

STANDARDS COMMITTEE
4 SEPTEMBER 2017

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, 4 September 2017

PRESENT: Robert Dewey (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted Members:

Jonathan Duggan-Keen and Ken Molyneux

Apologies: Ed Hughes and Phillipa Earlam

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

18. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Arnold Woolley declared a personal and prejudicial interest in agenda item number 5 on the Review of Dispensations which related specifically to Buckley Town Council.

19. MINUTES

The minutes of the meeting held on 3 July 2017 were submitted.

The Monitoring Officer confirmed that he had circulated details of the Terms of Office for Standards Committee lay members.

RESOLVED:

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

20. DISPENSATIONS

Following despatch of the agenda, two dispensation requests had been received from County Councillor Carol Ellis, and Buckley Town Councillor David Ellis.

The Deputy Monitoring Officer provided details of the requests which related to a planning application (reference number: 057259) which would have an impact upon Hawkesbury Community Centre.

Buckley Town Councillor David Ellis

The Monitoring Officer provided background information to the application which sought to “speak and vote” on a planning application that if allowed would impact on Hawkesbury Community Centre. He confirmed that the relevant paragraph under which dispensation was sought was (d).

County Councillor Carol Ellis

The Committee were asked to consider a request for dispensation submitted by County Councillor Carol Ellis “to be able to speak but not vote” on a planning application that would impact on all uses in the Hawkesbury Area. The Monitoring Officer confirmed that the relevant paragraph under which dispensation was sought was (d).

RESOLVED:

Town Councillor David Ellis

That Town Councillor David Ellis be granted dispensation under paragraph (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak at Buckley Town Council on the application (reference number: 057259), or any application which, in the opinion of the Monitoring Officer, is similar but to leave the room before the application is debated and voted on. Also to make written representations on the application (reference number: 057259), or any application which, in the opinion of the Monitoring Officer, is similar to Buckley Town Council. The dispensation be granted for a 12 month period.

County Councillor Carol Ellis

That County Councillor Carol Ellis be granted dispensation under paragraph (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak on the application (reference number: 057259), or any application which, in the opinion of the Monitoring Officer, is similar, at Buckley Town Council and for 5 minutes at the meeting of the Planning Committee, but to leave the room before the application is debated and voted on. Also to make written representations on the application (reference number: 057259), or any application which, in the opinion of the Monitoring Officer, is similar to Flintshire County Council’s Planning Committee and/or Buckley Town Council. The dispensation be granted for a 12 month period.

21. REVIEW OF DISPENSATIONS

The Deputy Monitoring Officer introduced the report and explained that a dispensation granted by the Standards Committee and which remained in effect must be reviewed by the Committee once in every 12 month period from the date on which the dispensation was first granted.

The Deputy Monitoring Officer distributed a list of the dispensations granted by the Committee which remained in effect as well as the dispensations which had recently expired but which the relevant Councillors required to be extended. The Committee was asked to determine whether each of the dispensations should continue to have effect or be extended.

The Deputy Monitoring Officer explained that there were a number of dispensations held on record which had been granted 10 years previously and letters had been sent to all Members to inform them of the recommendation that dispensations granted 10 years ago or more be discontinued. Members were asked to contact the Monitoring Officer or Deputy Monitoring Officer if they had any concerns about that proposal. The Committee were asked to consider and approve the removal of dispensations granted more than 10 years previously. Councillor Paul Johnson proposed that the recommendation be agreed and this was seconded by Ken Molyneux and approved by the Committee.

The Deputy Monitoring Officer explained that Councillors who had an effective dispensation had been advised of the requirement of the Standards Committee to review their dispensation and decide whether they shall continue to have effect, as well as those which had a dispensation that had recently expired.

RESOLVED

That the dispensations granted by the Standards Committee more than 10 years previously be discontinued.

County Councillor Dennis Hutchinson

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 3 September 2018) to speak at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre. The dispensation allows 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.

County Councillors Dennis Hutchinson and Mike Peers

That Councillors Dennis Hutchinson and Mike Peers be granted dispensation for a period of 12 months (ending 3 September 2018) under paragraphs (d), (f) and (h) of the Standard Committee (Grant of Dispensations) (Wales) Regulations 2001 to participate in communications with officers of both Buckley Town Council and Flintshire County Council in all matters relating to the Old Buckley Baths Community Hall Limited to:

- to speak and answer questions
- to leave the meeting before the debate takes place
- to not vote
- to communicate with officers in writing
- to discuss with officers if at least 3 people were present – 2 independent (not another trustee or their spouse) and that discussions be minuted

County Councillor Dennis Hutchinson

That Councillor Dennis Hutchinson be granted dispensation for a period of 12 months (ending 3 September 2018) under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensation (Wales) Regulations 2001 to speak for five minutes both in relation to planning application number 056023 and also subsequent applications for residential development on the adjoining land for

which access is to be gained through that application, and to communicate with offices in writing.

Town Councillors Stephen Rodham and Shelley Streeter

That the dispensations granted by the Committee on the 4th of July 2016 in respect of the Community Asset Transfer of the Community Centre, Library and Youth Centre should continue until the 2nd of October 2017, when it will expire, unless the Councillors have contacted the Monitoring Officer or Deputy Monitoring Officer before that date with a request for the Committee to consider extending the dispensation, such request to be considered at the next meeting of the Committee.

Community Councillors J Lamb and H Lamb

That the dispensations granted by the Committee on the 9th of February 2015 in respect of their ability to speak about sites, other than their own, which have been submitted for inclusion in the Local Development Plan should continue until the 2nd of October 2017, when it will expire, unless the Councillors have contacted the Monitoring Officer or Deputy Monitoring Officer before that date with a request for the Committee to consider extending the dispensation, such request to be considered at the next meeting of the Committee.

