

STANDARDS COMMITTEE

Minutes of the Standards Committee held in the Conference Room, Ty Nant, Prestatyn on Friday, 14th July, 2006 at 10.00 a.m.

PRESENT

Mr C.B. Halliday (Chair), Councillors P.A. Dobb, R.E. Barton (Observer) and P. Glynn and Mr G.F. Roberts.

ALSO PRESENT

The Monitoring Officer and Administrative officer (C.I. Williams).

APOLOGIES

Mr I. Lawson.

The Chair referred to the cancellation of the Standards Committee meeting which had been scheduled to be held on the 23rd June, 2006 and apologised for any inconvenience caused.

1. URGENT MATTERS

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

2. MINUTES

(a) the Minutes of the Standards Committee held on Friday, 24th March, 2006 were submitted.

Resolved – *that the Minutes be received and approved as a correct record.*

3. ATTENDANCE AT MEETINGS

(a) County Council

A copy of a report by the Chair, Mr C.B. Halliday, which provided details of his attendance at a meeting of County Council, held on Tuesday, 4th April, 2006, had been circulated with the papers for the meeting.

Reference was made by the Chair to Page 4.1.13. Paragraph 18. of Denbighshire County Council Standing Orders, Members' Conduct 18.1 – Standing to Speak. It was explained that at the meeting of the County Council, held on 4th April, 2006, he

had noted that although the majority of Councillors abided by the rules of debate, two Members did not stand when speaking and addressed the Chair whilst sitting.

In his letter the Chair expressed the view that if the correct procedures, which require a Councillor to stand to indicate the wish to speak, were adhered to and reinforced by the Chair at the commencement of meetings of the County Council, this would have some affect at Committee level by reminding Councillors of the correct procedures and would lead to the authority of the Chair not being put in question or even, at times, disregarded. During the ensuing discussion Members fully supported the views expressed by the Chair in his report.

In reply to concerns raised by Mr G.F. Francis that on occasions Members were not switching their microphones off after addressing the respective Committees, the Monitoring Officer explained that following the completion of adjustments to the system the Chairs of meetings would be able to control and switch off the microphones.

Resolved – *that the report be received.*

(b) Henllan Community Council

A copy of a report by the Chair, Mr C.B. Halliday, which provided details of his attendance at the annual meeting of the Henllan Community Council, held on Tuesday, 2nd May, 2006, had been circulated with the papers for the meeting.

The Chair informed Members that following the appointment of new office holders the matter of representation on the Planning Committee arose. He explained that he had been invited to provide a ruling on the matter put had declined informing the meeting that they would have to be guided by the Clerk to the Community Council.

On completion of its annual meeting the Community Council moved to the routine monthly meeting and the Chair explained that, following an invitation, he addressed the meeting following the previously agreed lines concerning the role of the County Council's Standards Committee. The Monitoring Officer confirmed that reference to District and Parish Councils, in paragraph 12 of the Community Council's Standing Orders distributed at the meeting, referred to the County Council's Standing Orders.

In response to the question submitted by the Chair, the Monitoring Officer confirmed that the action taken by the Chair had been correct and that the County Council's remit could extend to advising Town and Community Councils on matters such as rules and protocol if requested by the respective Council's. He also confirmed that Town and Community Councils could seek assistance from One Voice Wales or the Association of Clerks if they so wished.

In response to a question from Councillor P.A. Dobb, the Chair confirmed that attending and observing a Community Council meeting had been very useful and informative.

Resolved – *that the report be received.*

(c) Denbigh Town Council

The Monitoring Officer informed Members that he had recently accompanied the Chair of the Standards Committee to a meeting of Denbigh Town Council.

Councillor P. Glynn explained that he and fellow Members of the Denbigh Town Council had appreciated their attendance at the meeting and thanked them for the presentation which had provided information relating to issues such as the Rules of Confidentiality and Declarations of Interests.

Resolved – *that the report be received.*

4. MONITORING THE CODE OF CONDUCT

(a) Corporate Governance Committee

Reference was made to the meeting of the Standards Committee held on the 24th March, 2006 when it had been agreed that a recommendation be made to Corporate Governance, and subsequently to County Council, that one additional Independent Member be appointed, and that one additional County Councillor be appointed, preferably with Community Council experience.

The Monitoring Officer confirmed that the Corporate Governance Committee had supported the request to increase the size of the Standards Committee and details of the recruitment process, which had commenced, were provided by the Monitoring Officer.

Resolved – *that the position be noted.*

(b) Revised Code of Conduct

The Monitoring Officer provided a summary of the current position with regard to the Revised Code of Conduct and explained that the Welsh Assembly Government had not yet finalised the new Code.

Members were informed that clarification had now been received that, in the absence of the Chair of the Standards Committee, the meetings could be held and chaired by the Vice Chair of the Committee. It was also confirmed that the terms of office of Independent Members of the Standards Committee could now be extended for a further period.

The Monitoring Officer referred to the meeting of the Standards Committee held on 24th February, 2006 when it had been agreed that the issue of the Chairs and Vice Chairs of Standards Committees being invited to attend meetings of Monitoring Officers be considered. He informed Members that an all Wales meeting had been scheduled for the 22nd September, 2006.

Resolved –that the report be received and the position noted.

5. DISPENSATIONS

(a) Review of Rhyl Town Council Electoral Arrangements

A copy of a report by the Monitoring Officer, requesting the Standards Committee consider requests received from County Councillors B. Blakeley, J. Butterfield, D. Hannam, J. Chamberlain Jones, H. Jones, G.J. Pickering, S. Roberts, D.A.J. Thomas, M.A. Webster and G. Williams that as Members of Rhyl Town Council they be granted dispensations to vote on the Review of Rhyl Town Council Electoral Arrangements, had been circulated with the papers for the meeting. A copy of the document “circumstances in which dispensations may be granted” had also been circulated with the papers for the meeting as Appendix 1 to the report.

