

Agenda Item No. 2

STANDARDS COMMITTEE

Minutes of the Standards Committee held in the Conference Room, Caledfryn, Denbigh on Friday, 24th March, 2006 at 10.00 a.m.

PRESENT

Mr C.B. Halliday (Chair), Councillors P.A. Dobb and N. Hugh-Jones (Observer) and Mr G.F. Roberts.

ALSO PRESENT

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

APOLOGIES

Councillor P. Glynn and Mr I. Lawson.

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

The Minutes of the Standards Committee held on Friday, 24th February, 2006 were submitted.

Matters arising:-

- (2) Minutes. (a) Minutes of the Standards Committee held on Friday, 29th July, 2005 – Members agreed that in the resolution the word “approved” be amended to read “confirmed”.
- (4) Monitoring the Code of Conduct. (b) Revised Code of Conduct - Members agreed that the word “He” in the second paragraph on the third line be amended to read “The Monitoring Officer”.
- (5) Dispensations. (b) Clwydian Range Area of Outstanding Natural Beauty – Councillor P.A. Dobb informed the Standards Committee that concerns had been expressed by the Members appointed to the Clwydian Range Area of Outstanding Natural Beauty Joint Advisory Committee, that in view of the decision taken not to grant dispensation to vote on matters pertaining to the Clwydian Range Area of Outstanding Natural Beauty, they would be unable to

represent their respective constituencies at meetings of the Planning Committee when joint matters were being considered.

The Monitoring Officer referred to the constitution and role of the Standards Committee and the basis for having arrived at its decision in respect of the refusal to grant the dispensations, he also confirmed that in arriving at its decision the Standards Committee had preserved the status quo as indicated by the Welsh Assembly Government.

During the ensuing discussion, the Monitoring Officer supported the views expressed by Mr G.F. Roberts that it was not within the remit of the Standards Committee to re-examine the decision taken at the previous meeting of the Committee. Details of the processes for approving and agreeing minutes were provided by the Monitoring Officer and he explained that mechanisms were in place if the respective Members wished to challenge the decision taken.

In response to questions from Members of the Standards Committee, the Monitoring Officer explained that the respective Members would be informed, in writing, of the decision taken by the Standards Committee.

- (7) Future Meetings of the Standards Committee – The Monitoring Officer confirmed that, as agreed, a recommendation would 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.

RESOLVED – that, subject to the above, the Minutes be received and approved as a correct record.

3. ATTENDANCE AT MEETINGS

RESOLVED – that no reports were submitted by Members of the Standards Committee for attendances at meetings.

4. MONITORING THE CODE OF CONDUCT

(a) To consider the Annual Report of the Committee on Standards in Public Life 2005

The Monitoring Officer explained that the Annual Report of the Committee on Standards in Public Life had been published on the date that the agenda for the Standards Committee had been despatched. He explained that a copy of the document had been circulated to Members of the Standards Committee prior to the meeting.

Members were informed that the document had focused less on the Local Government matters and issues and had concentrated more on reviewing the Standards Board in England during the past twelve months.

Reference was made by the Monitoring Officer to page 7 of the report and he outlined the detailed reference made to the Seven Principles of Life which were Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. He explained that he felt that there might be merit in making the language sharper which could have an influence on the Code of Conduct.

The Chair referred to differences in the roles of Standards Committees in England and Wales and particular reference was made to the suggestion that there be a fundamental transformation of the Standards Board in England to become a strategic regulator, and a move to locally-based arrangements for handling complaints against Councillors. He also referred to the proposed recommended changes to the legislative framework for ethical standards to ensure that there was a strengthening of the independent composition of local Standards Committees in preparation to take on their new role of complaint handling from 2007, the Monitoring Officer explained that this only applied at present to Standards Committees in England.

Mr G.F. Roberts referred to Appendix 3 to the report, pages 33 to 37, Members of the Committee and highlighted that none of the Members of Committee were from Wales or appeared to have any links or connections with Wales.

Following a brief debate on the report, it was:-

RESOLVED –that

- (a) the report be received and the contents noted, and*
- (b) any comments pertaining to the report be submitted to the next meeting of the Standards Committee.*

(b) Revised Code of Conduct

Members were provided with a summary of the current position with regard to the Revised Code of Conduct, particular reference being made to the delay in the publication of the document. The Monitoring Officer outlined the problems currently being experienced and expressed the view that the Code of Conduct in Wales could turn out very similar to that to be adopted in England, however, he emphasised that he felt the mechanism currently adopted in Wales had worked well.

