

# Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Patricia Jones (Chair)

CS/NG

Councillors: David Cox, Hilary McGuill and  
Arnold Woolley

26 November 2013

## **Co-opted Members**

Robert Dewey, Jonathan Duggan-Keen, Phillipa  
Ann Earlam, Edward Michael Hughes and Kenneth  
Harry Molyneux

Sharon Thomas 01352 702324  
sharon.b.thomas@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 2ND DECEMBER, 2013** at **6.00 PM** to consider the following items.

**Please note that a training session for Standards Committee members will be held from 6.00pm until 6.30pm.**

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **WELCOME TO NEW MEMBER OF THE COMMITTEE**
- 2 **APOLOGIES**
- 3 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **MINUTES** (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting held on 4 November 2013.

5 **DISPENSATIONS**

6 **AUDIT OF DECLARATIONS OF INTEREST** (Pages 5 - 8)

To share what practice exists in other local authorities in Wales on auditing declarations of interest.

7 **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2012/13** (Pages 9 - 26)

To receive and note the Annual Letter of the Public Service Ombudsman for Wales.

8 **PLANNING CODE OF PRACTICE** (Pages 27 - 32)

To initiate a review of Flintshire's Planning Code of Practice.

9 **FORWARD WORK PROGRAMME** (Pages 33 - 34)

For the Committee to consider topics to be included on the attached Forward Work Programme.

## **STANDARDS COMMITTEE** **4 NOVEMBER 2013**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 4 November 2013.

### **PRESENT: Patricia Jones (Chair)**

Councillors: David Cox and Arnold Woolley

Co-opted members: Chris Bretherton Watt, Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam, and Edward Hughes

### **IN ATTENDANCE:**

Head of Legal and Democratic Services, Democracy and Governance Manager, and Committee Officer

## **29. DECLARATIONS OF INTEREST (Including Whipping Declarations)**

There were no declarations of interest.

## **30. MINUTES**

The minutes of the meeting of the Committee held on 14 October 2013 were submitted.

### **Matters arising**

Page 4: The Head of Legal and Democratic Services advised that he had written to the relevant Members to inform of the Committee's decision concerning requests for dispensation.

Page 5: The Democracy and Governance Manager referred to a training session for Town and Community Councils on the Code of Conduct to be hosted by Flint Town Council on 7 November 2013. He confirmed that Mr. Gareth Roberts of Bagillt Community Council had been contacted to ask him to share the training session with his network.

### **RESOLVED:**

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

## **31. DISPENSATIONS**

There were no requests for dispensation.

## **32. AUDIT OF DECLARATIONS OF INTEREST**

The Democracy and Governance Manager introduced a report on the audit of the declarations of interest process. He provided background

information and referred to the audit which was undertaken during August 2013 on a number of meetings to determine the extent of Members compliance with the requisite procedures. The results of the audit were detailed in Appendices 1 and 2 to the report.

The Democracy and Governance Manager advised that the individual Member held responsibility for ensuring that notification was given whenever necessary rested with the individual Member. However, the audit had identified a need for officers to be more proactive in chasing up the requisite paperwork to be completed by Members. He explained that a spreadsheet was being prepared to record for each Member the interests registered and those previously notified following a meeting. Where, at a meeting, a Member declared an interest that was not included on the spreadsheet the Member would be given a notification form and asked to complete it. Forms which were not completed would be chased and failing a response the Monitoring Officer would contact the Member concerned. The Democracy and Governance Manager confirmed that it was intended to undertake such audits annually during August to ensure standards were maintained and improved.

The Head of Legal and Democratic Services advised that the provisions within the Code of Conduct required Members to state whether they wished to register a personal or a personal and prejudicial interest and also to describe the nature of the interest. He explained that Members needed to specify the reason and how it arises to ensure that the full requirements of the Code were met.

The Head of Legal and Democratic Services responded to the query raised by Mr. Edward Hughes concerning the implications if a member failed to declare an interest. Councillor Arnold Woolley commented on the processes for making declarations of interest at Town and Community Councils. The Head of Legal and Democratic Services acknowledged the points put forward by Councillor Woolley.

In response to the further queries raised the Head of Legal and Democratic Services and the Democracy and Governance Manager provided clarification around the need to declare a personal interest or a personal and prejudicial interest at meetings.

During discussion Mr. Robert Dewey referred to the results of the audit and suggested that it may be helpful if a comparison was made with other Authorities. It was also suggested that the Chair of a meeting reminded Members of their responsibility to complete all sections of the form during or immediately following the meeting. The Head of Legal and Democratic Services suggested that it may be helpful to provide a short training session for each Committee to remind Members of their obligations and to inform them of the results of the audit.

It was agreed that a further report be submitted to the next but one meeting of the Committee to update members on progress of the results

shown in appendix 1, and to provide comparative information from other Authorities.

**RESOLVED:**

- (a) That the results of the audit be noted; and
- (b) That a further report be submitted to a future meeting of the Committee to update members on progress of the results shown in appendix 1, and to provide comparative information from other Authorities.

**33. ANNUAL REPORT**

The Head of Legal and Democratic Services introduced the Standards Committee Annual Report 2012/13. He advised that once approved the Report would be sent to all County Councillors, Town and Community Councils and other public bodies for information and would be published on the Authority's website. He asked members to comment on the content of the report and the intended circulation list.

Members highlighted two typographical errors on page 14. It was also agreed that the word "regularly" in paragraph 3, page 14, be replaced by the word "annually". During discussion the Head of Legal and Democratic Services provided further clarification to the queries raised by members concerning indemnity.

**RESOLVED:**

That subject to the above minor amendments the Annual Report and the intended circulation list be approved.

