to the Local Resolution Procedure will need to be considered by the Constitution Committee and Council prior to adoption.

4.00	RISK MANAGEMENT
4.01	If a complaint is terminated by the Council the complainant retains the right to complain to the Public Services Ombudsman for Wales (PSOW). The

	facts around the failed use of the LRP would be made known to the PSOW who could nevertheless decide to investigate or refer the matter back to the Council.
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5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Local Resolution Procedure Contact Officer: Gareth Owens, Monitoring Officer Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Public Services Ombudsman for Wales – an independent body appointed to consider, amongst other things, alleged breaches of the Code of Conduct for Members.

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
October 2016	<ul style="list-style-type: none">• Training on Code of Conduct	Joint meeting with Town and Community Councils including a training session on the Code of Conduct
February 2016	<ul style="list-style-type: none">• Training• Dispensations• Review protocol on production of Councillor newsletters	
January 2016	<ul style="list-style-type: none">• Training• Dispensations	Training evening for Members of Town and Community Councils on Code of Conduct
December 2015	<ul style="list-style-type: none">• Training• Dispensations• Review of Local Resolution Procedures	

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