

# Pecyn Dogfen Gyhoeddus

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:  
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At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Gladys Healey, Patrick Heesom ac Arnold Woolley

**Aelodau Cyfetholedig:**

Jonathan Duggan-Keen, Phillipa Earlam, Mark Morgan a Gill Murgatroyd

Dydd Mawrth, 29 Mehefin 2021

Annwyl Gyngorydd

**HYSBYSIAD O GYFARFOD ANGHYSBELL**  
**PWYLLGOR SAFONAU**  
**DYDD LLUN, 5ED GORFFENNAF, 2021 AM 6.30 PM**

**\*\* Bydd y sesiwn hyfforddiant ar gyfer aelodau'r Pwyllgor Safonau yn cael ei chynnal o 6.00pm tan 6.30pm**

Yn gywir

Robert Robins  
Rheolwr Gwasanaethau Democraidd

Sylwch: Bydd hwn yn gyfarfod dros y we a bydd 'presenoldeb' wedi'i gyfyngu i Aelodau'r Pwyllgor a'r Aelodau hynny o'r Cyngor sydd wedi gofyn i Bennaeth y Gwasanaethau Democraidd am wahoddiad. Y Cadeirydd fydd yn penderfynu a yw'r rhain yn cael siarad ai peidio.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

### 1 YMDDIHEURIADAU

**Pwrpas:** I dderbyn unrhyw ymddiheuriadau.

### 2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

**Pwrpas:** I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

### 3 COFNODION (Tudalennau 5 - 10)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 10 Mai 2021.

### 4 GODDEFEBAU

**Pwrpas:** Derbyn unrhyw geisiadau am oddefebau.

Bydd aelodau'r wasg / y cyhoedd yn gallu aros yn y cyfarfod tra bydd cais am ryddhad yn cael ei gyflwyno i'r Pwyllgor a bydd yn gallu dychwelyd i glywed penderfyniad y Pwyllgor. Fodd bynnag, o dan Baragraff 18C Atodlen 12A Deddf Llywodraeth Leol 1972 bydd y Pwyllgor yn gwahardd y wasg a'r cyhoedd o'r cyfarfod tra bydd yn ystyried unrhyw gais am ryddhad.

### 5 DIWYGIADAU I GOD YMARFER CYNLLUNIO (Tudalennau 11 - 32)

**Pwrpas:** I adolygu Cod Ymarfer Cynllunio yn unol â phenderfyniad y Pwyllgor a'r Cyngor yn gynharach yn y flwyddyn.

### 6 TROSOLWG O GWYNION MOESGOL (Tudalennau 33 - 40)

**Pwrpas:** Bod y Pwyllgor yn nodi'r nifer a'r mathau o gwynion.

### 7 ADOLYGU'R FFRAMWAITH SAFONAU MOESGOL (EITEM AR LAFAR)

**Pwrpas:** Diweddariad ar lafar gan y Swyddog Monitro a'r Cadeirydd am yr adolygiad sy'n cael ei gynnal ar hyn o bryd o'r Fframwaith Safonau Moesgol gan Richard Penn ar ran Llywodraeth Cymru.

### 8 ADOLYGIAD A SICRWYDD AR BROTOCOL AELODAU/SWYDDOGION - DIWEDDARIAD AR LAFAR

**Pwrpas:** Cafodd Protocol Aelodau/Swyddogion ei adolygu yn gynnar yn 2020 gan y Cyngor. Bydd diweddariad ar lafar yn cael ei roi ar ganlyniad adolygiad ychwanegol llai dwys o Brotocol Aelodau/Swyddogion a gynhaliwyd yn ddiweddar.

