

STANDARDS COMMITTEE
1 SEPTEMBER 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, 1 September 2014

PRESENT: Mr. Edward Hughes (Vice-Chair in the Chair)

Councillor: Arnold Woolley

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

APOLOGIES: Councillor Hilary McGuill .

ALSO PRESENT: Councillor Clive Carver

IN ATTENDANCE: Chief Officer (Governance), Democracy and Governance Manager, and Committee Officer

11. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Clive Carver declared personal and prejudicial interests in his two applications for dispensation.

12. APPOINTMENT OF CHAIRMAN

Nominations were sought for a Chairman for the Committee. Mrs Phillipa Earlam nominated Mr. Edward Hughes as Chairman. The nomination was seconded by Mr. Jonathan Duggan-Keen.

RESOLVED:

That Mr. Edward Hughes be appointed Chairman of the Committee.

13. APPOINTMENT OF VICE-CHAIRMAN

The Chairman sought nominations for the appointment of a Vice-Chairman. Mr. Kenneth Molyneux nominated Mr. Robert Dewey and this was seconded by Mrs. Phillipa Earlam.

RESOLVED:

That Mr. Robert Dewey be appointed Vice-Chair of the Committee.

14. **MINUTES**

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

Accuracy

Councillor Arnold Woolley pointed out that the references to Hawkesbury Community Council on page 1 and page 2 of the minutes should read Hawkesbury Community Centre.

RESOLVED:

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

15. **DISPENSATIONS**

Application for dispensation from Councillor Christine Jones to speak at Planning and Development Control Committee on an application for Crematorium and memoria at Northop.

The Democracy and Governance Manager explained that Councillor Jones had applied to extend the duration of her dispensation relating to the erection of a crematorium at Northop, which had been granted for a year on 2 September 2013. He referred to the terms of the original application for dispensation which had been made by Councillor Jones and outlined the reasons for the request for an extension. Councillor Jones was seeking dispensation to speak and vote on the item at Planning Committee under paragraph (d) and had stated that she had a personal and prejudicial interest as her son in law was an undertaker.

Mr. Robert Dewey proposed that a 12 month extension be granted to the dispensation that was due to end on 1 September 2014. This was duly seconded and agreed by the Committee.

Application for dispensation from Councillor Clive Carver to take part in the debate at County Council and/or other Committees relating to the Officers' Code of Conduct

The Chief Officer (Governance) explained that Councillor Carver was seeking dispensation to speak on the item under paragraph (f). He provided background information and referred to a review of the Officers Code of Conduct which had been undertaken by the Standards Committee and the recommendation which had subsequently been made to the Constitution Committee.

The Chairman invited Councillor Clive Carver to outline the reasons for his request for dispensation. Councillor Carver referred to the draft of the new Officers' Code of Conduct which had considered removing the requirement for

officers to notify the Chief Officer (Governance) of their membership of certain organisations including Freemasonry. He explained that he was a Freemason and was seeking dispensation to speak and take part in debate but not to vote at County Council and/or other Committees relating to the Officers' Code of Conduct.

At this point Councillor Carver withdrew from the room.

The Chief Officer (Governance) responded to a query from Mr. Robert Dewey around disclosure and the Officers Code of Conduct and explained that there would be no personal impact on Councillor Carver arising from the outcome of the debate.

During discussion Councillor Arnold Woolley proposed that the request from Councillor Carver to allow him to speak on the item at County Council and other Committees be granted but that he must leave the room when the vote was taken. This was seconded by Mr. Dewey and agreed by the Committee.

Councillor Carver was invited to re-join the meeting and the Chairman informed him of the Committee's decision to grant his request for dispensation subject to the above condition.

Application for dispensation from Councillor Clive Carver to discuss with Officers the failed Community Chest Grant application by the Hawarden Institute.

The Democracy and Governance Manager explained that Councillor Carver was seeking dispensation under paragraphs (d) (f) and (h) to discuss the item with Officers verbally and/or in writing, and to remain in the room but not to vote on any future hearing.

The Chairman invited Councillor Carver to sit at the table and explain the reasons for his application. Councillor Carver provided background information and context and referred to the application which had been made by the Hawarden Institute and a subsequent misunderstanding which had arisen concerning the award of a grant from the Community Chest.

The Chairman invited Members to raise questions. The Chief Officer and Councillor Carver responded to the queries and observations put forward.

Councillor Carver left the room at this point.

The Chief Officer (Governance) commented on the varying considerations to be taken into account and provided further advice to assist the Committee in reaching a decision. He stated that Councillor Carver would gain no personal benefit by participating in future debate on the item.