**34. FORWARD WORK PROGRAMME**

The Head of Legal and Democratic Services introduced the Forward Work Programme and invited members to put forward items for future consideration. He suggested that the Annual Letter from the Public Services Ombudsman for Wales, and that a review of the planning code be included on the Forward Work Programme for consideration at the next meeting of the Committee to be held on 2 December 2013.

Mr. Robert Dewey referred to the training session for Town and Community Councils on the Code of Conduct which was to be hosted by Flint Town Council on 7 November 2013. The Head of Legal and Democratic Services said members were welcome to attend the event if they wished.

The Chair referred to the retirement of Mr. Chris Bretherton Watt at the end of November 2013, and thanked him on behalf of the Committee for his commitment and valuable contribution to the work of the Committee.

**RESOLVED:**

- (a) That the Forward Work Programme be agreed; and
- (b) That the Annual Letter from the Public Services Ombudsman for Wales, and that a review of the planning code be included on the Forward Work Programme for consideration at the next meeting of the Committee.

**ITEM FOR INFORMATION - NORTH WALES STANDARDS FORUM**

The Chair distributed summary notes of a meeting of the North Wales Standards Forum which was held on 21 October 2013. She reported on the topics considered and advised that the Forum was a regional group set up to share experiences, knowledge, and consider issues of concern to assist colleagues and maintain a consistent approach across North Wales. She advised that meetings were held quarterly. The Head of Legal and Democratic Services offered to host the next meeting of the Forum in Flintshire.

During discussion the matter of Town and Community Councils having a web presence was raised. The Head of Legal and Democratic Services advised that in response to a request from Town and Community Councils in Flintshire guidance had been provided concerning the information that should be included on their websites. Mr. R. Dewey commented that he had experienced some difficulty in locating website addresses for Town and Community Councils and suggested that they consider using a standard form of email address.

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

There were no members of the public or the press in attendance.

(The meeting started at 6.30pm and ended at 7.25pm)

.....  
**Chair**

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **STANDARDS COMMITTEE**  
**DATE:** **MONDAY, 2 DECEMBER 2013**  
**REPORT BY:** **MONITORING OFFICER**  
**SUBJECT:** **AUDIT OF DECLARATIONS OF INTEREST**

### **1.00 PURPOSE OF REPORT**

1.00 To share what practice exists in other local authorities in Wales on auditing declarations of interest.

### **2.00 BACKGROUND**

2.01 At its last meeting the Committee considered the results of an audit of the process for declaring interests. It asked that practice in other councils be investigated and the results are set out below.

2.02 15 local authorities responded. 11 have not undertaken an audit. 1 is proposing to do so in January, 1 has the process audited by its internal audit team, 1 undertook an audit which has resulted in refresher sessions with members and revisions to the form. The final council (Anglesey) has been undertaking this process for some time, and it was from a presentation given by Anglesey Council's Monitoring Officer to the All Wales Standards Conference in April that gave rise to the idea to undertake an audit at Flintshire.

2.03 Anglesey very kindly supplied a number of documents including the form that they use for recording interests that have been declared. This is at Appendix 1 which could usefully be adopted at Flintshire.

### **3.00 CONSIDERATIONS**

3.01 That the Committee consider adopting the form at Appendix 1 at Flintshire.

### **4.00 RECOMMENDATIONS**

4.01 That the revised form at Appendix 1 is adopted.

### **5.00 FINANCIAL IMPLICATIONS**

5.01 None

**6.00 ANTI POVERTY IMPACT**

6.01 None

**7.00 ENVIRONMENTAL IMPACT**

7.01 None

**8.00 EQUALITIES IMPACT**

8.01 None

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 None

**12.00 APPENDICES**

Appendix 1 – Members’ Declaration of Interest at Meetings form

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

As referred to in the report.

**Contact Officer: Gareth Owens**  
**Telephone: 01352 702344**  
**Email: gareth.legal@flintshire.gov.uk**



**MEMBERS' DECLARATION OF INTEREST AT MEETINGS**

Name of Member:
Name of Meeting:
Date of Meeting:
Agenda Item (number and title):

Members are required to complete boxes 1, 2, 3 and 4 below.

**1. The nature of the personal interest is :**

**2. The Council business to which the personal interest relates is :**

**3. Members are required to tick one box**

The personal interest is **not prejudicial\*** and I took part in the item **OR**

The personal interest is **prejudicial\*** and I left the meeting when the item was discussed **OR**

The personal interest is **prejudicial\*** but I have a dispensation

\*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

**4. Members are required to tick one box and to provide reasons**

I believe my personal interest is **not prejudicial\***

**Because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed .....

Date of signature .....

**THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **STANDARDS COMMITTEE**

**DATE:**               **MONDAY, 2 DECEMBER 2013**

**REPORT BY:**       **MONITORING OFFICER**

**SUBJECT:**           **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2012/13**

### **1.00 PURPOSE OF REPORT**

1.00 To receive and note the Annual Letter of the Public Service Ombudsman for Wales, copy attached as Appendix 1.

### **2.00 BACKGROUND**

2.01 The Annual Letter provides a clear and precise breakdown of all complaints received and investigated by the Ombudsman's office during 2012/13 in relation to the Council. These cover both complaints about services provided by the Council and complaints about councillors under the Code of Conduct.

2.02 In summary:

- The number of complaints rose from 39 to 40 putting Flintshire in line with the Welsh average adjusted for population distribution.
- The number of complaints taken into investigation rose from 3 to 4.
- The number of quick fixes and voluntary settlements is double the average whilst the number of upheld reports is below average.
- However, a quarter of all complaints took over 6 weeks for the Council to respond which whilst marginally better than the local authority average for Wales is unfortunately an increase on last year.

2.03 I have set out below a table showing the trends for complaints by outcome under the Code of Conduct for the year 2012/13. It is pleasing to note the very small number of complaints and the fact that none merited formal investigation.

