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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

1 April 2014

Co-opted Members

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

Maureen Potter / 01352 702322

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 7TH APRIL, 2014** 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 **APOLOGIES**
- 2 **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

3 **MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting held on 10 March 2014.

4 **DISPENSATIONS** (Pages 7 - 12)

- (i) Councillor Clive Carver (Hawarden Community Council and Flintshire County Council)

Councillor Carver has applied to extend the duration of his dispensation relating to 'Land at Overlea Drive' which was granted on 10th June 2013, for a further 12 months.

5 **REVEIW OF PLANNING CODE OF PRACTICE - UPDATE** (Pages 13 - 16)

To update the Standards Committee on the timescale for reviewing Flintshire's Planning Code of Practice.

6 **FORWARD WORK PROGRAMME** (Pages 17 - 18)

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

Agenda Item 3

STANDARDS COMMITTEE **10 MARCH 2014**

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 10 March 2014

PRESENT: Mrs Patricia Jones (Chair)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

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

APOLOGY: Mr Jonathan Duggan-Keen

ALSO PRESENT: Councillor Dennis Hutchinson

IN ATTENDANCE: Head of Legal & Democratic Services, Democracy & Governance Manager and Committee Officer

45. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Following advice given by the Head of Legal & Democratic Services, Councillor Arnold Woolley declared a personal interest in the following, as he was a member of Buckley Town Council.

Agenda Item 4 - Dispensations

The Head of Legal & Democratic Services advised that Councillor Dennis Hutchinson, who was present in the public gallery, could address the Committee on his application but would need to leave the room during debate and voting on it.

46. MINUTES

The minutes of the meeting held on 2 December 2013 had been circulated with the agenda.

Matters Arising

Minute 40: Audit of Declarations of Interest - it was confirmed that the updated Declaration of Interest form was now in use by the Council.

RESOLVED:

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

47. DISPENSATIONS

The Head of Legal & Democratic Services reported on requests for dispensations received from Councillors Carol and David Ellis to speak on a

matter relating to Hawkesbury Community Centre due for consideration at Buckley Town Council. Both had declared a prejudicial interest as Committee Member/Trustee and Chairman of the Hawkesbury Management Committee respectively. Following publication of the agenda, a request to speak and vote on the same item had been submitted by Councillor Dennis Hutchinson as a member of the Hawkesbury Management Committee.

The Head of Legal & Democratic Services provided background information on the transfer of Hawkesbury Community Centre to charitable trustees who were seeking financial assistance of £1,500 from Buckley Town Council to undertake repairs and improvements to the building. Under the Council's Code of Conduct, a personal interest only would need to be declared where financial assistance was being sought up to £500. He explained that as Councillor Carol Ellis had been appointed to the Management Committee by Buckley Town Council, she may only have a personal interest. However the Committee was advised to consider the request which had been put forward as she had decided she had a personal and prejudicial interest.

The Democracy & Governance Manager explained that he had prepared a form on behalf of Councillor Dennis Hutchinson who was seeking dispensation to speak and vote on the item under paragraphs (d) and (h) as a member of the Hawkesbury Community Centre Management Committee, not appointed by Buckley Town Council.

During discussion on Councillor David Ellis' role of Chair on the Management Committee, the Head of Legal & Democratic Services suggested that the Committee may wish to give consideration to paragraph (f) as an appropriate reason for granting dispensation. In response to a query from Mr. Robert Dewey, it was noted that the Committee was able to consider reasons other than those given on the Member's form.

Following comments from Councillor Arnold Woolley on the need to ensure protection, the Head of Legal & Democratic Services said that if the charity had been set up in the appropriate way, there should be no risk of benefit/loss personally for the Trustees of the organisation. Following a brief explanation from Councillor Hutchinson, the Committee was asked to take a balanced view on whether to grant dispensation and also the extent of this.

The Democracy & Governance Manager explained that enquiries were ongoing to actively seek documentation relating to the financial commitment entered into by the Town Council when the organisation was formed. He went on to say that four similar requests of this nature for other organisations which had previously been made to the Committee had been granted dispensation to speak and not vote.