During discussion Mrs. Phillipa Earlam proposed that in relation to the application which had been submitted that Councillor Carver be allowed to speak to Officers, in person or by telephone, provided there was at least one witness which would ensure there were at least three people involved in the conversation,

and that the conversation be minuted. That Councillor Carver also be allowed to contact Officers in writing if he wished. If the discussions failed to resolve Councillor Carver's concerns about the application and the grant application was either resubmitted to the Community Chest Panel or a fresh application was made, then Councillor Carver would need to submit a further request for dispensation to the Standards Committee. Mr. Kenneth Molyneux seconded the proposal and this was agreed by the Committee.

The Chairman invited Councillor Carver back into the room and informed him of the Committee's decision. He informed Councillor Carver that the Committee had decided to allow him to speak to Officers verbally or in writing concerning the failed application subject to the conditions as detailed above.

Application for dispensation from Councillor Veronica Gay to discuss with Officers future use by the community of the Sandy Lane Community Centre and Youth Club, Saltney.

The Democracy and Governance Manager explained that Councillor Gay was seeking dispensation to speak and vote on the item under paragraphs (d) (f) and (h).

The Chief Officer (Governance) distributed copies of a written statement which had been provided by Councillor Gay in support of her request for dispensation. The Chief Officer provided background information and context to the application and explained that Councillor Gay was a volunteer and committee member for the Sandy Lane Community Centre but had no personal or financial interest in the Centre. Councillor Gay sought dispensation to discuss with officers, attend meetings and to speak and vote on potential proposals concerning future use of the Community Centre and Youth Club, the creation of a community hub/onestop shop in Saltney for the provision of council and other public services, and the negotiation of a new management agreement for the Centre.

The Chief Officer explained that although Councillor Gay had requested to speak and to vote in her application he had advised her it would be inappropriate in her position as voluntary Chairperson of the Community Centre to vote on matters concerning funding in relation to the future of the Community Centre building.

During discussion Officers responded to the queries and views expressed by members and, for consistency, reference was made to the previous decisions made by the Committee regarding such requests.

Councillor Arnold Woolley proposed that dispensation be granted for Councillor Gay under paragraphs (f) and (h) only to correspond and speak to Officers on the item, provided there is a witness which would ensure that at least three people would be present, and the conversation was minuted. Also that Councillor Gay be allowed to speak on the matter at any Council or committee meeting but not to vote and to withdraw from the room at the point the vote was taken. The proposal was seconded by Mr. Robert Dewey and agreed by the

Committee. The dispensation would apply to Councillor Gay in her capacity both as a Town Councillor and as a County Councillor.

RESOLVED:

- (a) That Councillor Christine Jones be granted an extension to her dispensation relating to erection of crematorium at Northop which would now end on 2 September 2015;
- (b) That Councillor Clive Carver be granted dispensation under paragraph (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak at County Council and/or other Committees relating to the Officers' Code of Conduct but to leave the room when the vote was taken;
- (c) That Councillor Clive Carver be granted dispensation under paragraphs (d) (f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak to Officers, in person or by telephone, provided there was at least one witness, which would ensure there were at least three people involved in the conversation, and that the conversation be minuted. Also, that Councillor Carver be allowed to contact Officers in writing if he wished. If the discussions failed to resolve Councillor Carver's concerns about the application and the grant application was either resubmitted to the Community Chest Panel or a fresh application was made, then Councillor Carver would need to submit a further request for dispensation to the Standards Committee; and
- (d) That Councillor Veronica Gay be granted dispensation under paragraphs (f) and (h) only of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to correspond with Officers on the item. Also to speak to officers provided there is a witness which would ensure that at least three people would be present, and that the conversation was minuted. Also that Councillor Gay be allowed to speak on the matter at any Council or committee meeting but not to vote and to withdraw from the room at the point the vote was taken

16. REVIEW OF THE FLINTSHIRE PLANNING CODE OF PRACTICE

The Democracy and Governance Manager introduced a report on the review of the Flintshire Planning Code of Practice. He provided background information and referred to the main proposed alterations to the planning code which were detailed in the report. He explained that the Planning Code with proposed alterations shown as tracked changes and comments showing the reason for the alterations, was appended to the report for comment by the Committee prior to consideration by the Planning Strategy Group.

The Democracy and Governance Manager referred to the Model Planning Code which had recently been received from Peter Keith Lucas.

Members reviewed the Flintshire Planning Code of Practice and made the following additions and changes to the proposed alterations:

Section 2 - Role of Members

Following consideration of the Model Planning Code received from Peter Lucas it was agreed that the following new paragraph (2.3.4) be added to Section 2:

Members should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political group meetings should never dictate how Members should vote on a planning issue.