<b>Stage / Year</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
Not investigated	8	9	4
No evidence of breach	2	0	0
No further action	0	2	0
Refer	2	0	0
Withdrawn	1	0	0

**3.00 CONSIDERATIONS**

3.01 The Committee is asked to consider what recommendations, if any, are required arising out of the findings in the Annual Letter.

**4.00 RECOMMENDATIONS**

4.01 That the Standards Committee makes any recommendations it believes appropriate with regard to the letter.

4.02 That the Committee note the contents of the letter.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None

**6.00 ANTI POVERTY IMPACT**

6.01 None

**7.00 ENVIRONMENTAL IMPACT**

7.01 None

**8.00 EQUALITIES IMPACT**

8.01 None

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 None

**12.00 APPENDICES**

12.01 Appendix 1 - Annual Letter of the Public Service Ombudsman for Wales

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

As referred to in the report.

**Contact Officer:** Gareth Owens  
**Telephone:** 01352 702344  
**Email:** [gareth.legal@flintshire.gov.uk](mailto:gareth.legal@flintshire.gov.uk)

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Our ref: PT/jm

Ask for: James Merrifield

Your ref:

 01656 644 200

Date: 9 July 2013

 [James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk)

Mr Colin Everett  
Chief Executive  
Flintshire County Council  
County Hall  
Mold  
Flintshire  
CH7 6NR

Dear Mr Everett

### **Annual Letter 2012-2013**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2012-2013) for Flintshire County Council.

As outlined in my Annual Report, the number of new complaints to my office increased by 12% compared with 2011/12. Health complaints continue to be the most numerous type of complaint and now account for more than a third of all complaints received. Housing and planning are the next largest areas of complaint, however, planning complaints are noticeably fewer in number compared to housing for the first time since the office came into existence (accounting for 16% and 12% of the caseload respectively).

In reference to the overall performance of County/County Borough Councils in Wales, whilst there has been a 35% increase in the number of investigation reports issued by my office during 2012/13 compared with 2011/12, I am pleased to note that, despite this increase, there has been no increase in the average number of 'upheld' reports issued against County/County Borough councils. Whilst I have had cause to issue a number of Public Interest Reports identifying serious concerns and failings, these reports have all concerned health bodies. Nevertheless, I would urge all bodies in Wales to read the reports to learn any general lessons appropriate to the services they deliver.

I note that the average number of 'Quick Fixes' and 'Voluntary Settlements' achieved with local authorities has decreased compared with 2011/12, from 5 to 4 cases. Such settlements are an effective way to resolve complaints at an earlier stage and without the need for a full investigation. As such, in order to maximise the opportunities to learn lessons from these types of cases, you can now find the

summaries of quick fixes and voluntary settlements included in my quarterly publication, The Ombudsman's Casebook.

However, I am disappointed to note that the amount of time taken by public bodies in Wales in responding to requests for information from my office has not improved. I am concerned that 45% of all responses took longer than five weeks, with 28% of responses taking in excess of 6 weeks. Whilst I appreciate that resources are stretched at this time, such delays obstruct me from providing complainants with the level of service which they should rightly expect to receive and I urge all Welsh public bodies to review their performance.

In reference to your Council, I note that there has been a small increase in the number of complaints received by my office compared with 2011/12, although this figure is level with the average. There has also been an increase in the number of complaints taken into investigation by my office, which is above the average. As with 2011/12, the largest single areas of complaint remain 'Housing' and 'Planning and Building Control'. It is pleasing to note a large increase in the number of quick fixes and voluntary settlements, which is more than double the average, whilst the number of 'upheld' reports is below the average. However, it should also be noted that a quarter of requests for information by my office were received more than six weeks after they were requested.

As with previous exercises, a copy of this letter will also be published on my website. I would also be glad to meet with you to discuss the contents of this letter and the work of my office if you consider it beneficial.

Yours sincerely

Peter Tyndall  
Ombudsman



## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2012-2013, with the local authority average (adjusted for population distribution<sup>1</sup>) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2012-2013. Section C compares the number of complaints against the Council which were received by my office during 2012-2013, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2012-2013. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2012-2013, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2012-2013 with the average response times for all local authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2011-2012. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2012-2013.