In response to a request from the Chair, the Monitoring Officer agreed to pursue the possibility that the Chairs of Standards Committees in Wales attend a meeting with the respective Monitoring Officers at a suitable venue. Members of the Standards Committee felt that such a meeting would be beneficial and supported the proposal put forward by the Chair.

Members of the Standards Committee referred the pending publication of the Revised Code of Conduct and highlighted the need for the provision of training for Members of Town and Community Councils. The Monitoring Officer explained that he had received representations from the Clerk to Prestatyn Town Council in respect of the issue of training and he referred to the possibility of dividing the County into

three geographical divisions for the purpose of the provision of training, a Northern division covering Prestatyn and Rhyl, and Central and Southern divisions covering the remainder of the County. Members supported this suggestion and agreed that the Monitoring Officer also circulate, to all Town and Community Councils, a condensed version of the training material produced previously by the Welsh Local Government Association.

RESOLVED –that, subject to the above, the report be received and the contents noted.

5. FUTURE MEETING OF THE STANDARDS COMMITTEE

The Monitoring Officer referred to the schedule of proposed meetings circulated to Members of the Standards Committee on the 15th March, 2006. Members agreed that the proposed date included in the schedule for the 8th September, 2006 be withdrawn.

Members were reminded that the date for the next meeting of the Standards Committee had been agreed at a previous meeting of the Standards Committee and would be held on Friday, 5th May, 2006 at 10.00 a.m. in Ty Nant, Prestatyn.

Following consideration of the dates included in the schedule it was:-

RESOLVED –that the following dates be agreed for meetings of the Standards Committee, with venues to be arranged.

5th May, 2006
23rd June, 2006
28th July, 2006
20th October, 2006
24th November, 2006
12th January, 2007
2nd March, 2007
13th April, 2007
18th May, 2007
29th June, 2007

Meeting ended at 11.25 a.m.

Denbighshire County Council
Standards Committee.

To.....Monitoring Officer
From.....Chairman.

17 April 2006.

Re: Constitution. Page 4.11.13. para 18.
Members' Conduct. 18.1 - Standing to Speak.


At the last County Council meeting I attended on the 4th of April 2006, I noted that whilst the majority of Councillors abided by the above rules of debate, two did not stand and merely addressed the chair whilst sitting.

I thought initially that perhaps the Members were immobile, but later noted that both seemed to stand or sit as their mood took them.

Prior to the County Council meeting, I attended at Ty Nant (both meetings included the item on increasing the membership of the Standards Committee – hence my interest). As the Ty Nant meeting was not of the full Council then rules re standing to speak did not apply, and a Member wishing to speak raised her or his arm and awaited the invitation of the Chair. However, there was a deal of interruption by one Councillor in particular when not 'called' and the Chair had to exercise very firm control to maintain order.

If the correct procedure that requires a Councillor to stand to indicate the wish to speak was reinforced by the Chair at the start of meetings of the County Council this may, in turn, have some affect at committee level by reminding Councillors at those meetings of the correct procedure and so led to the authority of the Chair not being put in question or even, at times, disregarded.

Would you please place this matter as an item for our next agenda.


.....
Chairman.

ADRAN CLERC Y SIR
COUNTY CLERK'S DEPARTMENT

08 MAY 2006

Denbighshire County Council
Standards Committee.

To.....Monitoring Officer
From.....Chairman.

3rd May 2006

Re: Visit to Community Council.

On Tuesday 2nd May 06 I attended the annual meeting of Henllan community council, and the monthly council meeting that followed.

I had previously spoken to the clerk to the council, Mr Ifan Gwyn Davies of my intention to visit, and on my arrival was warmly welcomed. There were nine persons present together with the county councillor for the area.

Following installation of the new office holders, the matter of representation on the planning sub committee arose, as the new chairman felt that the chairman of the community council could not also be on the planning sub committee. When the meeting could not decide whether or not the chairman was correct, I was invited to 'give a ruling'. I responded by saying that the meeting would have to be guided by their clerk. [I was minded to add that if there was any difficulty then the county councils' clerk would advise, but at the last moment my courage deserted me and I remained silent!!]

On completion of the annual meeting the council moved to the routine monthly meeting and I was invited to speak, which I did following the previously agreed lines concerning the role of the county council's standards committee.

Copies of the community council's standing orders were distributed to the meeting and I noted that para 12 refers to District and Parish councils, which I take to now be County and Community Councils.

As the standards committee is charged with the training of community councillors with regard to the code of conduct, I wondered if the county council's remit also extends to advising - via the county clerk's department - on other matters such as rules and protocol if so requested by the community council's clerk.