At this point, Councillor Hutchinson left the room to enable the Committee to debate and vote on the applications.

Whilst providing further background to the matter, Councillor Woolley raised concerns that the issue of potential individual liability remained unresolved. The Head of Legal & Democratic Services asked the Committee to consider the levels of participation from the three requests received.

Mr. Robert Dewey proposed that dispensation be granted to Councillor Carol Ellis to remain in the room, speak and vote on the item. This was duly seconded by Councillor Cox and agreed by the Committee.

Councillor Hilary McGuill proposed that Councillor David Ellis' request for dispensation to speak on the item be granted. Mr. Dewey proposed an amendment that paragraph (f) apply in addition to paragraph (h). This was agreed by the Committee.

Councillor Woolley proposed that the request from Councillor Hutchinson be granted to speak on the item. This was seconded by Mr. Dewey and agreed by the Committee.

Following advice from the Head of Legal & Democratic Services, it was agreed that whilst the dispensation granted to Councillors David Ellis and Dennis Hutchinson would permit them to speak on the item, both would be required to withdraw from the room during the debate and vote. Furthermore, it was agreed that a time limit of 12 months be applied for the dispensations granted to all three Councillors in relation to discussions on this matter.

RESOLVED:

- (a) That Councillor Carol Ellis be granted dispensation under paragraph (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at, remain in the room during the debate on and to vote at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre;
- (b) That Councillor David Ellis be granted dispensation under paragraphs (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre. The dispensation would allow him to remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so; and
- (c) That Councillor Dennis Hutchinson be granted dispensation under paragraph (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 9 March 2015) to speak at Buckley Town Council meetings in consideration of requests for financial assistance from Hawkesbury Community Centre. The dispensation would allow him to remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so.

48. ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2012/13

The Democracy & Governance Manager introduced the annual report of the Adjudication Panel for Wales which reviewed the work undertaken during the

financial year 2012-13. During this period, it was reported that five new referrals had been received from the Public Services Ombudsman for Wales (PSOW) and four appeals against decisions of local authorities' Standards Committees. A further four cases had been carried over from 2011-12. Although there was no specific reference to Flintshire in the report, there were areas of useful information which could provide learning in encouraging high standards.

Mr. Robert Dewey commented on the number of case tribunals where inappropriate language had been used by some councillors and asked if this was addressed in training for councillors. The Head of Legal & Democratic Services said that standards of acceptable behaviour were a pre-requisite and that the Local Resolution Procedure which had been adopted last year made reference to specific expectations of councillors in terms of behaviour.

Mrs. Phillipa Earlam raised concerns about the potential for inappropriate language to be used on social media and asked if attendance at Member training should be mandatory. The Head of Legal & Democratic Services explained that there was currently no legal mechanism to enforce this. Although mandatory training was required for members to carry out their roles on the Audit and Planning Committees, this was technical rather than ethical training. There was no support for ethical training to become mandatory because the requirement could not be enforced, however the Committee could make a recommendation to Council if it wished.

In order to reach the widest number of Members, the Head of Legal & Democratic Services had attended Group meetings to provide specific training on issues such as declarations of interests.

In response to a query from the Chair, it was explained that training records were not displayed on the web, although attendance at meetings statistics were available.

Mr. Dewey felt that the information in the report would be useful reading for all Members and proposed that copies be circulated. This was supported by the Committee.

RESOLVED:

- (a) That the report be received and noted; and
- (b) That copies of the Annual Report of the Adjudication Panel for Wales 2012-13 be made available to all Members.

49. NORTH WALES STANDARDS FORUM

The Chair reminded the Committee that Flintshire was due to host the North Wales Standards Forum meeting on the afternoon of 29 April 2014.

The Head of Legal & Democratic Services explained that the meeting provided an opportunity for Chairs and Vice-Chairs of North Wales Standards Committees to share good practice. As Monitoring Officer for the host Council, he would be required to deliver a presentation and sought suggestions on topics

of interest. Reference was made to the forthcoming High Court hearing, however it was felt that an outcome would not be available in time for the Forum meeting.