### **Housing Stock**

As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

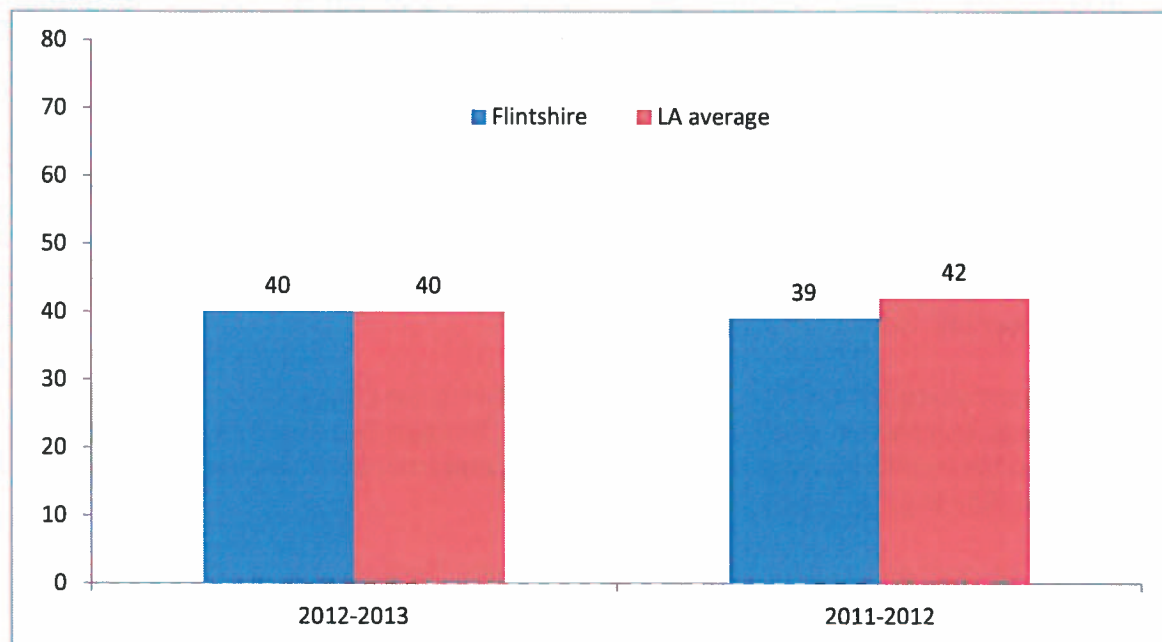
### **Feedback**

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to [james.merrifield@ombudsman-wales.org.uk](mailto:james.merrifield@ombudsman-wales.org.uk).

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<sup>1</sup> <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-262039>.

**A: Comparison of complaints received by my office with average, adjusted for population distribution**

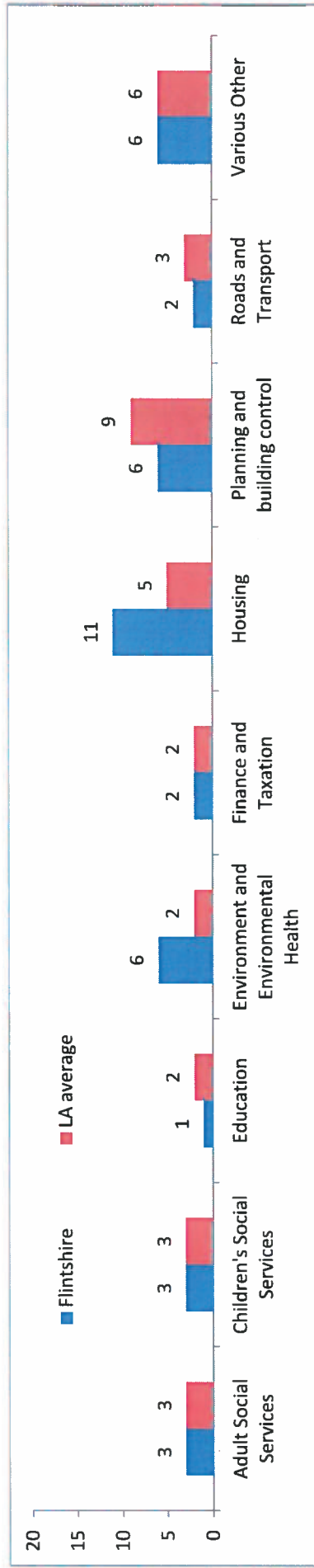


**B: Complaints received by my office**

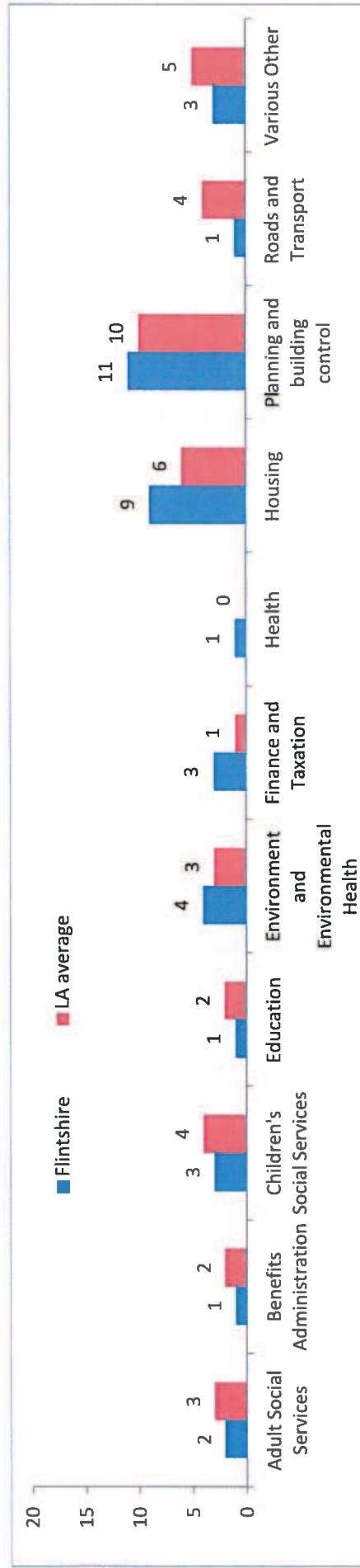
Subject	2012-2013	2011-2012
Adult Social Services	3	2
Benefits Administration	0	1
Children's Social Services	3	3
Education	1	1
Environment and Environmental Health	6	4
Finance and Taxation	2	3
Health	0	1
Housing	11	9
Planning and building control	6	11
Roads and Transport	2	1
Various Other	6	3
<b>Total</b>	<b>40</b>	<b>39</b>