Section 3 - Training:

Councillor Arnold Woolley expressed concerns around the proposal in paragraph 3.4 to grant an exception, where good reason, to the requirement in paragraph 3.3 that members of the Planning and Development Control Committee (including substitute members) attend 75% of the planning training topics. It was also suggested that when a Member fell below the 75% limit they should be given a timeframe of 6 months to return to the 75% level. The Democracy and Governance Manager responded to the concern raised around relaxing the 75% requirement and explained the rationale for the proposed change. He commented that the 75% limit was an internal threshold and was one of the few instances where a minimum requirement was set.

During discussion members raised concerns around the issue of public perception and it was suggested that any exceptions to the training requirement would be viewed better if granted by the Standards Committee, which comprised co-opted members as well as elected Members, rather than the Planning Strategy Group.

It was proposed that the wording in paragraph 3.4 be amended as follows: "Attendance at planning training will be monitored and reported to the Planning Strategy Group. The Standards Committee may grant an exception to the requirements of paragraph 3.3 for 6 months where there is good reason for a Member temporarily failing to meet this requirement". When put to the vote the proposal was carried.

Section 5 – Lobbying

The Committee agreed that the following sentence be added to the end of paragraph 5.1: Members must pass on any lobbying correspondence they receive to the Development Manager at the earliest opportunity.

Mr. Robert Dewey sought clarification of the statement in paragraph 5.3 that "Members should declare significant contact with applicants and objectors" and queried the definition of significance as being on "more than three occasions by the applicant or the same objector". Mr. Dewey read out a statement with suggested alternative wording for consideration.

The Democracy and Governance Manager explained the rationale for paragraph 5.3 and emphasised the need for transparency in a situation where an applicant or objector was particularly vigorous in lobbying the Member. The Chief Officer confirmed that more than three occasions provided clarity.

Councillor Arnold Woolley proposed that the reference to more than three occasions remained in paragraph 5.3 for clarity and that the declaration was made at the committee meeting. The Chief Officer suggested that this be re-badged on the committee agenda as declarations of interest and lobbying.

It was agreed that paragraph 5.3 be amended as follows: Members should declare at the appropriate part of the committee meeting significant contact with applicants and objectors. Significant contact is where a Member has been contacted on more than 3 occasions by the applicant or the same objector (either orally or in writing).

Section 10 - Procedure at Planning and Development Control Committee

In relation to paragraph 10.5 Mrs. Phillipa Earlam referred to the comment asking whether the protocol should be attached as an appendix and it was agreed that the protocol on public speaking to the code should be attached.

Section 11 – Decisions Contrary to Officer Recommendation

During discussion it was agreed that paragraph 11.5 be amended as follows to ensure that members of the public attending the committee meeting are informed that the decision certificate may not be issued if it amounts to a significant departure from planning policy. “A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief Officer (Governance), has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer (Planning and Environment) indicated the proposed decision represents a significant departure from the planning policy and the legal officer subsequently agreed”.

RESOLVED:

That subject to the above additions and amendments the proposed alterations to the Flintshire Planning Code of Practice be submitted to the Planning Strategy Group for consideration.

17. MEMBER TRAINING

The Democracy and Governance Manager introduced a report to provide an update on arrangements for member training. He referred to the meetings of the Group Leaders held on 3 July 2014 and Democratic Services Committee held on 9 July 2014, where consideration was given to the need to explore ways in which low attendance at some Member development events could be addressed. As a result of the observations and suggestions arising from both meetings the Democracy and Governance Manager had prepared a short guidance note to

relevant officers to encourage attendance at Member training events. A copy of the guidance note had been appended to the report for members' information.

The Democracy and Governance Manager advised that all new Members of the Council received extensive induction training and in addition a Member Development programme was agreed by the Democratic Services Committee each year with each topic being offered on at least two different dates. Members who served on the Planning, Licensing, Audit or Pensions Committees were required to attend training relating to the work of such Committees.

RESOLVED:

That the various arrangements in place to provide training to Members and co-opted members of the Council be noted.

18. FORWARD WORK PROGRAMME

The Chief Officer (Governance) introduced the Forward Work Programme and invited members to put forward items for future consideration. He suggested that the following items be considered at the meeting of the Committee scheduled to be held on 3 November 2014.

- Annual audit of Declarations of Interest
- Annual Ombudsman's report

RESOLVED:

- (a) That the Forward Work Programme be agreed; and
- (b) That the items on the Annual audit of Declarations of Interest and the Annual Ombudsman's report be included on the Forward Work Programme for consideration at the meeting of the Committee scheduled for 3 November 2014.

19. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the public and no members of the press in attendance.

(The meeting started at 6.00 pm and ended at 8.55 pm)

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Chair