

STANDARDS COMMITTEE

10 MARCH 2014

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 10 March 2014

PRESENT: Mrs Patricia Jones (Chair)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Phillipa Ann Earlam, Edward Michael Hughes and Kenneth Harry Molyneux

APOLOGY: Mr Jonathan Duggan-Keen

ALSO PRESENT: Councillor Dennis Hutchinson

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

45. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Following advice given by the Head of Legal & Democratic Services, Councillor Arnold Woolley declared a personal interest in the following, as he was a member of Buckley Town Council.

Agenda Item 4 - Dispensations

The Head of Legal & Democratic Services advised that Councillor Dennis Hutchinson, who was present in the public gallery, could address the Committee on his application but would need to leave the room during debate and voting on it.

46. MINUTES

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

Matters Arising

Minute 40: Audit of Declarations of Interest - it was confirmed that the updated Declaration of Interest form was now in use by the Council.

RESOLVED:

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

47. DISPENSATIONS

The Head of Legal & Democratic Services reported on requests for dispensations received from Councillors Carol and David Ellis to speak on a

matter relating to Hawkesbury Community Centre due for consideration at Buckley Town Council. Both had declared a prejudicial interest as Committee Member/Trustee and Chairman of the Hawkesbury Management Committee respectively. Following publication of the agenda, a request to speak and vote on the same item had been submitted by Councillor Dennis Hutchinson as a member of the Hawkesbury Management Committee.

The Head of Legal & Democratic Services provided background information on the transfer of Hawkesbury Community Centre to charitable trustees who were seeking financial assistance of £1,500 from Buckley Town Council to undertake repairs and improvements to the building. Under the Council's Code of Conduct, a personal interest only would need to be declared where financial assistance was being sought up to £500. He explained that as Councillor Carol Ellis had been appointed to the Management Committee by Buckley Town Council, she may only have a personal interest. However the Committee was advised to consider the request which had been put forward as she had decided she had a personal and prejudicial interest.

The Democracy & Governance Manager explained that he had prepared a form on behalf of Councillor Dennis Hutchinson who was seeking dispensation to speak and vote on the item under paragraphs (d) and (h) as a member of the Hawkesbury Community Centre Management Committee, not appointed by Buckley Town Council.

During discussion on Councillor David Ellis' role of Chair on the Management Committee, the Head of Legal & Democratic Services suggested that the Committee may wish to give consideration to paragraph (f) as an appropriate reason for granting dispensation. In response to a query from Mr. Robert Dewey, it was noted that the Committee was able to consider reasons other than those given on the Member's form.

Following comments from Councillor Arnold Woolley on the need to ensure protection, the Head of Legal & Democratic Services said that if the charity had been set up in the appropriate way, there should be no risk of benefit/loss personally for the Trustees of the organisation. Following a brief explanation from Councillor Hutchinson, the Committee was asked to take a balanced view on whether to grant dispensation and also the extent of this.

The Democracy & Governance Manager explained that enquiries were ongoing to actively seek documentation relating to the financial commitment entered into by the Town Council when the organisation was formed. He went on to say that four similar requests of this nature for other organisations which had previously been made to the Committee had been granted dispensation to speak and not vote.

At this point, Councillor Hutchinson left the room to enable the Committee to debate and vote on the applications.

Whilst providing further background to the matter, Councillor Woolley raised concerns that the issue of potential individual liability remained unresolved. The Head of Legal & Democratic Services asked the Committee to consider the levels of participation from the three requests received.

Mr. Robert Dewey proposed that dispensation be granted to Councillor Carol Ellis to remain in the room, speak and vote on the item. This was duly seconded by Councillor Cox and agreed by the Committee.

Councillor Hilary McGuill proposed that Councillor David Ellis' request for dispensation to speak on the item be granted. Mr. Dewey proposed an amendment that paragraph (f) apply in addition to paragraph (h). This was agreed by the Committee.

Councillor Woolley proposed that the request from Councillor Hutchinson be granted to speak on the item. This was seconded by Mr. Dewey and agreed by the Committee.