**C: Comparison of complaints by subject category with LA average**

**2012-2013**



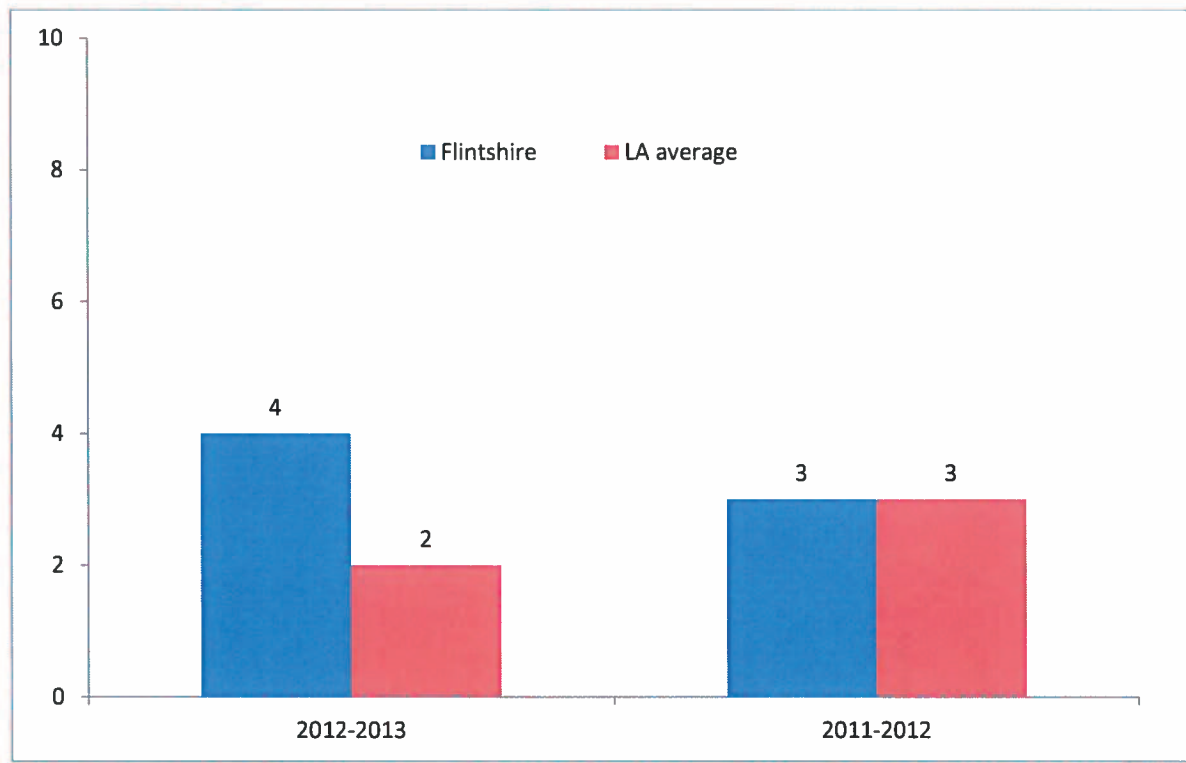
**2011-2012**



**D: Complaints taken into investigation by my office**

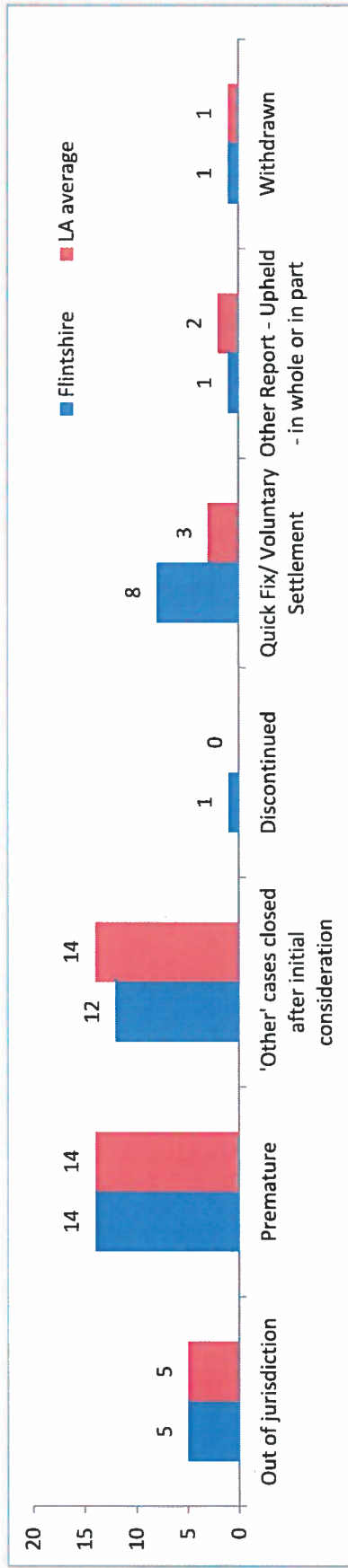
	2012-2013	2011-2012
Number of complaints taken into investigation	4	3

