

## **CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE**

**11 APRIL 2019**

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Thursday, 11th April, 2019

**PRESENT: Councillor Marion Bateman (Vice Chair in the Chair)**

Councillors Glyn Banks, Chris Bithell, Jean Davies, Rob Davies, Ian Dunbar, David Healey, Joe Johnson, Mike Peers, Neville Phillips, Ian Smith and David Wisinger

**SUBSTITUTES:**

Councillors Janet Axworthy (for Clive Carver), Vicky Perfect (for Michelle Perfect) and Patrick Heesom (for David Williams)

**APOLOGIES:** Councillor Rita Johnson, Bob Connah, Ted Palmer, Paul Shotton and Arnold Woolley.

**ALSO PRESENT:** Councillors Christine Jones and Haydn Bateman (as observers)

**IN ATTENDANCE:** Chief Officer (Governance), Deputy Monitoring Officer, Democratic Services Manager and Democratic Services Support Officer

It was agreed to send a letter of condolence to the Chair, Councillor Rita Johnson, for the loss of her father.

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

None were received.

**22. MINUTES**

The minutes of the meeting held on 29 November 2018 were submitted.

**Matters arising:**

Councillor Dunbar asked that the minutes reflected the apologies for himself and Councillor Paul Shotton.

**RESOLVED:**

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

**23. REVIEW OF THE COUNCIL'S PLANNING CODE OF PRACTICE**

The report was introduced by the Deputy Monitoring Officer and provided information on the review undertaken by the Standards Committee of the

Council's Planning Code of Practice (PCP). This document formed part of the Council's Constitution and covered a range of matters on the Council's planning functions. It was the responsibility of the Standards Committee to review all protocols within the Constitution to ensure they were current. The recommendations were mainly typographical errors, shown as tracked changes. The first substantive amendment was to replace "the councillor may do" with "the councillor must do" throughout the document. The second amendment was at the new paragraph 4.07 of the Code to outline the Cabinet Members involvement with the Planning Committee and the implications for personal and prejudicial interests.

Councillor Ian Dunbar referred to 5.5 in the report and sought clarification on whether as a local member he should seek advice prior to meeting residents to discuss a planning application where he would be asked to provide advice or respond to questions. In response, the Deputy Monitoring Officer confirmed the principle remained the same that if a Member of the Planning Committee aligned himself with one side as local Member and decided to object to a development then he should not sit as a Member of the Committee but just appear as a local Member.

Councillor Mike Peers asked how member training was recorded for the Planning Committee to ensure vacancies could be filled promptly from all political groups. He suggested it would be prudent for more Members to be trained to sit on the Committee not just as substitutes. He then referred to the amendments made by the Standards Committee and asked if the document should go to the Planning Strategy Group (PSG) prior to County Council in case there were further changes they would like to make. He suggested recommendation number 2 should be amended to say the PCP be reported to the PSG before County Council. In response the Deputy Monitoring Officer agreed it was a good idea for PSG to consider the Code of Practice but this report was part of the Standards Committee's review on code of conduct issues within the Code of Practice which was why it came to this Committee prior to County Council. He suggested if a separate report to PSG was made to look at other changes it could delay the report going to County Council.

The Cabinet Member for Planning and Public Protection agreed with Councillor Peers' comments but said these were minor amendments. He referred to 4.7 in the report which he had personally asked be included to provide clarification for Cabinet Members and Members. There had been no alteration of the Policy but it was up to Committee to decide if there was a requirement for the document to go to PSG prior to County Council.

Councillor Ian Smith asked if Member Training was only carried out in the daytime which would prove difficult for Members who worked like himself. He then referred to the PSG which he felt was a secret Committee, not open and transparent.

In response to the question of Member Training, the Cabinet Member for Planning and Public Protection said when new Members were first elected they were offered training provided by Chief Officers to enable them to sit on Committee as speedily as possible. As regards the PSG he said that because of the nature of this meeting and the confidentiality that was required, it was not

helpful to hold open meetings until projects had progressed to consultation when all Members were consulted. He then provided examples.

The Democratic Services Manager referred to question of planning training which was provided at the start of the new Council to all new Members. Existing Members of the Committee were required to attend 75% of the training offered and this was provided in morning, afternoon and evening sessions. Evening sessions were generally not well attended and sometimes did not go ahead because no Members had indicated they would attend. Councillor David Wisinger commented new Members were given “crash courses” by officers to enable them to attend Committee as soon as possible.

Councillor Neville Phillips agreed with Councillor Peers’ concerns that this had not been referred to PSG. Councillor Patrick Heesom agreed with Councillor Phillips’ view that this should have gone to PSG first but felt this was a very useful and helpful report. He then referred to Councillor Smith’s comments and said that PSG was not a secret meeting but some of the applications considered were highly confidential. He reiterated that any Member could attend a meeting at the discretion of the Chair.

Councillor Peers added these were not published reports and said Members of his group had attended meetings and then referred to the LDP and Candidate sites which were delicate discussions.

The Deputy Monitoring Officer agreed with the comments made regarding confidentiality and said Members who had asked, for whatever reason, to attend meetings had to understand the need for confidentiality

Councillor Wisinger reiterated there were open meetings but it was at the Chair’s discretion to allow Members to attend.

Councillor Peers said with regard to the document being reviewed by the PSG he was happy to accept the Deputy Monitoring Officer’s guidance on this.