Blws. R. Halliday
.....
Chairman.

Report to: Standards Committee

Report by: Monitoring Officer

Date: 23rd June 2006

Subject: Dispensations – Review of Rhyl Town Council Electoral Arrangements

1 DECISION SOUGHT

1.1 To consider requests from Councillors B Blakeley, J Butterfield, D Hannam, J Chamberlain Jones, H Jones, G Pickering, S Roberts, D Thomas, M 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.

2 BACKGROUND

2.1 Part IV of the Local Government Act 1972 sets out various mechanisms for changes in Local Government areas and in particular Section 57(4) places a duty on the County Council to keep under view the “electoral arrangements” for the communities within Denbighshire for the purposes 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.

2.2 County Council authorised a review of the internal ward boundaries of Rhyl Town Council and public notice was given inviting the Town Council and all interested parties, including the general public, to make submissions to the Council in respect of the review. The deadline for receipt of representations was Friday 21st April 2006.

2.3 The Council received three formal representations in respect of the review including representation from Rhyl Town Council.

2.4 The representations were considered by Council on 16th May 2006 leading to final draft proposals which together with any final representations will be considered by Council on 25th July 2006.

2.4 Since the focus of debate on 16th May was substantive proposals put forward by Rhyl Town Council it was felt that those County Councillors who are 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 were able to speak but not vote.

2.5 It is the wish of the twin hatted Rhyl members to be able to vote when the matter finally comes to Council. As on previous occasions I attach as an appendix the circumstances in which dispensations may be granted and I would invite the Committee to consider in particular items e and f. It seems to

me that everyone in Rhyl has a common interest in securing the most satisfactory arrangements and further that the twin hatted members have the most detailed knowledge of the locality. This is particularly pertinent to two factors to which the Council has to have regard under the 1972 Act when making the decision, namely the desirability of fixing boundaries which are and will remain easily identifiable and any local ties which will be broken by the fixing of any particular boundaries. Finally, there seems to be much support across the entire Council for the full participation by all Rhyl members or indeed any other twin hatted member should this similar circumstance arise elsewhere to ensure maximum participation in decision making relating to one of the fundamental building blocks of local democracy.

3 RECOMMENDATION

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

Contact Officer: Ian Hearle, County Clerk
e-mail: ian.hearle@denbighshire.gov.uk Tel: 01824 712562

CIRCUMSTANCES IN WHICH DISPENSATIONS MAY BE GRANTED

The 2001 regulations prescribe that the Standards Committee may grant a dispensation to a member or co-opted member where one of the following conditions are satisfied:-

- a.** No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- b.** No fewer than half of the members of a leader and cabinet executive of the relevant authority 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.** In the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority 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 relevant authority'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 business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and a member's interest is not a pecuniary interest;
- h.** The business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect of that business; or
- i.** It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly within 7 days in such manner as it may specify

Report to: Standards Committee
Report by: Monitoring Officer
Date: 14th July 2006
Subject: Dispensations – Members of Helicon Project Board

1 DECISION SOUGHT

- 1.1 To consider requests from Councillors R W Hughes and S Roberts, to vote on matters pertaining to the Helicon Project.

2 BACKGROUND

- 2.1 A substantial and ambitious bid has 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 that will serve both the Annual International Musical Eisteddfod and the local community.
- 2.2 A preliminary review of the draft project by the Lottery Fund has identified the need for governance arrangements for delivery of the scheme and accordingly a Helicon Project Board is proposed comprising predominantly members of the Llangollen International Musical Eisteddfod together with representations from key supporting bodies, one of which is the County Council.
- 2.3 As the Committee will recall, under paragraph 12(c) of the Code of Conduct members are deemed to have a personal interest in a matter to the extent that it relates to a body to which they have 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.
- 2.4 Both Councillors Hughes and Roberts are 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 is not proposed. Accordingly executive decisions relating to the Helicon Project will be taken at Cabinet at which stage paragraph 12(c) of the Code would come into play.
- 2.4 The Code is also 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.
- 2.5 Since the Cabinet could lawfully delegate any executive decisions to the two 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. Item f in the list of circumstances in which dispensations may be granted (please see the previous agenda item for the

full list) seems to have been drafted with this type of situation in mind where it makes reference to “a member’s particular role”.

3 RECOMMENDATION

- 3.1 That Councillors R W Hughes and S Roberts be granted a dispensation to vote on all matters relating to the Helicon Project.

Contact Officer: Ian Hearle, County Clerk
e-mail: ian.hearle@denbighshire.gov.uk Tel: 01824 712562