**E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution**

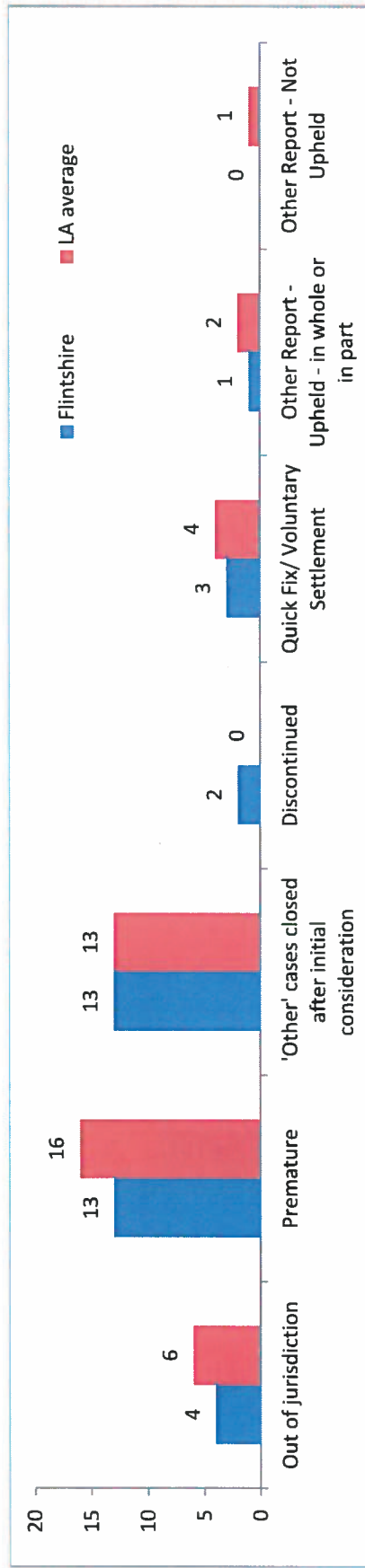


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

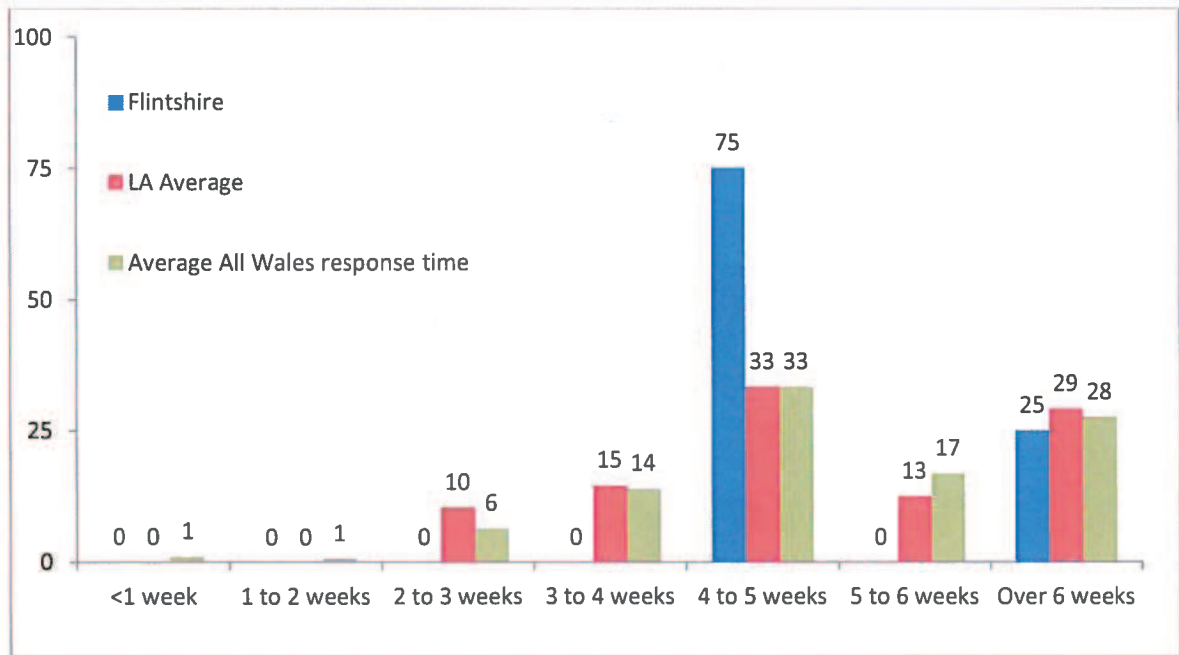
**2012-2013**



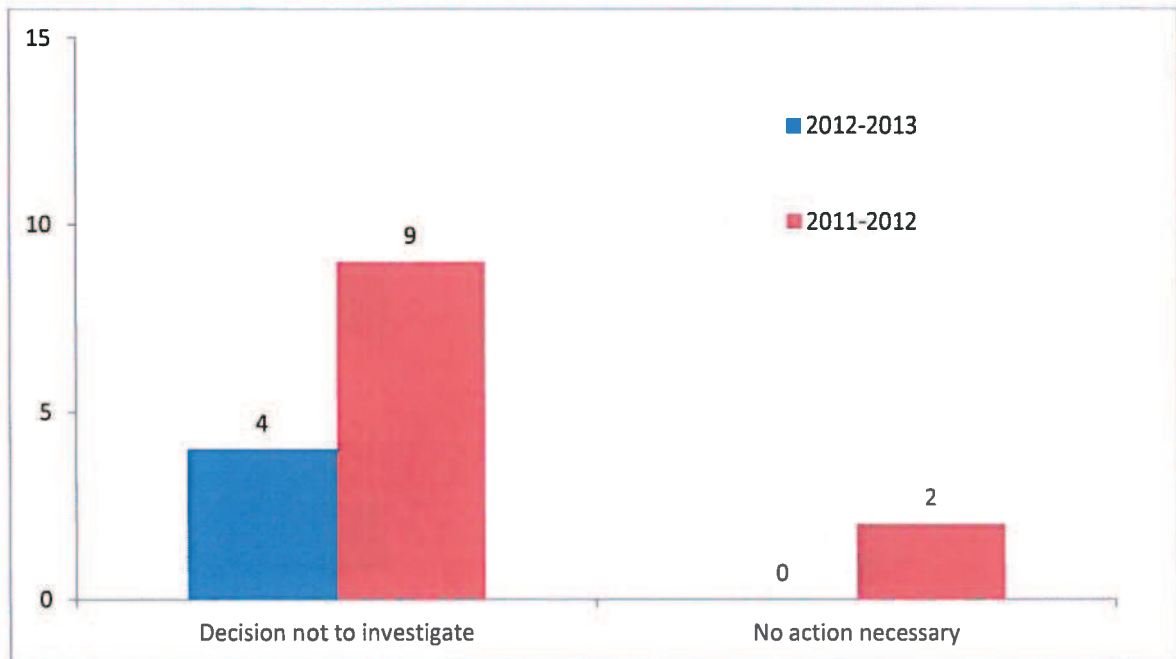
**2011-2012**



**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2012 – 2013 (%)**



**H: Code of Conduct complaints**



## **I: Report summaries**

### **Education**

#### **Quick fixes and Voluntary settlements**

##### **November 2012 – Special Educational Needs – Flintshire County Council**

Mrs W complained that the Council had not updated C's (her daughter's) Statement of Special Educational Needs (SEN) for the last four years. She also complained that she had not received an adequate explanation as to how the decision was reached to place C in a taxi from the Education Centre with another young person on 18 January 2012. Mrs W complained that the Council had made no provision for C's education from 18 January, when C stopped attending the Education Centre.