**9 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 41 - 44)**

**Pwrpas:** Er mwyn i'r Pwyllgor ystyried testunau i'w cynnwys ar y Rhaglen Gwaith i'r Dyfodol.

**10 CYNLLUNIO AGENDA'R CYFARFOD CYSWLLT AR FATERION MOESEGOL (Tudalennau 45 - 48)**

**Pwrpas:** Cynllunio agenda ar gyfer Cadeirydd cyfarfod y Pwyllgor Safonau gyda Chadeirydd ac Arweinydd y Cyngor ac Arweinwyr Grwpiau.

**DEDDF LLYWODRAETH LEOL (MYNEDIAD I WYBODAETH) 1985 - YSTYRIED GWAHARDD Y WASG A'R CYHOEDD**

Mae'r eitem a ganlyn yn cael ei hystyried yn eitem eithriedig yn rhinwedd Paragraff(au) 15 Rhan 4 Atodiad 12A o Ddeddf Llywodraeth Leol 1972 (fel y cafodd ei diwygio).

Mae'r atodiad yn cynnwys manylion ymgynghoriadau neu gyd-drafodaethau rhwng yr awdurdod a deiliaid swyddi, ac mae budd y cyhoedd o guddio'r wybodaeth honno yn gorbwyso'r budd o'i datgelu nes bo'r ymgynghoriadau neu'r gyd-drafodaethau wedi'u cwblhau.

**11 CYNLLUNIO AGENDA'R CYFARFOD CYSWLLT AR FATERION MOESEGOL (ATODIAD CYFRINACHOL I EITEM 10 AR Y RHAGLEN) (Tudalennau 49 - 50)**

***Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.***

## **Nodyn Gweithdrefnol ar redeg cyfarfodydd**

Bydd y Cadeirydd yn agor y cyfarfodydd ac yn cyflwyno eu hunain.

Bydd nifer o Gynghorwyr yn mynychu cyfarfodydd. Bydd swyddogion hefyd yn mynychu cyfarfodydd i gyflwyno adroddiadau, gyda swyddogion Gwasanaethau Democrataidd yn trefnu a chynnal y cyfarfodydd.

Gofynnir i bawb sy'n mynychu i sicrhau bod eu ffonau symudol wedi diffodd a bod unrhyw sain gefndirol yn cael ei gadw mor dawel â phosib.

Dylai'r holl feicroffonau gael eu rhoi "ar miwt" yn ystod y cyfarfod a dim ond pan fyddwch yn cael eich gwahodd i siarad gan y Cadeirydd y dylid eu rhoi ymlaen. Pan fydd gwahoddedigion wedi gorffen siarad dylen nhw roi eu hunain yn ôl "ar miwt".

Er mwyn mynegi eu bod nhw eisiau siarad bydd Cynghorwyr yn defnyddio'r cyfleuster 'chat' neu yn defnyddio'r swyddogaeth 'raise hand' sy'n dangos eicon codi llaw electronig. Mae'r swyddogaeth 'chat' hefyd yn gallu cael ei ddefnyddio i ofyn cwestiynau, i wneud sylwadau perthnasol ac yn gyfle i'r swyddog gynghori neu ddiweddarau'r cynghorwyr.

Bydd y Cadeirydd yn galw ar y siaradwyr, gan gyfeirio at aelod etholedig fel 'Cynghorydd' a swyddogion yn ôl eu teitl swydd h.y. Prif Weithredwr neu enw. O bryd i'w gilydd mae'r swyddog sy'n cynghori'r Cadeirydd yn egluro pwyntiau gweithdrefnol neu'n awgrymu geiriad arall ar gyfer cynigion er mwyn cynorthwyo'r Pwyllgor.

Os, a phan y cynhelir pleidlais, mi fydd y Cadeirydd yn egluro mai dim ond y rheiny sy'n gwrthwynebu'r cynnig/cynigion, neu sy'n dymuno ymatal a fydd angen mynegi hynny drwy ddefnyddio'r swyddogaeth 'chat'. Bydd y swyddog sy'n cynghori'r Cadeirydd yn mynegi os bydd y cynigion yn cael eu derbyn.