### **RESOLVED:**

- a) That the PCP is fit for purpose regarding the advice relating to the Members’ Code of Conduct, the Protocol on Officer/Member relations, and the procedural advice relating to planning matters, subject to the proposed amendments referred to in paragraph 1.05 of this report and the other amendments shown in tracked changes in the appendix to this report.
- b) That the PCP be reported to full Council with advice from this Committee that it be amended in accordance with recommendation a) above.

## **24. OFFICERS CODE OF CONDUCT**

This report was introduced by the Chief Officer (Governance) who clarified the document was reviewed by the Standards Committee for the same reasons as the Planning Code of Practice. The main review concerned how declarations of interests were made and the need to provide a consistent set of forms and

guidance for officers. The review looked at practical ways of dealing with conflicts. This document had been to the Standards Committee and to the unions who were supportive of the new form and guidance.

Councillor Bithell said this was useful report and then provided a scenario of a planning officer who worked privately outside the council drawing plans etc. for a planning application and asked how would a conflict be identified? He then referred to the Members' Declarations of Interests and suggested Members were reminded to check their forms and update them if necessary. He also referred to the £10 gift which Members were encouraged to donate to the Chair's charity and asked if these donations were recorded.

Councillor Heesom agreed this was a useful report and referred to a question which used to be on the form which asked if a member was part of an association or lodge and asked if there was a similar declaration for Officers of the Council.

In response the Chief Officer referred to Councillor Bithell's question saying it would be inappropriate for a planning officer to draw up plans which would be submitted to the Council for approval especially if that officer was involved in the approval process then that would clearly be a conflict. If an architect, working for the Council, drew up plans then he could not see a conflict. Similarly licensing officers or solicitors could be brought into direct conflict. As regards re-circulating Members' Declarations of Interest he agreed a reminder could be sent to all Members

The Chief Officer then referred to gifts received by employees and that these including nominal value gifts were recorded as refused or received and donated to Chair's charity providing an audit trail. As regards membership of outside organisations senior Officers or politically restricted posts were requested to register their interests but this was a voluntary register, not mandatory, because of the rights of privacy under the Human Rights Act. There was a mandatory requirement however to declare an interest if a conflict could be proven to exist. There was legislation for officers to do so which was different to that Members follow.

Councillor Glyn Banks asked if this had been presented to the Standards Committee. The Chief Officer confirmed it had in January which they approved provided it was supported by the unions. The changes had been supported by the Unions in March to enable the report to come to this Committee

The Democratic Services Manager referred Members to the website where there was an electronic version of the Councillor's declaration form which Members could view and request an update. It was agreed a reminder should be sent with a required response "yes I need to update the form" or "no the form is fine"

### **RESOLVED:**

The Committee approves the proposed changes to the explanatory guidance in the Officers' Code of Conduct

## **25. MEMBER DEVELOPMENT & ENGAGEMENT**

This was a progress report presented by the Democratic Services Manager which provided information on Member Development and Engagement events held since the last report to Committee on the 17<sup>th</sup> October 2018. He referred Members to 1.02 of the report which outlined the workshops and briefing sessions held since October. There were a variety of topics covered with some workshops having better attendance than others and unfortunately two of the three Welsh language sessions had to be cancelled as there were insufficient Members attending to justify three sessions. The Understanding Performance Reporting Workshop had been re-scheduled to 29<sup>th</sup> April next at 10.00 am.

Councillor Bithell was disappointed with the response from Members to the Welsh Language Sessions as this was a national initiative to achieve one million Welsh speakers. He commented it was an excellent presentation for the seven Members who attended but said it did not reflect well on the Council.

The Democratic Services Manager commented 63 out of the 70 Members completed the Welsh Language Questionnaire last autumn which was higher than most authorities

Councillor Healey asked for information on the process for suggesting future workshops to which the Democratic Services Manager said any Member could suggest a workshop and that it would be considered. Councillor Healey then referred to the Welsh Formula for funding which breaks down into 70 indicators saying there was a need for discussions to develop a strategy on this. In response the Democratic Services Manager agreed to refer this to the cross party working group for local government finance which had its first meeting later in the month. He could foresee workshops in future coming from this working group.

Councillor Peers referred to a Group Leader's meeting where the poor attendance at workshops was discussed. He suggested it would be beneficial if Members understood why the workshop was being held, who had requested it and the aim and benefit of holding it. Workshops came from budget meetings or Committee meetings and it would be beneficial for Members to have this information. As regards the Welsh Language sessions he felt that would be personal choice with Members deciding if it would assist them with their Councillor role. If Members understood what was required of them as Councillors and their obligations to Welsh Government (WG) under the Welsh Language Act maybe more would have attended.

In response the Chief Officer said that the Council's obligations were set out in the Council's policy and he hoped Member would support the Council to understand the issues around the language and the impacts even if they did not wish to learn the language as policy makers. Councillor Peers added this reinforced his earlier comment that more information needed to be provided to Members on the purpose of the Workshop. Councillor Bithell said the sessions were not Welsh Language sessions but the purpose was to give Members a better understanding of the obligations and requirements the Council had in

relation to the Welsh Language Act and the Council could incur penalties if the standards were not met.

The Democratic Services Manager said WG had funded the courses across Wales with a common agenda for Welsh Language Awareness. He then referred to Councillor Peers' comments on the workshops and said when requests from officers were received he would always look to see if a briefing note would suffice. He understood the time constraints on Members' time and did try to keep them to a minimum.

**RESOLVED:**

- a) The Committee notes the progress with Member Development and Engagement events since the last report.
- b) That if Members have any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

**26. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the public or press present

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**Chairman**