County Councillor Veronica Gay

That the dispensation granted by the Committee on the 4th of July 2016 in respect of the Community Asset Transfer of the Community Centre, Library and Youth Centre should continue until the 2nd of October 2017, when it will expire, unless the Councillor has contacted the Monitoring Officer or Deputy Monitoring Officer before that date with a request for the Committee to consider extending the dispensation, such request to be considered at the next meeting of the Committee.

County Councillor Mike Peers

That the dispensation granted by the Committee on the 7th July 2014 for Councillor Mike Peers to be able to participate at Buckley Town Council meetings when it debates issues affecting Hawkesbury Community Council shall continue until the 3 September 2018 when it shall expire. The dispensation be granted under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 and allows Councillor Peers to contact officers in writing, remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so.

Community Councillor K Houghton and other members of the Argoed Community Council who were represented on MIFFY

That the dispensation granted by the Committee on the 14th of September 2009 relating to the provision of youth facilities in the community council area should continue until the 2nd October 2017, when it will expire, unless the Community Council clerk has contacted the Monitoring Officer or Deputy Monitoring Officer on behalf of the Community Councillors before that date with a request for the

Committee to consider extending the dispensation, such request to be considered at the next meeting of the Committee.

That all the remaining dispensations granted by the Committee, as detailed in the list circulated by the Deputy Monitoring Officer at the meeting, be cancelled.

22. COMMITTEE MEMBERSHIP – VACANCY ON THE COMMITTEE

The Monitoring Officer introduced the report and commented on the vacancy on the Standards Committee for a lay member. He advised that the Fire Authority was also seeking to appoint a lay member to its Standards Committee which had presented an opportunity to consider jointly advertising for the appointment and the possibility of a joint appointment to reduce costs and provide greater prominence to the advertising campaign.

In response to the questions raised, the Monitoring Officer explained that the term of office for a lay member of the Committee was to be no less than four and no more than six years. Regulations required an appointment panel to be set up and specific criteria to be established for any lay member appointment to the Committee. During discussion it was suggested that a joint interview panel could be established with the Fire Authority comprising of the Chair of the Standards Committee in both the Council and the Fire Authority, a Community Councillor, a lay member, and the Chair of the Fire Authority. This would make, in total, two representatives from the Council, two representatives from the Fire Authority, and a lay person.

During a discussion the recommendation to seek agreement from the Fire Authority to jointly advertise with the Council for a lay member to the authorities' respective Standards Committees was approved, and the possibility of a joint appointment with the Fire Authority be explored. Councillor Patrick Heesom referred to the suggested joint interview panel and proposed that this also be approved which was seconded by Councillor Arnold Woolley.

In response to the comments made by Councillor Johnson concerning gender balance and membership of the Committee, the Monitoring Officer acknowledged the points raised and said he would speak to the communications team to seek a broad range of applicants for consideration. He suggested that he circulate copies of the criteria approved by the Council for recruiting independent members to the Committee for information.

RESOLVED:

- (a) That agreement be sought from the Fire Authority to jointly advertise with the Council for a lay member to the authorities' respective Standards Committees, and the possibility of a joint appointment with the Fire Authority be explored; and
- (b) That a joint interview panel be established which comprised of the Chairs of the Standards Committees of the Council and the Fire Authority, a Community Councillor, a lay member, and the Chair of the Fire Authority.

23. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT FOR THE YEAR 2016/17

The Deputy Monitoring Officer presented the report which summarised the headline matters in the Annual Report with particular focus in relation to the standards of County and Town and Community councillors. He advised that the purpose of the Annual Report was to report on the performance of the Public Services Ombudsman for Wales (PSOW's) office over the year and to deliver any key messages arising from the work carried out during the year.

The Deputy Monitoring Officer referred to the key considerations as detailed in the report around Code of Conduct complaints and code of conduct cases.

During discussion it was agreed that the Monitoring Officer would circulate a colour copy of the Annual Report to the Committee.

RESOLVED:

That the report be noted.

24. OMBUDSMAN'S VISIT TO JOINT MEETING OF STANDARDS COMMITTEE AND TOWN AND COMMUNITY COUNCILS

The Monitoring Officer provided an update on the forthcoming visit of the Ombudsman, Mr. Nick Bennett, to the joint meeting of the Standards Committee and Town and Community Councils on 2 October 2017. He commented on the questions submitted for discussion to date and advised that Town and Community Councils had also been invited to put forward questions. The Monitoring Officer asked members of the Committee if they had any questions they wished to ask the Ombudsman. During discussion the following questions were raised:

- What is the effect of the filtering process on the Ombudsman's workload?
- What is the process for refusing to take up a complaint?
- Is there a right for referral or review?

The Monitoring Officer suggested the proposed reform of Town and Community Councils as an appropriate topic for debate at the joint meeting and this was supported by the Committee.

Councillor Arnold Woolley referred to the Welsh Government consultation on local election arrangements and suggested that this matter could also be given profile at the meeting if possible.

RESOLVED:

That the update be noted.

25. FORWARD WORK PROGRAMME

The Monitoring Officer introduced the forward work programme and referred to the topics for the next meeting.

Commenting on the subject of dispensations, the Monitoring Officer advised that the Committee may be asked to consider any further 'renewals' arising following the review of dispensations and the extended period provided to councillors.

The Monitoring Officer agreed to provide an update to the next meeting on the recruitment of a lay person to the Standards Committee.

RESOLVED:

That the Forward Work Programme be noted including the items above.

26. 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 7.45 pm)

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Chairman