

STANDARDS COMMITTEE
9 FEBRUARY 2015

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 9 February 2015.

PRESENT: Edward Hughes (Chair)

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux

IN ATTENDANCE:

Chief Officer (Governance), Chief Officer (Planning and Environment) and Team Manager – Committee Services

46. DECLARATIONS OF INTEREST (including whipping declarations)

There were no declarations of interest.

47. MINUTES

The minutes of the meeting held on 8 December 2014 were submitted.

Accuracy

Minute 42 - Supplementary Protocols (Member/Officer Relations).
Phillips Ann Earlam to read Phillipa Ann Earlam.

RESOLVED:

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

48. DISPENSATIONS

Application for dispensations from Councillors John and Hilary Lamb to speak only about other sites which have been submitted for inclusion in the LDP

The Chief Officer (Governance) reported on requests for dispensations received following despatch of the agenda from Councillors John and Hilary Lamb of Northop Hall Community Council. Their requests were to speak only about sites, other than their own, which had been submitted for inclusion in the new Local Development Plan (LDP).

Mr Lamb addressed the Committee on behalf of himself and his wife and explained that they had both served on Northop Hall Community Council for 25 years. They owned a small field in Northop Hall which their son had

applied for it to be included in the LDP for small scale housing development. They had prejudicial interests in relation to consideration of their site by the Community Council and would leave the room whilst their site was being discussed.

However, they also believed that it could be perceived that they had prejudicial interests in all of the candidate sites because should they vote against any of the other sites for inclusion in the LDP, it could be the view that they were doing so to favour their own site by excluding others. They therefore did not wish to vote on any sites in the LDP but they did feel that it would not serve the interests of the public if they were excluded from participating in the debate about other sites given their vast experience gained during the last 25 years.

Of the 11 Northop Hall Community Councillors, five had less than two years' experience, with no experience of the LDP process. Included in that number was the Chairman who had 18 months experience as a Councillor and two Councillors having less than six months experience. For the reasons stated, they believed that it would be in the public interest to allow them to participate in the LDP debate in relation to the other candidate sites, not their own, without the right to vote.

The Chief Officer explained the LDP process which was where plans were developed by local planning authorities in order to provide the economic, social and environmental needs of the County and provided the opportunity for engagement with a variety of stakeholders early on in the process, such as Town and Community Councils.

The Chief Officer (Governance) asked if Northop Hall Community Council had the facility for public speaking at meetings and Mr Lamb explained that public speaking was allowed at the discretion of the Chair. Following the response, the Chief Officer clarified to the Committee that Mr and Mrs Lamb had no right to address the Community Council as members of the public as it was at the discretion of the Chair and if the Committee did not grant dispensation there was no avenue for them to share their knowledge.

He advised that it was inappropriate for them to speak on their own land which had been included in the LDP which had been acknowledged by Mr and Mrs Lamb in their application. However, they had vast experience in such matters, had resided in the area for a number of years and had been active members of the Town and Community Council.

Councillor Woolley asked how many sites were identified in the LDP for Northop Hall. Mr Lamb said he did not know the exact number but there were a considerable number.

Councillor McGuill asked if either Mr or Mrs Lamb had spoken against any of the sites identified in the LDP previously to which they both replied not that they were aware of.

At this point all members of the public withdrew from the room.

Councillor Woolley said he felt Mr and Mrs Lamb's experience would add value to any debate on the LDP and commented on the meticulous applications for dispensation that they had both submitted, where they had set their own limitations in that they did not ask to speak on their own site.

Councillor McGuill felt that speaking on other sites in the LDP could not be seen as prejudicial as they had not spoken against any of those sites previously, and particularly as they were not seeking dispensation to vote.

Councillor Woolley suggested a conditional approval on the basis that permission to speak on other sites be granted if there was no record of past prejudice on any of the other sites involved. The Chief Officer advised that such a condition would be difficult to satisfy as it would involve the Clerk to the Community Council checking past records to establish if any comments had been made in the past and whether or not those comments had been prejudicial, all of which would be at the discretion of the Clerk. Mr and Mrs Lamb had been asked if they had spoken against any of the sites previously and they had answered to the best of their ability. Robert Dewey felt that even if they had commented on sites previously, such comments would no longer apply and he supported their application.

Councillor Woolley proposed that the applications for dispensation be granted for Mr and Mrs Lamb to speak on other sites, not their own, and for them to leave the room prior to the vote being taken on the basis that they had not previously made any prejudicial comments on such sites.

Mr and Mrs Lamb were invited to re-join the meeting and the Chairman advised them of the Committee's decision to grant their requests for dispensation.

Application for dispensation from Councillor Peter York to speak and vote on Planning Application number 052922 on the installation of two Wind Turbines

Dr York addressed the Committee and explained that a similar application for a wind turbine had been submitted in 2012 during which time he was Mayor of Holywell Town Council. At that time he applied for a dispensation to speak on the item which had been granted by the Standards Committee.