Suggested areas for inclusion in the presentation were:

- Initiatives around Declarations of Interest
- Case update/round-up of developments on the ethical framework
- Member training programme including information on sessions held prior to Standards Committee meetings

RESOLVED:

That the information and suggestions for the presentation be noted.

50. FORWARD WORK PROGRAMME

The Head of Legal & Democratic Services invited the Committee to consider the current Forward Work Programme and to suggest items for discussion or specific training at future meetings.

A report on the review of the Officers' Code of Conduct would be brought to a future meeting, pending comments from Human Resources and subsequent consultation with senior managers and Trade Unions. If this was to be made available in May 2014, there may not be a requirement for the meeting in April. Councillor Hilary McGuill's suggestion that the reviews of the Officers and Members' Codes be pursued at the same meeting was supported.

The Democracy & Governance Manager explained that the review of the Council's Planning Code of Practice had been affected by a delay in the introduction of the Planning Bill by Welsh Government. This would need to be considered by the Planning Strategy Group before being submitted to the Standards Committee. However, an update would be provided at the next meeting. The training relating to this topic, previously requested by Councillor McGuill, could also be provided.

The Chair suggested that prior to the next meeting, training be given on a case hearing before the Standards Committee.

RESOLVED:

That the Forward Work Programme be updated accordingly.

51. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.00 pm and ended at 7.36 pm)

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Chair

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Agenda Item 4

From: Clive S Carver/Members/Flintshire/GB
To: Gareth Legal/CorporateServices/Flintshire/GB,
Date: 31/03/2014 14:22
Subject: RE: PLANNING CONSULTATION - Land at Overlea Drive, Hawarden Ref 050805

Hi Gareth

Maybe best if the Dispensation did not refer to Ref 050805 (which is one of many used for that site) and instead refer to Redrow's Gladstone Leigh - Land at Overleaf Drive. That would then cover any further applications they may make to amend or add to their original consent.

Best Regards

Clive

Cllr. Clive S. Carver
Hawarden Ward
Flintshire County Council &
Hawarden Community Council

STANDARDS COMMITTEE MINUTE – 18 JUNE 2012

The Chairman explained that Councillor C.S. Carver was in attendance at the meeting as he had submitted an application for dispensation in relation to 'land off Overlea Drive, Hawarden' to enable him to correspond and discuss with officers, make representations and speak upon planning applications at Flintshire County Council and Hawarden Community Council.

The Chairman invited Councillor Carver to outline his application in more detail. Councillor Carver provided background information and explained that he had made previous requests for dispensation on the matter. He referred to the meeting of the Standards Committee held on 13 September 2010 and reported that he had received dispensation to speak and vote on the item at Hawarden Community Council and to make written representations on the item including to the Planning Committee. He also submitted a further request for dispensation which was considered at the meeting of the Committee held on 14 November 2011, as he was unclear if his existing dispensation was for single or multiple use. Following the meeting he had received a letter of dispensation from the Interim Monitoring Officer which he understood confirmed that dispensation had again been granted. However, in March 2012, when Councillor Carver sought further information from the Democracy and Governance Manager, he was advised that the dispensations granted in the minutes of the meetings of the Standards Committee held in September 2010 and November 2011 were not fully appropriate for the purpose intended by Councillor Carver.

The Monitoring Officer gave an overview of the circumstances when a Standards Committee may grant dispensations and advised on the specific grounds which were relevant to Councillor Carver's application. He responded to the queries raised by members and provided further advice to assist the Committee in its decision making process.

Councillor Carver withdrew from the meeting whilst the Committee made their decision.

The Committee considered the application together with the additional oral explanations provided by Councillor Carver at the meeting and it was agreed that Councillor C.S. Carver be granted a dispensation for a period of 12 months ending 17 June 2013.