Os oes angen pleidlais fwy ffurfiol, bydd hynny yn ôl galwad enwau – lle gofynnir i bob Cynghorydd yn ei dro (yn nhrefn yr wyddor) sut mae ef / hi yn dymuno pleidleisio.

Yng nghyfarfodydd Pwyllgorau Cynllunio a Chyngor Sir mae amseroedd siaradwyr yn gyfyngedig. Bydd cloch yn cael ei chanu i roi gwybod i'r siaradwyr bod ganddyn nhw funud ar ôl.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

# Eitem ar gyfer y Rhaglen 3

## **STANDARDS COMMITTEE**

**10 MAY 2021**

Minutes of the remote meeting of the Standards Committee of Flintshire County Council held on Monday, 10 May 2021.

### **PRESENT: Julia Hughes (Chair)**

Councillors:

Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes, Mark Morgan and Gill Murgatroyd

### **IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

#### **40. APPOINTMENT OF CHAIR**

The Monitoring Officer explained the requirements as set out in the Constitution and sought nominations for a new Chair of the Committee.

Phillipa Earlam nominated Julia Hughes and this was seconded by Mark Morgan. No further nominations were received.

Julia thanked the Committee for their nomination and support and paid tribute to the previous Chair of the Committee, Mr Rob Dewey.

### **RESOLVED:**

That Julia Hughes be appointed Chair of the Committee.

(From this point Julia chaired the remainder of the meeting)

#### **41. APPOINTMENT OF VICE-CHAIR**

The Chair sought nominations for a Vice-Chair of the Committee. Phillipa Earlam nominated Mark Morgan and this was seconded by Councillor Paul Johnson. No further nominations were received.

### **RESOLVED:**

That Mark Morgan be appointed Vice-Chair of the Committee.

**42. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

The Chair declared a personal interest in agenda item 7 – Review of Dispensation Procedures at Conway, Denbighshire and Wrexham Councils, as she was a member of the Standards Committee of Denbighshire County Council.

The Chair also declared a personal interest in Item 9 – Public Services Ombudsman for Wales (PSOW) Casebook Issue 24 (January 2020 – December 2020), as she was a member of Denbighshire County Council.

**43. MINUTES**

The minutes of the meeting held on 1<sup>st</sup> March 2021 were approved as a correct record.

Matters arising:

Item 35: The Monitoring Officer reported that the Protocol had been approved and adopted by County Council. A report would be submitted to the next meeting of the Planning Strategy Group to start the process of transferring those parts of the Protocol which related to Planning to the Planning Code of Guidance.

Item 36: The Monitoring Officer advised that following the recent visits by independent members of the Standards Committee to County Council meetings, recommendations for improvements were included in the procedural notes for Chairs on the conduct of meetings and incorporated in the agenda pack.

The minutes were moved as an accurate record by Councillor Paul Johnson and seconded by Mark Morgan

**RESOLVED:**

That the minutes be approved as a correct record.

**44. DISPENSATIONS**

None.

**45. REVIEW OF DISPENSATION PROCEDURES AT CONWY, DENBIGHSHIRE AND WREXHAM COUNCILS**

The Deputy Monitoring Officer introduced a report to compare and contrast how other Councils in North Wales processed applications for dispensation. He provided background information and advised that the report reviewed how dispensations were dealt with at Conwy, Denbighshire, and Wrexham Councils (the Councils).

The Deputy Monitoring Officer explained that no dispensation applications had been made between 2019 and 2021 at those Councils and therefore the report detailed the latest applications dealt with by each one. He referred to the procedures for consideration of applications at the councils and said they were similar to that of Flintshire County Council. The Deputy Monitoring Officer reported on the requests for dispensation received by the councils as detailed in the report and the decisions reached.

The recommendation was moved by Jonathan Duggan-Keen and seconded by Mark Morgan.

