

Public Document Pack



Contact Officer:
Maureen Potter 01352 702322

To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Kenneth Molyneux
(+ 1 vacancy for a co-opted member)

23 December 2019

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.00 pm on Monday, 6th January, 2020 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items

*** Members are asked to note the start time of the meeting at 6.00pm**

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 DISPENSATIONS (Pages 3 - 8)

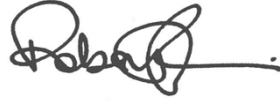
Purpose: To receive any requests for dispensations.

Members of the press/public will be able to remain in the room whilst an application for dispensation is presented to the Committee and will be able to return to hear the Committee's decision. However, under Paragraph 18C Schedule 12A Local Government Act 1972 the Committee will exclude the press and public from the meeting whilst it deliberates on any application for a dispensation.

4 **FORWARD WORK PROGRAMME** (Pages 9 - 12)

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

FLINTSHIRE COUNTY COUNCIL Agenda Item 3
APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE

	Enter the details as described in italics in the first column in this column
Name of Councillor <i>Your name. Each application should be made separately.</i>	Clive Stanley CARVER
Address <i>Your home address.</i>	'Carelia' 8 Overlea Drive Hawarden Deeside CH5 3HS
Name of Council <i>Of which Council are you a member?</i>	Flintshire County Council
Ward <i>The ward you represent.</i>	Hawarden
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	To be able to represent my cousin and her husband who live in Hawarden in matters relating to the Old Brewery, Ryeland Street, Shotton, Deeside
Level of Dispensation sought (e.g. to speak only or to speak and vote) <i>You may wish to seek dispensation for the options detailed in the opposite column. Please tick all that apply.</i>	<input checked="" type="checkbox"/> To write to or speak with officers; <input checked="" type="checkbox"/> To write to, speak and/or answer questions at Council/Committee meetings; <input type="checkbox"/> To remain in the room during any debate; <input type="checkbox"/> To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)
Relevant Paragraph under which Dispensation is requested (See overleaf)	(d)(f)(j)
Details of the Prejudicial Interest <i>This should be a short explanation of all the relevant facts about how your interest arises and how significant it might be. The questions are a prompt not an exhaustive list:</i>	<p>My cousin and her husband, who both live in Hawarden, are the owners of the Old Brewery in Ryeland Street, Shotton which for the last 10 years or so has been leased by FCC as an Alzheimer's Centre with living accommodation.</p> <p>This lease is now up and there are matters where representation by a County Councillor would be useful.</p> <p>As I am their County Councillor, without a Dispensation to assist them, they are effectively disenfranchised from a Councillor's representation.</p> <p>I will not benefit from any negotiations nor will my well-being be affected.</p>
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	Chair of Corporate Resources Overview & Scrutiny Committee

Signed: 	Date: 23 rd December 2019
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Circumstances When A Standards Committee May Grant Dispensation


The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended) specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed; or
- (j) it appears to the committee to be otherwise appropriate to grant a dispensation.

FLINTSHIRE COUNTY COUNCIL

**APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL**

Name of Councillor	Clive Stanley CARVER
Address	'Carelia' 8 Overlea Drive, Hawarden, Deeside, Flintshire CH5 3HS
Electoral Division	HAWARDEN
Nature of Dispensation sought	To be able to represent my cousin (my father's, brother's daughter) and her husband; who live in Hawarden in matters concerning Flintshire County Council.
Level of Dispensation sought (i.e. to speak only or to speak and vote)	To correspond/discuss the matter with officers.
Relevant Paragraph under which Dispensation is requested (See overleaf)	(d) (f)
Details of the Prejudicial Interest	My cousin and her husband, who live in Hawarden, have been engaged in protracted negotiation with Flintshire County Council. Since I am their County Councillor, they are affectively disenfranchised from a Councillor's representation.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman/Cabinet Member)	Vice-Chair of Corporate Management Overview & Scrutiny Committee

Signed: 	Date: 6 AUGUST 2010
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Circumstances When A Standards Committee May Grant Dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