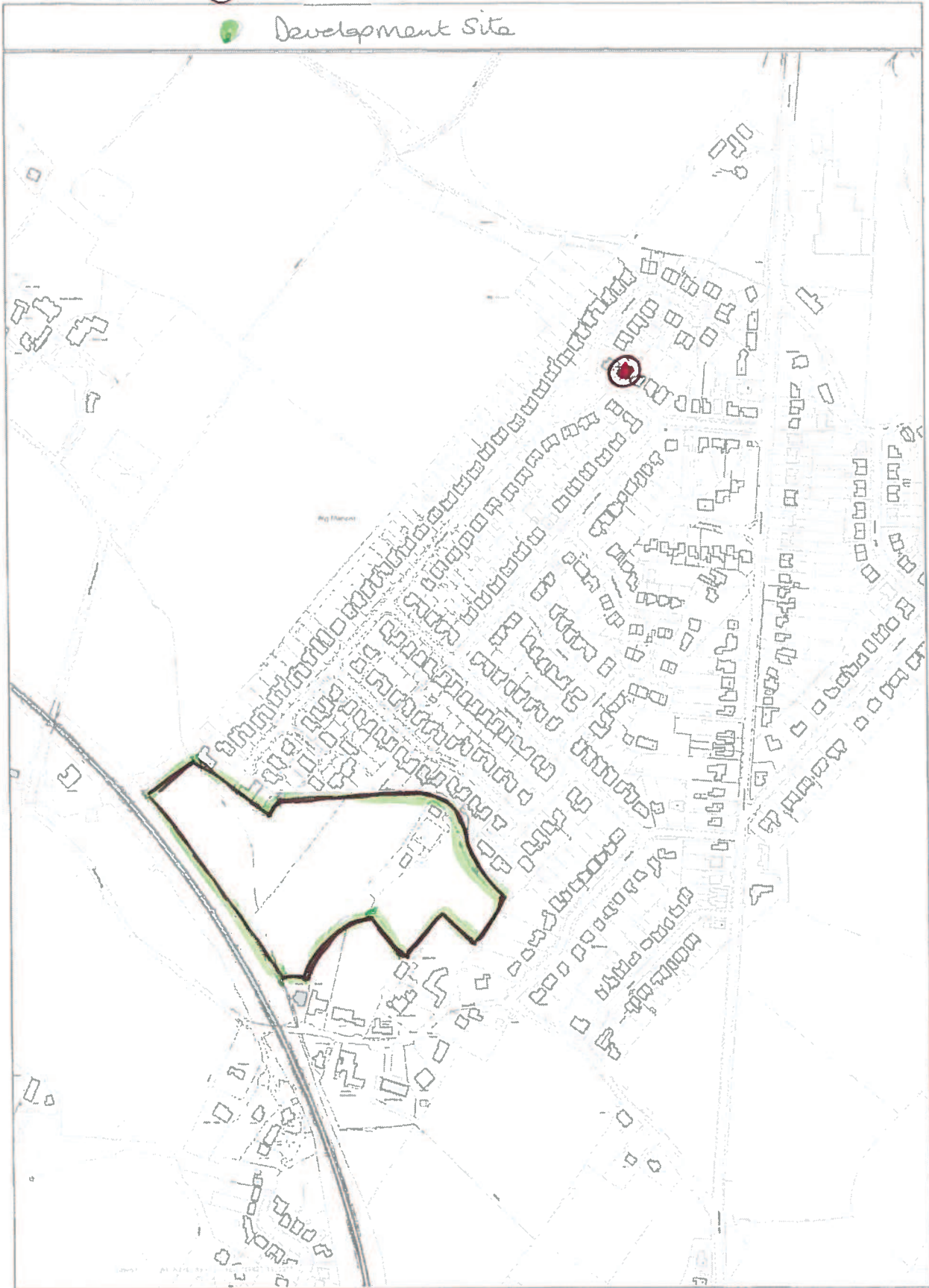
RESOLVED:

- (a) That Councillor C.S. Carver be granted a dispensation for a period of 12 months ending 17 June 2013 enabling him to:
1. make written representations to and to request written information from Flintshire County Council as Local Planning Authority;
 2. speak at and/or remain in the room during the debate:
 - at any council or committee meetings of Flintshire County Council and/or Hawarden Community Council at which the press and/or public are entitled to be present; and

- which are considering matters pertaining to the planning application (including any subsequent appeal(s)) for land off Overlea Drive, Hawarden (or any application which in the opinion of the Monitoring Officer in consultation with the Chair of the Standards Committee is substantially the same) as shown on the plan attached to the dispensation.
- (b) That under the terms of the dispensation Councillor C.S. Carver is not permitted to vote on nor exercise any council functions (whether executive or otherwise).