The Monitoring Officer explained that Part IV of the Local Government Act 1972 set out various mechanisms for changes in Local Government areas particularly Section 57(4) places a duty on the County Council to keep under view the “electoral arrangements” for the communities within Denbighshire for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make. Electoral arrangements include the warding arrangements and the ward areas or boundaries together with the allocation of councillor numbers.

It was explained that the County Council had authorised a review of the internal ward boundaries of Rhyl Town Council and public notice had been given inviting the Town Council and all interested parties, including the general public, to make submissions to the Council in respect of the review. Members of the Standards Committee were informed that the deadline for receipt of representations had been Friday, 21st April, 2006 and three formal representations had been received in respect of the review, including representation from Rhyl Town Council.

The representations had been considered by Council on the 16th May, 2006 leading to draft proposals which together with any final representations would be considered by Council on the 25th July, 2006.

It was explained by the Monitoring Officer that as the focus of debate on the 16th May, 2006 had been substantive proposals put forward by Rhyl Town Council it had been considered that those County Councillors who were also Rhyl Town Councillors had an interest by virtue of paragraph 12(a) of the Code of Conduct, as a consequence of which those Members would be able to speak but not vote.

The Monitoring Officer explained that it was the wish of the Members seeking dispensation to vote when the matter was considered by the County Council. He referred to items e and f of the Appendix to the report, which outlined the circumstances in which dispensations may be granted, and confirmed that it had been considered that everyone in Rhyl had a common interest in securing the most satisfactory arrangements and that the Members in question would have the most

detailed knowledge of the locality. This he considered would be particularly pertinent to two factors to which the Council would have to have regard under the 1972 Act when making the decision, namely the desirability of fixing boundaries which were and would remain easily identifiable and any local ties which could be broken by the fixing of any particular boundaries. He also stressed that there seemed to be much support across the entire Council for the full participation by all Rhyl Members or indeed any other Members should this similar circumstance arise elsewhere to ensure maximum participation in decision making relating to one of the fundamental building blocks of local democracy.

In response to concerns raised by Mr G.F. Roberts, the Monitoring Officer explained that in this case if no dispensation was granted the right to vote would only apply to two of the Rhyl County Members.

Members discussed the matter in detail and, it was

Resolved – *that County Councillors B. Blakeley, J. Butterfield, D. Hannam, J. Chamberlain Jones, H. Jones, G.J. Pickering, S. Roberts, D.A.J. Thomas, M.A. Webster and G. Williams be granted a dispensation to vote on the County Council's Review of Rhyl Town Council Electoral Arrangements.*

(b) Helicon Project Board

A copy of a report by the Monitoring Officer, requesting the Standards Committee consider requests received from County Councillors R.W. Hughes and S. Roberts that they be granted dispensations to vote on matters pertaining to the Helicon Project Board, had been circulated with the papers for the meeting.

Members were informed that a substantial and ambitious bid had been made to the Big Lottery Funds Living Landmarks Initiative, by the Llangollen International Musical Eisteddfod, to provide new up to date premises on the Eisteddfod ground at Llangollen which would serve both the Annual International Musical Eisteddfod and the local community. A preliminary review of the draft project by the Lottery Fund had identified the need for governance arrangements for delivery of the scheme and accordingly a Helicon Project Board had been proposed comprising predominantly members of the Llangollen International Musical Eisteddfod, together with, representations from key supporting bodies, one of which was the County Council.

The Monitoring Officer explained that, under paragraph 12(c) of the Code of Conduct, Members were deemed to have a personal interest in a matter to the extent that it relates to a body to which they had been appointed or nominated by the authority as a representative. In these circumstances the appointee may speak but not vote in the absence of a dispensation. Both Councillors Hughes and Roberts were Members of the Council's Cabinet as respectively Leader of the Council and Lead Member for Promoting Denbighshire. It would technically be possible for the Cabinet to delegate to those members any executive functions relating to the Helicon Project Board but at present this had not been proposed. Accordingly executive decisions relating to the Helicon Project would be taken at Cabinet at which stage paragraph 12(c) of the Code would come into play. The Code would also be

pertinent in that any financial support by the Council for such a project would feature for consideration by full Council in the funding of its Capital Plan and thus once again the issue of interests would arise.

It was confirmed by the Monitoring Officer that as the Cabinet could lawfully delegate any executive decisions to the two respective Members, by virtue of their membership of the Cabinet, it would seem logical that they should be able to participate in all of the various decisions required to be made by the Council. He referred to the list of circumstances in which dispensations may be granted and suggested that Item f might have been drafted with this type of situation in mind where it makes reference to “a Member’s particular role”.

In response to a question from Councillor R.E. Barton, the Monitoring Officer confirmed that, in view of the possible increase in the number of requests for Dispensations of this nature, it might be beneficial to examine the relevant Regulations with a view to the possibility of obtaining global dispensations for such requests.

Following a brief discussion, it was

Resolved – *that County Councillors R.W. Hughes and S. Roberts be granted a dispensation to vote on matters pertaining to the Helicon Project.*

6. FUTURE MEETING OF THE STANDARDS COMMITTEE

Members agreed that in view of the close proximity of the timescales the meeting of the Standards Committee scheduled for the 28th July, 2006 be cancelled.

Councillor P. Glynn submitted an apology for absence for the meeting of the Standards Committee scheduled for the 20th October, 2006.

Resolved –*that the Standards Committee scheduled for the 28th July, 2006 be cancelled.*

Meeting ended at 11.10 a.m.