Councillor C Carver
Carelia
8 Overlea Drive
Hawarden
Flintshire
CH5 3HS

Your Ref/Eich Cyf

Our Ref/Ein Cyf BCD/AEH/45

Date/Dyddiad 14 September 2010

Ask for/Gofynner am Barry Davies

Direct Dial/Rhif Union 01352 702344

Fax/Ffacs 01352 702494

E Mail : barry.davies@flintshire.gov.uk

Dear Clive

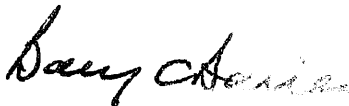
Dispensations

Further to yesterday's meeting of the Standards Committee, I write to confirm the decisions made concerning your two requests. In relation to your request for a dispensation concerning land off Overlea Drive, the Committee granted your dispensation thereby enabling you to speak, vote and make representations upon planning applications submitted in relation to the land. The dispensation was granted under paragraphs (d), (e) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. The dispensation was granted in relation to the proceedings of both Flintshire County Council and Hawarden Community Council.

In relation to your request for a dispensation to enable you to speak and correspond on behalf of your cousin in relation to the property negotiations, the Committee granted your request under paragraphs (d), (e) and (f). This was in relation to negotiations with Flintshire County Council.

I would remind you of the need to confirm that the dispensations have been granted whenever you are involved in discussions involving planning applications in relation to the land at meetings of either Council or in making representations and in written or verbal representations relating to the property negotiations.

Yours sincerely



Barry Davies
Head of Legal & Democratic Services

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2019/20

Date of Meeting	Topic	Notes/Decision/Action
29 June 2020	<ul style="list-style-type: none">• Training• Dispensations	
1 June 2020	<ul style="list-style-type: none">• Training• Dispensations• Protocol for Members in their dealings with contractors/developers.• Members Code of Conduct	
27 April 2020	<ul style="list-style-type: none">• Training• Dispensations	
30 March 2020	<ul style="list-style-type: none">• Training• Dispensations	
2 March 2020	<ul style="list-style-type: none">• Training• Dispensations	
3 February 2020	<ul style="list-style-type: none">• Training• Dispensations• Confidential Reporting Procedure• Protocol on Member/Officer relations	
6 January 2020	<ul style="list-style-type: none">• Training• Dispensations	

2 December 2019	<ul style="list-style-type: none"> • Training • Dispensations • Overview of All Visits to Town and Community Councils – final report 	<p>Report by Gareth Owens</p>
4 November 2019	<ul style="list-style-type: none"> • Training • Dispensations • Liaison with the Council on Ethical Issues • PSOW Code of Conduct Casebooks Issue 21 April to June 2019 and Issue 22 July to September 2019 	<p>Report by Gareth Owens Report by Matt Georgiou</p>
30 September 2019 Joint Meeting with T&CC	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Overview of All Visits to Town and Community Councils • The Role of a Councillor • Items raised by Town and Community Councils 	<p>Verbal Update</p> <p>Report by Gareth Owens</p> <p>Report by Robert Robins/Gareth Owens</p>
2 September 2019	<ul style="list-style-type: none"> • Dispensations • Town and Community Council Visits by Independent Members • Review of the Flintshire Standard • Feedback from the North and Mid Wales Standards Forum • Update on Community Asset Transfers 	<p>Verbal update</p> <p>Report by Gareth Owens</p> <p>Report by Gareth Owens/Matt Georgiou</p> <p>Report by Gareth Owens</p> <p>Report by Matt Georgiou</p>

	<ul style="list-style-type: none"> • PSOW Code of Conduct Casebook Issue 20 (Jan 19 – March 19) 	
<p>To be scheduled –</p> <p>Annual Report of the Adjudication Panel for Wales – report not yet published (Oct 19) Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Item to consider the frequency of reporting on the Overview of Ethical Complaints. Code of Conduct complaints in Flintshire. Code of Conduct issues which may have arisen from the election period. Liaison with the Council on Ethical issues - Feedback from the forthcoming informal meeting with the Leader and Chair of the Council would be scheduled.</p>		

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