

STANDARDS COMMITTEE

12 MAY 2014

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, 12 May 2014

PRESENT: Mrs Patricia Jones (Chair)

Councillors: David Cox and Hilary McGuill

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

APOLOGIES:

Councillor Arnold Woolley

Edward Hughes

IN ATTENDANCE:

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

58. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

59. MINUTES

The minutes of the meeting of the Committee held on 7 April 2014 were submitted.

RESOLVED:

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

60. DISPENSATIONS

The Democracy & Governance Manager explained that a meeting of the Planning & Development Control was due to be held on 14 May 2014. He explained that one of the recommendations was that if planning permission was granted, two schools in Hawarden would receive a payment for educational contributions. The Democracy & Governance Manager outlined the wording in the Member Code of Conduct and provided details of the requests for dispensation from Councillors David Mackie and Alison Halford.

The Democracy & Governance Manager advised that as Councillor Mackie was not a Member of the Planning Committee, the Member Code of Conduct indicated that he could speak for three minutes (the same as for a member of the public). He was requesting to speak for five minutes and the Democracy & Governance Manager recommended that following Councillor Mackie speaking, he should leave the room for the rest of that item. He also explained that Councillor Halford had requested to speak for five minutes and also as she was a Member of the Planning Committee to vote and communicate with officers outside of the formal meeting. He explained that a database of

previous dispensations was kept and he highlighted a similar dispensation which had been granted for Members on the Planning Committee who had also been on the Management Committee of the Buckley Health Centre; they had been granted permission to speak but not vote on applications for Buckley Health Centre.

Following a question from the Chair and Mr. Kenneth Molyneux, the Democracy & Governance Manager explained that if Councillors were not on the Planning Committee, they could speak for five minutes as local Members on applications in their ward if they did not have a personal and prejudicial interest. However, without submission of an application for dispensation, they would only be entitled to speak for three minutes and would then be required to leave the room during discussion of the application. Councillor Hilary McGuill said that she did not have an issue with Councillor Mackie being able to speak for five minutes and then leave the chamber. She proposed that Councillor Mackie be granted dispensation to speak for five minutes and then be asked to leave the chamber and that the dispensation be granted for 12 months.

On the issue of Councillor Halford's request for dispensation, the Head of Legal and Democratic Services advised that for previous dispensations of a similar nature, Councillors had been permitted to communicate in writing with officers to allow for a clear and transparent record to be held, and had been permitted to speak but not vote on applications.

In response to comments from Ms. Phillipa Earlam and Mr. Robert Dewey about the finance aspect of the educational contributions for Hawarden High School, and a comment from Councillor Hilary McGuill, the Democracy & Governance Manager provided a detailed explanation of section 106 obligations for educational contributions on planning applications and advised that Councillor Halford being Chair of the Audit Committee was not relevant to the determination of the dispensation request.

Following a discussion about the educational contributions, the Head of Legal and Democratic Services suggested that Councillor Halford also be granted dispensation to speak for five minutes, which was the same for Councillor Mackie, and that the Committee needed to decide if she was permitted to vote and therefore remain in the meeting for the debate. Mr. Kenneth Molyneux felt that the dispensations granted for the Buckley Health Centre Management Committee Members had set a precedent.

Mr. Dewey proposed that Councillor Halford be allowed to speak for five minutes but should then leave the meeting prior to the debate of the application and be permitted to communicate in writing with officers outside of the meeting; the proposal was duly seconded. Councillor David Cox provided details of the sums requested as part of the planning application for educational contributions and said that the monies would benefit the community and that Councillor Halford should therefore be permitted to vote. The Democracy & Governance Manager explained that Councillor Halford would not have had any involvement in the calculation of the figures and that the figure would have been calculated by the Planning Officers using a formula.

On being put to the vote, the proposal to speak, not vote, leave the meeting for the period of the debate, and to be able to communicate in writing with officers was lost. Councillor McGuill then proposed that Councillor Halford be able to speak, vote, and communicate in writing with officers and on being put to the vote, the proposal was carried.

RESOLVED:

- (a) That Councillor David Mackie be granted dispensation under paragraph (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 12 May 2015) to speak for 5 minutes at the Planning Committee but to leave the room after he has spoken. The dispensation to apply to planning application 051613 or any application which in the opinion of the Monitoring Officer was similar.
- (b) That Councillor Alison Halford be granted dispensation under paragraph (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 12 May 2015) to speak at the Planning Committee, to vote on the application and to communicate with officers in writing. The dispensation to apply to planning application 051613 or any application which in the opinion of the Monitoring Officer was similar.

61. REPORT BACK FROM THE NORTH WALES STANDARDS COMMITTEES FORUM

The Chair provided a verbal update on the North Wales Standards Committee Forum meeting that had been held at Flintshire County Council on 29 April 2014. It had been an opportunity for other Standards Committee members in North Wales to share ideas and discuss suggestions for issues to be considered by all of the Standards Committees in North Wales.

