

STANDARDS COMMITTEE

13 APRIL 2015

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, 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.

Some of the Committee members expressed disappointment that the Annual Report was merely numerical and contained no qualitative analysis which could assist the Committee in its considerations.

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 PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.10 pm)

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Chairman