Following advice from the Head of Legal & Democratic Services, it was agreed that whilst the dispensation granted to Councillors David Ellis and Dennis Hutchinson would permit them to speak on the item, both would be required to withdraw from the room during the debate and vote. Furthermore, it was agreed that a time limit of 12 months be applied for the dispensations granted to all three Councillors in relation to discussions on this matter.

RESOLVED:

- (a) That Councillor Carol Ellis be granted dispensation under paragraph (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at, remain in the room during the debate on and to vote at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre;
- (b) That Councillor David Ellis be granted dispensation under paragraphs (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre. The dispensation would allow him to remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so; and
- (c) That Councillor Dennis Hutchinson be granted dispensation under paragraph (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre. The dispensation would allow him to remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so.

48. ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2012/13

The Democracy & Governance Manager introduced the annual report of the Adjudication Panel for Wales which reviewed the work undertaken during the

financial year 2012-13. During this period, it was reported that five new referrals had been received from the Public Services Ombudsman for Wales (PSOW) and four appeals against decisions of local authorities' Standards Committees. A further four cases had been carried over from 2011-12. Although there was no specific reference to Flintshire in the report, there were areas of useful information which could provide learning in encouraging high standards.

Mr. Robert Dewey commented on the number of case tribunals where inappropriate language had been used by some councillors and asked if this was addressed in training for councillors. The Head of Legal & Democratic Services said that standards of acceptable behaviour were a pre-requisite and that the Local Resolution Procedure which had been adopted last year made reference to specific expectations of councillors in terms of behaviour.

Mrs. Phillipa Earlam raised concerns about the potential for inappropriate language to be used on social media and asked if attendance at Member training should be mandatory. The Head of Legal & Democratic Services explained that there was currently no legal mechanism to enforce this. Although mandatory training was required for members to carry out their roles on the Audit and Planning Committees, this was technical rather than ethical training. There was no support for ethical training to become mandatory because the requirement could not be enforced, however the Committee could make a recommendation to Council if it wished.

In order to reach the widest number of Members, the Head of Legal & Democratic Services had attended Group meetings to provide specific training on issues such as declarations of interests.

In response to a query from the Chair, it was explained that training records were not displayed on the web, although attendance at meetings statistics were available.

Mr. Dewey felt that the information in the report would be useful reading for all Members and proposed that copies be circulated. This was supported by the Committee.

RESOLVED:

- (a) That the report be received and noted; and
- (b) That copies of the Annual Report of the Adjudication Panel for Wales 2012-13 be made available to all Members.

49. NORTH WALES STANDARDS FORUM

The Chair reminded the Committee that Flintshire was due to host the North Wales Standards Forum meeting on the afternoon of 29 April 2014.

The Head of Legal & Democratic Services explained that the meeting provided an opportunity for Chairs and Vice-Chairs of North Wales Standards Committees to share good practice. As Monitoring Officer for the host Council, he would be required to deliver a presentation and sought suggestions on topics

of interest. Reference was made to the forthcoming High Court hearing, however it was felt that an outcome would not be available in time for the Forum meeting.

Suggested areas for inclusion in the presentation were:

- Initiatives around Declarations of Interest
- Case update/round-up of developments on the ethical framework
- Member training programme including information on sessions held prior to Standards Committee meetings

RESOLVED:

That the information and suggestions for the presentation be noted.

50. 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.

A report on the review of the Officers' Code of Conduct would be brought to a future meeting, pending comments from Human Resources and subsequent consultation with senior managers and Trade Unions. If this was to be made available in May 2014, there may not be a requirement for the meeting in April. Councillor Hilary McGuill's suggestion that the reviews of the Officers and Members' Codes be pursued at the same meeting was supported.

The Democracy & Governance Manager explained that the review of the Council's Planning Code of Practice had been affected by a delay in the introduction of the Planning Bill by Welsh Government. This would need to be considered by the Planning Strategy Group before being submitted to the Standards Committee. However, an update would be provided at the next meeting. The training relating to this topic, previously requested by Councillor McGuill, could also be provided.

The Chair suggested that prior to the next meeting, training be given on a case hearing before the Standards Committee.

RESOLVED:

That the Forward Work Programme be updated accordingly.

51. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.00 pm and ended at 7.36 pm)

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Chair