The new application submitted for two wind turbines would, in his opinion, cause unrest and disquiet in the area. Although he was not a ward Councillor for the area where the application had been submitted, he did reside opposite where the proposed wind turbines would be situated. However, he stressed that he did not oppose them on their visual appearance and he was not biased about them but he did want to be able to express sensible comments to the Town Council.

The Chief Officer asked if the location of the two wind turbines was the same as the previous application to which Dr York replied it broadly was and was approximately two hundred yards from his home however he was unsure as to whether they would be visible from his property.

In response to a question from the Chief Officer, Dr York explained that, in addition to paragraphs (d) and (e), he had applied under paragraph (c) as he was one of only two Independent Members on the Town Council.

The Chief Officer advised that it was for members of the Standards Committee to determine whether or not they felt the public interest would be harmed if dispensation was granted.

At this point all members of the public withdrew from the room.

Robert Dewey said the application site appeared to more than two hundred yards away from Dr York's property and he supported the request for dispensation to speak and vote on the application, The Chief Officer suggested that if granted, the dispensation could also read 'and in the Monitoring Officer's view, on any other similar application', which was supported.

Dr York was invited to re-join the meeting and the Chairman advised him of the Committee's decision to grant his request for dispensation.

RESOLVED:

- (a) That Councillor John Lamb be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak on sites, and not his own, which have been submitted for inclusion in the LDP. To leave the room once spoken and before the vote takes place, on the basis that he had not previously spoken against any of those sites;
- (b) That Councillor Hilary Lamb be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak on sites, and not her own, which have been submitted for inclusion in the LDP. To leave the room once spoken and before the vote takes place, on the basis that she had not previously spoken against any of those sites; and
- (c) That Councillor Peter York be granted dispensation under paragraphs (c), (d) and (e) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 8 February 2016) to speak and vote on planning application number 052922 relating to two wind turbines and in the Monitoring Officer's view, on any other similar applications.

49. PUBLIC SERVICE OMBUDSMAN ANNUAL LETTER 2013/14

The Chief Officer (Planning and Environment) provided the Committee with details on the procedures put in place following the two complaints on unauthorised development and noise and other nuisance issues, information which had been requested by the Committee at the meeting in November 2014.

The Chief Officer explained the importance of being upfront and clear with objectors and developers on abatement notices with proactive work being undertaken with both parties.

There was now a prompt in the back office system where complaints could be progressed and it was his aim to move towards a 'self-service' system on Flintshire's website where the status and stage of complaints could be tracked.

Previous practice had been to submit quarterly reports to Town and Community Councils on enforcement issues and work was currently being undertaken with Town and Community Councils to ascertain what information they would find useful which could then be provided on the Website.

Robert Dewey suggested that a more explanatory status, other than 'under consideration' could be provided on the website with an indication of when further information was expected. The Chief Officer said that process was due to be introduced for Planning applications however it would be a considerable amount of work, due to the backlog, to input that data for enforcement issues.

In response to a question from Phillipa Earlam on where the information was kept, the Chief Officer explained that Enforcement Officers had access to the database which held all of the information. However, with the aim to move to an on-line process, the details would be available on the website but with some of the appropriate data fields being restricted.

Councillor McGuill asked about the process for issuing enforcement notices following a complaint. The Chief Officer explained that an Enforcement Officer would undertake a site visit and determine if there had been a breach of planning control. If there had not, an enforcement notice would not be served. The complainant would be written to with information as to why the complaint was not being progressed. He added that it was important that Town and Community Councils were aware of the enforcement process and for solutions to be negotiated wherever possible to reduce the number of enforcement notices being served.

RESOLVED:

That in light of having heard from the Chief Officer (Planning and Environment), the Committee were satisfied that the issues raised in the Public Services Ombudsman's Annual Letter 2013/14 were being addressed.

50. FORWARD WORK PROGRAMME

The Chief Officer (Governance) explained that the North Wales Standards Conference had been rescheduled from April and would now take place in October. The item would be moved on the Forward Work Programme.

Following a request from Ken Molyneux, the Chief Officer said the following items could be added onto the Forward Work Programme:

- Update on the vacancy on Standards Committee
- Further information on the planning process, particularly where a decision was taken that a resolution made by the Committee had been a significant departure from policy

RESOLVED:

- (a) That item on North Wales Standards Conference be deferred until after October;
- (b) That an update be provided on the vacancy on the Standards Committee; and
- (c) That further information be provided on the planning process, particularly where a decision was taken that a resolution made by the Committee had been a significant departure from policy.

51. FOR INFORMATION

The Chief Officer (Governance) referred to the Protocol on the Use of IT by Members, which had been circulated for information following a request at the meeting on 8 December 2014. Also circulated for information, following despatch of the agenda, was the Welsh Local Government Association (WLGA) Social Media Guidance.

RESOLVED:

- (a) That the Protocol on the Use of IT by Members and the WLGA Social Media Guidance be received for information; and
- (b) That the WLGA Social Media Guidance be endorsed and recommended to all Councillors.

52. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were three members of the public in attendance.

The meeting commenced at 6.30 p.m. and ended at 7.50 p.m.

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Chairman