

STANDARDS COMMITTEE
1 JULY 2019

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 1 July 2019

PRESENT: Julia Hughes (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen and Ken Molyneux

APOLOGIES: Rob Dewey and Phillipa Earlam

ALSO PRESENT: Flintshire County Councillor and Hawarden Community Councillor Clive Carver; and Hawarden Community Councillor Cheryl Carver attended as initiators of dispensation requests

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

9. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

10. MINUTES

The minutes of the meeting held on 3 June 2019 were approved.

Matters Arising

Minute 6: The information on Conwy County Borough Council's translation service and the sharing of costs through joint appointments of Clerks had been included in the June feedback to Town and Community Councils.

In response to comments by Councillor Johnson and the Chair, it was agreed that details of training courses for Clerks would be shared with Town and Community Councils.

Minute 7: A future item about guidance on what constituted work/activities outside the role of a Councillor would be included on the Forward Work Programme.

RESOLVED:

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

11. DISPENSATIONS

The Chair and Monitoring Officer explained the procedure in which the applicants would be permitted to speak before being asked to leave the room, along with members of the public, to enable the Committee to determine the dispensations in closed session.

Hawarden Community Council - Planning Application 060060

The Monitoring Officer presented four dispensation requests from Hawarden Community Councillors; two of which had been updated (Councillors Clive and Cheryl Carver) and a further two received following publication of the agenda (Councillors Joyce Angell and Bob Connah).

All four requests related to a planning application on the Herbert Gladstone Recreation Ground due to be considered at a meeting of the Community Council's Planning Committee. As all Hawarden Community Councillors were Trustees of the Recreation Ground, they had been advised by the Monitoring Officer, through the Clerk, that this was a personal and prejudicial interest on which they would need to seek dispensation prior to the Planning Committee meeting. The exemption provided under paragraph 12(2) of the Members' Code of Conduct did not apply to planning applications.

The applications sought different levels of dispensation. On Councillor Connah's application, the Monitoring Officer could not recall the Committee having granted a right to vote on similar dispensations in the past. He said that it was for individual Councillors to determine what level of interest to declare and whether they wished to participate when the item was considered, which could result in those meetings being inquorate. As the local Member, Councillor Carver would have the right to speak for five minutes at the County Council's Planning Committee if he was granted dispensation.

Councillors Clive and Cheryl Carver, who were in attendance, were invited to make representations.

Councillor Clive Carver clarified that the planning application had been submitted by Hawarden Rangers Football Club and that Councillor Cheryl Carver was wishing to speak in her capacity as Chair of the Planning Committee. Whilst acknowledging the precedent on previous applications, he asked that if dispensation to vote was granted to Councillor Connah, that this be extended to the other three applicants who were not seeking to vote.

In response to questions, Councillor Carver advised that 17 Members currently served on the Planning Committee whose decisions would not need to be ratified by the full Community Council. He explained the complexities of the application due to the nature of the site.

At this point, Councillor Woolley proposed the exclusion of the press and public - as provided for under the Local Government (Access to Information) Act 1985. The

Chair asked that those in the public gallery leave the room and that they would be asked back to hear the decision.

During discussion, views were expressed on whether the needs of the remaining Hawarden Community Councillors who had not sought dispensation was a material consideration and the importance of setting a precedent. It was agreed that the application form would be updated to reflect changes to the paragraphs under which dispensation could be given.

Councillor Woolley proposed that Councillor Angell be granted dispensation on the grounds requested, which was supported. He proposed that Councillor Connah be granted dispensation without voting rights, which was supported. Mr. Molyneux proposed that Councillor Cheryl Carver be granted dispensation on the grounds requested, which was supported. Councillor Johnson proposed that Councillor Clive Carver be granted dispensation on the grounds requested, which was supported. All dispensations were granted subject to the usual provisions on timescale and speaking with officers.

The members of the public and Councillors who had left the room were invited back into the meeting and informed of the decisions which would be confirmed in writing by the Monitoring Officer.

During the closing discussion, it was pointed out that the County Council Planning Committee late observation process could enable the Community Council to convene a special meeting to reach a decision, if needed.