Whilst the Ombudsman found a number of procedural and administrative errors on the part of the Council in dealing with the matters complained about, he was satisfied that the settlement reached was reasonable and adequate to put matters right for C. The Council took steps to review C's SEN. It apologised to Mrs W and C for the distress caused to them by the decision to place her in a taxi with another young person on 18 January. The Council agreed to provide a maths tutor for C for 3 hours a week and a Teaching Assistant, initially for 6 hours a week but rising to 15 hours.

The Ombudsman reminded the Council of its obligations to C as a relevant child with an SEN, including its obligation to ensure that C's SEN is reviewed on an annual basis.

**Case reference 201103485**

## **Environment and Environmental Health**

### **Quick fixes and Voluntary settlements**

April 2012 – Noise and other nuisance – Flintshire County Council

Mr S had complained about his neighbour and noise nuisance due to motorbike scrambling.

The Council had agreed to provide a substantive response to his previous complaint. Unfortunately this was not forthcoming and the situation had escalated.

The Council agreed to meet with Mr S to go over relevant caselaw and provide a full explanation for its actions. It agreed to apologise for not providing a substantive response previously and for another letter which had been less than helpful.

**Case reference 201200356**



## Housing

### Quick fixes and Voluntary settlements

#### **December 2012 – Other – Flintshire County Council**

Miss A disputed the Council's assertions that she was liable for a bond claim of £525.00 that it said she owed for damages caused to her private rented accommodation. She complained unsuccessfully to the Council.

Based on the facts of the case, the Ombudsman felt there was scope to reach a settlement on Miss A's complaint. In response to the Ombudsman's approach, the Council accepted that there were insufficient grounds for holding Miss A liable for the £525.00. The Council made it clear that it would not seek to recover the money from Miss A. Amongst the settlement proposals that the Council agreed to was the following:

- that the Chief Executive would apologise in writing to Miss A for the Council's shortcomings in dealing with her complaint. In addition, the Council would pay Miss A the sum of £250.00 in recognition of the distress and inconvenience that these shortcomings had caused her.
- that the Council would review Miss A's case to consider what lessons could be learnt to prevent a recurrence. The Council would also take steps to implement, within a timely manner, any measures/actions identified as being required. The Council was asked to provide the Ombudsman's office with a copy of its findings.

**Case reference 201202484**

#### **January 2013 – Other – Flintshire County Council**

Mr C complained that the Council had failed to carry out repairs to the wet room at his property. He said that the wet room is suffering from damp and that the shower, sink and toilet are all outdated and in a poor condition. He requested that the Council renew the wet room. He stated that he had previously raised his concerns with the Council, and provided documents to us to demonstrate this, but complained that it has not resolved the problem.

My office contacted the Council, which confirmed that a response was due to be sent shortly. Once sent, the response included an apology for its failure to issue a more prompt response. The Council subsequently completed the work.

**Case reference 201203250**

## **Social Services - Children**

### **Upheld**

#### **January 2013 – Other – Flintshire County Council**

The complaint was about the failure of the Council's Social Services department to deal appropriately with a referral from a Health Professional, made on 22 October 2009, about Mrs X's circumstances at that time. Mrs X had one younger child (child X) and had encountered problems with her more recent pregnancy. The referral to Social Services was made in child X's name and suggested that Mrs X was very likely to have already undergone a termination of pregnancy.

The complaint was underpinned by Mrs X's view that Social Services had no reason to be involved in her situation and once it became involved that it was unclear on the basis of its involvement and caused distress to the family.

Having taken account of his independent professional Adviser's view, the Ombudsman found that there were significant shortcomings in the management of this case. He said that the Council received a Child Protection referral in the name of child X but did not deal with it satisfactorily. The Ombudsman was of the view that the referral was inappropriately managed outside of the statutory framework and guidance.

The Ombudsman pointed out that the decision-making process in relation to the later change of referral status from Child Protection to 'child in need' was not evidenced, and said that the manner in which it had been reclassified was unsatisfactory.

The Ombudsman was concerned at the outset that the Council had failed to adequately check whether a termination of pregnancy had taken place. He also pointed out that, if the Council was of the view early on that this was not a child protection referral, then it had no basis for carrying out enquiries without parental consent. He was also concerned about the lack of clarity around who the referral related to and the nature of it. This subsequently resulted in an unclear unannounced visit being made to Mrs X in mid-November. The Ombudsman also criticised the record keeping in this case. He was also concerned about the Council's response to the stage 2 investigation.

The Ombudsman concluded that, although Social Services had a responsibility to investigate the circumstances as originally referred, there were significant shortcomings in the approach it subsequently took. To the extent of his findings, the Ombudsman upheld the complaint.

The Ombudsman recommended that the Council provided an apology and redress payment of £500 in light of the distress to Mrs X and the time and trouble incurred. He also recommended that staff be reminded of the relevant frameworks and that recording practices be improved. He also made a recommendation in relation to the Council's response to complaints and finally recommended that the practice matters raised form part of the Council's Quality Assurance programme.