○ Clr Caver's House

● Development Site

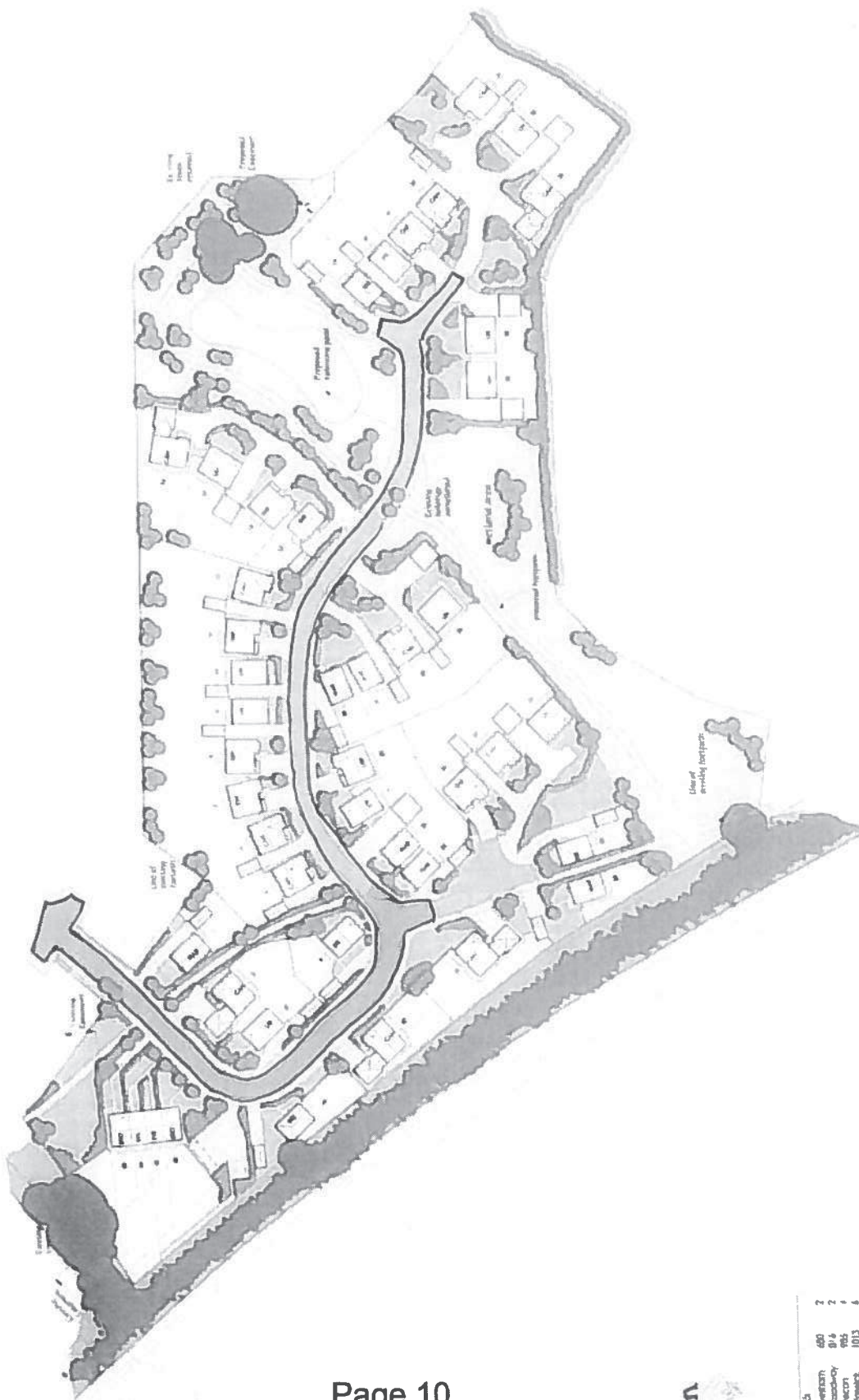


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Scale 1:2053
Centre: 331255 E 286735 N
Date 14/02/11
Name





