

## **STANDARDS COMMITTEE**

**11 APRIL 2016**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 11 April 2016

**PRESENT: Mr. Edward Michael Hughes (Chairman)**

Councillors: Hilary McGuill and Arnold Woolley

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

**APOLOGIES:**

Councillors Jonathan Duggan-Keen and David Cox.

**IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Team Manager – Committee Services

**48. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

**49. MINUTES**

The minutes of the meeting held on 7 March 2016 were submitted.

The Monitoring Officer explained that a report on the results of the survey on Members' communications would be submitted to the next meeting.

It was agreed that a template Annual Report would be provided to Members on an annual basis which would act as a prompt for producing the document.

On the Local Government Ethical Framework, the Monitoring Officer explained that a report would be submitted to the Constitution Committee on changes to the Code of Conduct. A letter would be sent to Town and Community Council's advising that any changes to their Code of Conduct were required by 26 July however he was recommending to them that any proposed changes were agreed at the Annual General Meeting. A copy of Flintshire's Code of Conduct would be provided to Town and Community Councils and notice of any changes were required to be advertised in at least one local newspaper. He suggested that Flintshire also advertise on behalf of the Town and Community Councils, with copies of their Code of Conduct being made available at County Hall and on their website to reduce costs which was agreed. Copies of their documents would need to be received by 31 May 2016.

**RESOLVED:**

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

## **50. DISPENSATIONS**

Following despatch of the agenda, a dispensation request had been received from Councillor Billy Mullin to speak at Planning and Development Control Committee, as the local Member, on a proposed development near to his dwelling which was also situated within his ward. The Planning and Development Control Committee would be considering the application which was number 054887 on 20 April 2016.

The Monitoring Officer advised that due to the nature of the application it was likely that it would be reported to the Committee on more than one occasion so suggested that if dispensation was granted, that it was done for a period of 12 months which was also in line with other similar dispensation requests.

Councillor Woolley proposed that dispensation be granted for Councillor Mullin to speak at Planning and Development Control Committee, as local Member, and that the dispensation be for a period of 12 months for this or any other similar application which was supported by the Committee.

### **RESOLVED:**

That Councillor Billy Mullin be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 10 April 2017) to speak as local Member on planning application number 054887 relating to a proposed development near his dwelling. The dispensation would apply to any other applications, which, in the Monitoring Officer's view, were substantially the same.

## **51. PLANNING PROTOCOL**

The Deputy Monitoring Officer introduced the report and explained that a recent study had been undertaken by RTPI which concluded that there was much variety of practice across Wales in the operation of planning committees and a National Protocol was recommended.

A copy of the draft Protocol was appended to the report with the main aim to improve consistency across the Local Planning Authorities (LPAs) in Wales. The report focussed on the differences between the Council's current protocol and the draft National Protocol and sought comments and suggestions in response to specific questions. Those would be reported to the next meeting of the Planning Strategy Group prior to the closing date for comments on the consultation which was 20 May 2016. A single response to the consultation would then be submitted.

The Deputy Monitoring Officer suggested that the Committee focus on questions 1, 2 3, 8 and 17 although comments were welcomed on any of the 17 questions.

### **Question 1**

Robert Dewey questioned the need for a National Protocol as he felt all local authorities worked well with their own local arrangements. Ed Hughes said he felt standard operating procedures could be beneficial to help with consistent principles.

### Question 2

The Monitoring Officer drew attention to the proposed draft protocol on personal and prejudicial interests where it said a Member was not to participate, or give the appearance of doing so, in the making of a planning decision. The proposed protocol also specifically requested Member to notify the Monitoring Officer whenever they submitted a planning application themselves and advised that a professional planning agent should be instructed to deal with the application. He highlighted the differences to those proposals against what the Council's current protocol advised. The Deputy Monitoring Officer said that those two elements accorded with the principles of the Council's protocol although there was no requirement to appoint a professional planning agent.

The Deputy Monitoring Officer added that the draft protocol did not acknowledge the possibility that a dispensation may allow a Member to take part in the application which was in the Council's current protocol. The Committee felt this should be included in the draft protocol.

### Question 3

The Deputy Monitoring Officer explained that the difference between the draft protocol and the Council's protocol was that the draft protocol specifically set out the need for a Member to consider whether they were speaking as a local Member or as a Member of the Planning Committee. He suggested that although the Council's protocol was clear about keeping an open mind on planning decisions, all Members of the Planning Committee may find this helpful. The Committee supported this and added that there should be a specific requirement for a Member who has spoken as a local Member to leave the Planning Committee area.

### Question 8

A discussion took place and Members did not consider that the requirement for a Member who had submitted an application should be precluded from the site visit in the proposed National Planning Protocol.

### Question 17

No further comments were received on the questions contained in the report.

In summary, it was agreed that the following comments be made to the Planning Strategy Group for consideration in forming a single response to Welsh Government on the proposed Draft National Planning Protocol:

1. No comments on the need for a National Planning Protocol
2. Dispensations should be included in the National Planning Protocol

3. If a Member submitted a planning application, contact should be made with the Monitoring Officer
4. Members to be clear as to whether they were speaking as a Member of the Planning Committee or as a local Member and if speaking as local Member a specific requirement to leave the Planning Committee area after they have spoken
5. The Committee did not consider that the requirement for a Member who had submitted an application should be precluded from the site visit

**RESOLVED:**

That the following comments be submitted to the Planning Strategy Group for consideration in forming a single response to Welsh Government on the proposed Draft National Planning Protocol:

1. No comments on the need for a National Planning Protocol
2. Dispensations should be included in the National Planning Protocol
3. If a Member submitted a planning application, contact should be made with the Monitoring Officer
4. Members to be clear as to whether they were speaking as a Member of the Planning Committee or as a local Member and if speaking as local Member a specific requirement to leave the Planning Committee area after they have spoken
5. The Committee did not consider that the requirement for a Member who had submitted an application should be precluded from the site visit

**52. FORWARD WORK PROGRAMME**

The Monitoring Officer advised that a report on the survey undertaken on Members' communications would be submitted to the next meeting. He also requested any items that the Committee would like to be raised at the Standards Forum in July be provided at the next meeting.

**RESOLVED:**

- (a) That the Forward Work Programme be noted; and
- (b) That a report be submitted to the next meeting on the outcome of the survey on Members' communications.

**53. 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 7.20 pm)

.....

**Chairman**

