

# Public Document Pack

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



To: Edward Michael Hughes (Chairman)

CS/NG

Councillors: David Cox, Hilary McGuill and  
Arnold Woolley

1 September 2015

**Co-opted Members**

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

Nicola Gittins / 01352 702345  
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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, 7TH SEPTEMBER, 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

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 3 - 6)  
To confirm as a correct record the minutes of the meeting held on 6 July 2015.
- 4 **DISPENSATIONS** (Pages 7 - 10)
- 5 **FORWARD WORK PROGRAMME** (Pages 11 - 12)  
For the Committee to consider topics to be included on the attached Forward Work Programme.

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## **STANDARDS COMMITTEE** **6 JULY 2015**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, 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 assts. 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 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.

.....  
**Chairman**

# Agenda Item 4

## FLINTSHIRE COUNTY COUNCIL

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

Name of Councillor	
Address	
Electoral Division	
Nature of Dispensation sought	
Level of Dispensation sought (i.e. to speak only or to speak and vote)	
Relevant Paragraph under which Dispensation is requested (See overleaf)	
Details of the Prejudicial Interest	
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	

Hilary McGuill  
Wylfa House Wylfa H. H  
Myrddal Isaf CH76TG  
ARGOED  
To speak at planning on  
application to build 58 homes.  
speak  
e d h.  
Governor of both schools who  
would receive monies from this IF  
it was passed.

Signed: Date:



28/8/15

## 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.

L:\Admin\Democratic\General\FCC-Application for Dispensation Form-Town Community-110608

For

Nicola Gittins

**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>December 2015</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review of protocol on production of Councillor newsletters</li> </ul>	
<b>November 2015</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• N W Standards Conference</li> <li>• Dispensations</li> </ul>	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.
<b>October 2015</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> </ul>	
<b>September 2015</b>	<ul style="list-style-type: none"> <li>• Training on Social Services complaints process</li> <li>• Dispensations</li> </ul>	Training on the Social Services complaints process would be arranged for immediately prior to the start of the next meeting on 8 June – deferred to September.
<b>July 2015</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Report back on NW Standards Forum from 16 June 2015</li> <li>• Review of protocol for Members in their dealings with contractors / developers</li> </ul>	North Wales Standards Forum had been deferred to the July 2105 meeting, as the meeting was scheduled for 16 June.

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