1. All work shall be in accordance with the approved plans.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall be responsible for obtaining all necessary insurance.
 4. The contractor shall be responsible for obtaining all necessary bonds.
 5. The contractor shall be responsible for obtaining all necessary licenses.
 6. The contractor shall be responsible for obtaining all necessary approvals.
 7. The contractor shall be responsible for obtaining all necessary clearances.
 8. The contractor shall be responsible for obtaining all necessary consents.
 9. The contractor shall be responsible for obtaining all necessary permissions.
 10. The contractor shall be responsible for obtaining all necessary authorizations.

Overseer Drive
 Project No. 1400-02-02-001
 Date: 1/30
 Scale: 1" = 100'
 Sheet: 10 of 10

AUSLIFE REDBROW
 ARCHITECTS
 1400-02-02-001

NO.	680	2
Quantity	816	2
Unit Price	896	4
Subtotal	1013	6
Standard	144	6
Other	1261	7
Contract	1300	7
Leases	1400	5
Construction	1400	5
SMV	45	45

OVERSEER DRIVE HAWAII

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**

DATE: **MONDAY, 7 APRIL 2014**

REPORT BY: **MONITORING OFFICER**

SUBJECT: **REVIEW OF PLANNING CODE OF PRACTICE -
UPDATE**

1.00 PURPOSE OF REPORT

1.01 To update the Standards Committee on the timescale for reviewing Flintshire's Planning Code of Practice.

2.00 BACKGROUND

2.01 The Nolan Committee on Standards on Public Life made recommendations that led to the new ethical framework for Members introduced by the Local Government Act 2000. One recommendation of the Nolan Committee that did not lead to legislation was for planning authorities to have their own local code of conduct.

2.02 In the early years of Flintshire a working group of members was formed who agreed the wording of Flintshire's Planning Code. The Code forms part of the Council's Constitution. From time to time the Planning Code has been amended to reflect changes in practice such as allowing third parties to address the Planning Committee.

2.03 The Constitution Committee is currently in the second year of a three year programme of reviewing all parts of the Council's Constitution. Before the Constitution Committee can consider changes to the Planning Code, such changes will need to be considered by the Council's Planning Strategy Group and by the Standards Committee.

2.04 The Welsh Government has recently published its draft Planning Bill. Consultation on the Planning Bill ended on 26 February 2014.

3.00 CONSIDERATIONS

3.01 Following consultation with the Head of Planning it is considered that the Planning Bill is unlikely to become law until some time in 2015. It has therefore been agreed to proceed with a review of Flintshire's Planning Code in advance of any such legislation.

3.02 The Democracy and Governance Manager has compared Flintshire's Planning Code with those for neighbouring authorities and submitted

to the Head of Planning suggested changes to the existing Flintshire Code.

- 3.03 Once the Planning Department has considered changes to the Code it is intended to submit a report to the Planning Strategy Group and then to the July meeting of the Standards Committee.

4.00 RECOMMENDATIONS

- 4.01 For the Committee to note the proposed timescale for reviewing the Flintshire Planning Code.

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

None

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

Report on the Planning Bill for Wales submitted to the Planning Strategy Group on 16 January 2014

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
July 2014	<ul style="list-style-type: none">• Training• Retirement from Committee• Planning Code of Practice	Independent Member – Mrs P Jones (July)
June 2014	<ul style="list-style-type: none">• Training• Review of effectiveness and operation of Local Resolution Procedure• Review of Members and Officers Codes of Conduct	
May 2014	<ul style="list-style-type: none">• Training• Review of Members and Officers Codes of Conduct	Case Hearing in front of the Standards Committee.
April 2014	<ul style="list-style-type: none">• Training• Update on Planning Code of Practice	Planning Code

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