**Case reference 201200164**

## **Quick fixes and Voluntary settlements**

### **April 2012 - Other - Flintshire County Council**

The Ombudsman received a complaint from Mr D. Mr D's complaint was in relation to Children's Social Services and the lack of support he felt he had been offered since the adoption of four small children in December 2009. Mr D questioned why the post adoption support could not be supported by Conwy Social Services, as that was where he resided. He was also unhappy with the length of time the Council were taking to respond to his complaint.

On receiving this information, the Ombudsman contacted the Council and requested that they wrote to Mr D apologising for the delay in responding to his complaint. The Ombudsman also requested that a full response was sent to Mr D within the next 30 working days. The Council agreed to this action, therefore the file on Mr D's complaint was closed.

**Case reference 201104006**



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **STANDARDS COMMITTEE**  
**DATE:**                 **MONDAY, 2 DECEMBER 2013**  
**REPORT BY:**         **MONITORING OFFICER**  
**SUBJECT:**            **PLANNING CODE OF PRACTICE**

### **1.00 PURPOSE OF REPORT**

1.01 To consider whether a review of Flintshire's Planning Code of Practice is appropriate at the present time.

### **2.00 BACKGROUND**

2.01 The Nolan Committee on Standards in Public Life led to the creation in the Local Government Act 2000 of the ethical framework for Members including the creation of Standards Committees and Codes of Conduct for Members. One recommendation of the Nolan Committee that was not subsequently enshrined in the new ethical framework was that planning authorities should have their own code of practice relating to the planning process.

2.02 Flintshire has had such a planning code in place for many years and it is incorporated into the Constitution. It is due for review by the Committee this month as part of the Committee's work programme. The original planning code was devised by a working group of members advised by senior officers from Planning and Legal. It has subsequently been amended and updated by that same working group. The contents of the code are shown in appendix 1.

2.03 The working group that created the planning code has continued to exist with widened terms of reference and is now known as the Planning Strategy Group. At its meeting on the 21 November 2013 the Planning Strategy Group received a report from the Head of Planning on a recent Welsh Government study into the operation of Planning Committees in Wales.

2.04 Recommendation 2 of the Welsh Government study was that a National Planning Committee Protocol should be established, regularly reviewed, applied to each local planning authority and incorporated into its Constitution. The protocol should cover:- The Members' Code of Conduct; the involvement of Members in pre-application discussions; distinguish between the decision making and local representative roles at committee; set training obligations; set

out site visit procedures; clarify the role of Members when an appeal is lodged against officer recommendations; establish the decision making process, public speaking arrangements and customer care issues.

- 2.05 At its meeting on the 21 November the Planning Strategy Group decided to await the publication of the Planning Reform Bill and White Paper in the near future rather than undertaking a review of Flintshire's Planning Code of Practice at the present time.
- 2.06 The Council's Constitution Committee is in the second year of a 3 year agreed programme to review all parts of the Council's Constitution. The Planning Code of Practice is scheduled for review by that Committee in the last year of the programme (May 2013 to April 2014).

### **3.00 CONSIDERATIONS**

- 3.01 Flintshire has had a Planning Code of Practice for many years unlike some planning authorities in Wales. Flintshire's existing code covers each of the areas referred to in the recommendation in the Welsh Government study except for where the area is already covered in the Members' Code of Conduct. The Standards Committee may therefore consider there is no urgent need to review Flintshire's Planning Code of Practice at the present time but to await progress with the national proposals.
- 3.02 The Council's officers do intend to keep abreast of the emerging national proposals contained in the Planning Reform Bill, White Paper and National Planning Committee Protocol. There will also be continuing liaison between Council officers and the Planning Officers' Society Wales, the Welsh Local Government Association and within the Council reports to the Planning Strategy Group, and during 2014/15 to the Constitution Committee. The Committee may therefore consider an update report to a future meeting of the Committee in a few months time would be useful.

### **4.00 RECOMMENDATIONS**

- 4.01 To note the contents of the report and to receive a further report in a few months time when the national proposals should have progressed.

### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None as a result of this report.

### **6.00 ANTI POVERTY IMPACT**

- 6.01 None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

**8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 Appendix 1 – Contents of Planning Code of Practice

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

Welsh Government study report of July 2013

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# FLINTSHIRE COUNTY COUNCIL

## PLANNING CODE OF PRACTICE

### HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER PLANNING ISSUES



Planning Division,  
Directorate of Environment & Regeneration,  
County Hall,  
Mold,  
Flintshire. CH7 6NF

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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>July 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Retirement from Committee</li> </ul>	Independent Member – Mrs P Jones (July)
<b>June 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Review of effectiveness and operation of Local Resolution Procedure</li> <li>• Review Members' Code of Conduct</li> </ul>	
<b>May 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> </ul>	
<b>April 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> </ul>	
<b>March 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> </ul>	
<b>Feb 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> </ul>	
<b>Jan 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Review Officers Code of Conduct</li> <li>•</li> </ul>	North Wales Standards Forum - GO offered to host the next meeting of the Forum in Flintshire.
<b>2 Dec 2013</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Audit of Declarations of Interest</li> <li>• Review Planning Code of Practice</li> <li>• Annual Report of the PSOW</li> </ul>	<p>4/11/13 - Audit of Declarations of Interest: - Further report on</p> <ul style="list-style-type: none"> <li>• Comparison of how the declarations of interest process was applied in other Authorities.</li> <li>• Wording on the requisite notification form be strengthened to remind Members of their responsibility to complete all sections of the form during or immediately following the meeting.</li> <li>• GO suggested providing a short training session for each Committee to remind Members of their obligations and to inform them of the results of the audit (in hand).</li> </ul> <p>4/11/13 - Annual Report - Once approved the Report would be sent to all County Councillors, Town and Community Councils and other public bodies for information and would be published on the Authority's website (with Design &amp; Print)</p> <p>4/11/13 – Letter from the Public Services Ombudsman for Wales 4/11/13 – Review of Planning Protocols</p>

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