She explained that some of the issues that had been discussed were as follows:-

- some Standards Committees were more integrated in the workings of their Council
- Chairs and members of the Committees had been involved in training sessions for Town and Community Councils in their areas
- appraisals of individual Standards Committee members in some Councils had been undertaken by the Chair of the Committee who had in turn been appraised by the Monitoring Officer

Councillor David Cox felt that the co-opted members of the Standards Committee were volunteers who were not paid for their role and should therefore not be subject to an appraisal process. The Democracy & Governance Manager explained that Elected Members did not have appraisals but they could discuss any training needs with an experienced Councillor. He added that officers were also subject to appraisals which included discussing training needs and suggested that co-opted members of the Committee could discuss any training requirements with the Chair of the Committee.

The Chair provided details of the form that the Forum meeting had taken and explained that the first meeting held in Wrexham in December 2013 had included a session on training Town and Community Councils, which had been welcomed by those in attendance. The Head of Legal and Democratic Services provided details of the training that he had provided. The Chair indicated that a training session on hearings was to be arranged, which would be held in Anglesey and the Head of Legal and Democratic Services advised that once a date had been agreed, he would email the committee members to advise them and to ask whether they would like transport arranging for them to attend. Councillor Hilary McGuill asked if it would be possible for the training to be recorded for those who were unable to attend. The Head of Legal and Democratic Services confirmed that he would make enquiries as to whether this could be undertaken.

The Head of Legal and Democratic Services advised that the Vice-Chairman had also attended the Forum, and even though he was unable to attend this meeting, he had provided feedback of his experience of the meeting which the Head of Legal and Democratic Services shared with the Committee. This included his observation that Flintshire County Council Standards Committee was the most proactive of all North Wales Standards committees and met most often. He had also commented on training with Town & Community Councils and the suggestion that the new Ombudsman be invited to attend a training session at a future Forum meeting.

Councillor McGuill asked if the issue of how other Standards Committees dealt with requests for dispensation, in particular those relating to Section 106 obligations on planning applications, could be raised at a future meeting of the Forum.

RESOLVED:

- (a) That the update be received;
- (b) That an email be sent to the Committee members when a date has been confirmed for training on hearings, to ask if they would like transport to the training arranging for them.

62. RECORDING MEMBER ATTENDANCE AT TRAINING ON THE COUNCIL'S WEBSITE

The Democracy & Governance Manager introduced a report to consider the practicalities of recording Member attendance at training as part of the Council's website.

He detailed the background to the report and explained that not all training was mandatory and it was therefore not possible to establish a percentage attendance record. Attendance was monitored and an update on attendance at training was regularly submitted to the Democratic Services Committee. When the report was last considered by the Committee, they had resolved that all Members be sent a questionnaire about reasons for poor attendance at training;

the results would be reported to a future meeting of the Democratic Services Committee.

The Democracy & Governance Manager explained how publishing attendance at training events could give a misleading impression to the public. In response to a question from Mr. Robert Dewey, the Democracy & Governance Manager said that Members of the Planning Committee had to attend 75% of planning training over a two year period. He added that a record of attendance was kept by Member Services but that it was not always 100% accurate.

The Head of Legal and Democratic Services advised Planning Committee Members had to attend the required amount of planning training in order to continue serving on the Committee. An annual update of attendees at Audit Committee training was also submitted to that Committee.

Mrs. Phillipa Earlam said that it was important to distinguish between mandatory and non-mandatory training and to ensure that attendance was accurately recorded.

Following a discussion, Councillor McGuill proposed that the information should not currently be recorded on the website and that an update be provided to this Committee once a report on attendance had been submitted to the next meeting of the Democratic Services Committee.

RESOLVED:

- (a) That member attendance at training events continue to be recorded by Member Services but statistics not be published on the Council's website;
- (b) That a further report be submitted to the Standards Committee following consideration by the Democratic Services Committee in July 2014.

63. FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services introduced the report and invited members to submit items for consideration at future meetings.

The Democracy & Governance Manager explained that the 'Review of effectiveness and operation of Local Resolution Procedure' should be deleted from the entry for June 2014 as it was to be considered at the July 2014 meeting. He confirmed that the update report on attendance at training was also to be submitted to the July meeting of Democratic Services Committee and would therefore be considered by this Committee at the meeting scheduled for September 2014.

Councillor Hilary McGuill made a request for a discussion at a future meeting of the Standards Committee Forum on dispensation requests in relation to Section 106 obligations on planning applications in order to see how other Councils handled the issue.

RESOLVED:

- (a) That the Forward Work Programme be updated to:
- delete the entry for the 'Review of effectiveness and operation of Local Resolution Procedures' for the meeting scheduled for June 2014
 - include an update on 'Recording Member attendance at training for submission to a future meeting once it has been considered by the Democratic Services Committee.
- (b) That subject to (a), the Forward Work Programme be approved.

64. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.41 pm)

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Chair