RESOLVED:

- (a) That Flintshire County Councillor and Hawarden Community Councillor Clive Carver be granted dispensation under paragraphs (a), (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak at Flintshire County Council and Hawarden Community Council Planning Committee, but leave before the debate and vote on planning application 060060 or any application which, in the opinion of the Monitoring Officer, is similar. This allows for making verbal and written communications on the matter to officers of Flintshire County Council provided there is at least one witness when speaking to officers, thereby ensuring that there are at least three people involved in the conversation which should be minuted. The dispensation to be granted for 12 months, ceasing on 31 June 2020;
- (b) That Hawarden Community Councillor Cheryl Carver be granted dispensation under paragraphs (a), (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak at Hawarden Community Council Planning Committee, but leave before the debate and vote on planning application 060060 or any application which, in the opinion of the Monitoring Officer, is similar. The dispensation to be granted for 12 months, ceasing on 31 June 2020;
- (c) That Hawarden Community Councillor Joyce Angell be granted dispensation under paragraphs (a), (d) and (f) of the Standards Committee (Grant of

Dispensations) (Wales) Regulations 2001 to speak at Hawarden Community Council Planning Committee, but leave before the debate and vote on planning application 060060 or any application which, in the opinion of the Monitoring Officer, is similar. This allows for making verbal and written communications on the matter to officers of Flintshire County Council provided there is at least one witness when speaking to officers, thereby ensuring that there are at least three people involved in the conversation which should be minuted. The dispensation to be granted for 12 months, ceasing on 31 June 2020; and

(d) That Hawarden Community Councillor Bob Connah be granted dispensation under paragraphs (a), (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak at Hawarden Community Council Planning Committee, but leave before the debate and vote on planning application 060060 or any application which, in the opinion of the Monitoring Officer, is similar. The dispensation to be granted for 12 months, ceasing on 31 June 2020; and

(e) That the Dispensation application form be updated and brought into circulation.

12. VARIATION IN ORDER OF BUSINESS

A change in the order of business was agreed to bring forward agenda item 6 for the benefit of those in the public gallery.

13. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS

The following independent members presented their verbal reports:

Mr. Jonathan Duggan-Keen - Hawarden, Whitford and Gwernaffield & Pantymwyn Community Councils

Mrs. Julia Hughes - Connah's Quay and Flint Town Councils

During her report on Connah's Quay Town Council, the Chair said it would be useful for all Town/Community Councils to put in place alternative arrangements to enable agendas and relevant information to be published in the event that the Clerk was unavailable. She also said that a member of the public enquiring about attending a meeting could be made aware if the meeting was likely to be brief and advised of procedures, for example standing when the Chair enters the room, being advised of public information sessions or why an item was exempt from the press or public.

As the Clerk of Flint Town Council had not received feedback circulated by email, the Chair asked that all feedback letters to date be posted to him. She also suggested that Clerks be asked to confirm receipt of further feedback letters sent by email.

The following points were raised which were to be fed back to Town and Community Councils:

- Providing nameplates for committee members would help observers to identify speakers;
- The importance of stating reasons when declaring interests;
- Providing clear directions to meeting venues and car parks.

After the final four visits had been undertaken (including the Chair's visit to Shotton Town Council on 8 July), an overall report would be presented to the joint meeting with Town and Community Councils on 30 September.

RESOLVED:

That the verbal reports be received and feedback given to the Town and Community Councils.

14. ITEMS FOR DEFERRAL

Due to time restrictions and to allow for agenda items to be given proper consideration, it was agreed that items 5 (Update on the Community Asset Transfer Progress) and 7 (Feedback from the Standards Forum) be deferred to September.

15. FORWARD WORK PROGRAMME

The current Forward Work Programme was considered, noting the deferral of the two items from this meeting.

The next meeting on 2 September would include the Review of Flintshire Standard and the Public Services Ombudsman Wales (PSOW) Code of Conduct Casebook. It was agreed that no training would take place to allow for a 6pm start.

The meeting on 30 September would include the overall report on visits to Town/Community Councils, the suggested item on activities outside the role of a Councillor and the Annual Report of the Adjudication Panel for Wales.

RESOLVED:

That the Forward Work Programme be noted.

16. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the public in attendance.

(The meeting started at 6.30pm and ended at 9pm)

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Chair