**RESOLVED:**

That the processes and procedures for dealing with applications for dispensation by County Councillors and Town and Community Councillors at Conwy, Denbighshire, and Wrexham, be noted.

**46. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS**

The Chair introduced the item which was for independent members of the Standards Committee to provide feedback from meetings of the Council they had observed.

The following meetings were attended and verbal feedback given during the meeting by the relevant Independent Member on their visits:

- 03.03.21 – Planning Committee (Jonathan Duggan-Keen)
- 18.03.21 – Education & Youth Overview and Scrutiny Committee (Phillipa Earlam)
- 24.03.21 – Audit Committee (Phillipa Earlam)
- 24.03.21 – Constitution & Democratic Services Committee (Jonathan Duggan-Keen)

The Monitoring Officer summed up the key points arising from the feedback as follows:

- clear identification of participants by name or job title to enable distinction to be made between Members and Officers in attendance
- Members to be specific when making a declaration of interest as to whether the declaration was personal or personal and prejudicial

In presenting their reports the Independent Members advised that meetings had been well conducted and chaired, and a good range of topics considered and debated.

In response to the further comments and points raised by Independent Members the Monitoring Officer agreed to provide a training session to a future meeting of the Standards Committee on the role and function of the Overview and Scrutiny Committees

The recommendation was moved by Mark Morgan and seconded by Councillor Paul Johnson.

**RESOLVED:**

That the Independent Member visits to County Council meetings be noted.

**47. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 24 (JANUARY 2020 – DECEMBER 2020)**

The Deputy Monitoring Officer presented the report. He explained that the Public Services Ombudsman for Wales (PSOW) summarised the complaints he had investigated on a quarterly basis in the Code of Conduct Casebook. In reference to (c) and (d) findings, the Casebook only contained the summaries of those cases for which the hearings by the Standards Committee or Adjudication Panel for Wales (APW) had been concluded and the outcome of the hearing was known.

The Deputy Monitoring Officer explained that this edition covered January to December 2020 and highlighted that 13 complaints had been investigated by the PSOW during this time. The Deputy Monitoring Officer advised that 10 were findings of no action necessary; 2 were referred to the relevant Monitoring Officer for consideration by their Standards Committee, and 1 was referred to the APW.

The Deputy Monitoring Officer responded to a query by Gill Murgatroyd in respect of the PSOW findings on a complaint investigated concerning a Former Member of Laleston Community Council.

The recommendation was moved by Councillor Paul Johnson and seconded by Councillor Arnold Woolley.



**RESOLVED:**

That having reviewed the cases summarised in issue 24 of the Casebook the Committee was satisfied that no action needed to be taken at Flintshire County Council to avoid similar complaints.

**48. ANNUAL REPORTS OF THE ADJUDICATION PANEL FOR WALES FOR 2018/19 AND 2019/20**

The Deputy Monitoring Officer provided a verbal update on the Annual Reports of the Adjudication Panel for Wales (APW) for 2018/19 and 2019/20 and summarised the two statutory roles and composition of the APW.

The Deputy Monitoring Officer advised that during 2018/19 there was one case tribunal which related to Monmouthshire County Council (currently Mathern Community Council) and a telephone conference relating to the same hearing. No appeals were considered by the High Court and there were no formal complaints made against the APW during this period. The Deputy Monitoring Officer referred to the case hearing, the outcome, and the total cost of the tribunal proceedings for 2018/19.

Referring to the Annual Report of the APW for 2019/20, the Deputy Monitoring Officer advised that there were 3 case tribunals resulting from referrals from the Ombudsman. No appeals were considered by the High Court. He reported on the cases determined as summarised in the report. There was also one application to appeal made to the APW in respect of a sanction imposed by the Standards Committee of the relevant authority and the appeal was concluded during the following financial year. In conclusion the Deputy Monitoring Officer referred to the total cost of APW expenditure for 2019/20.

The recommendation was moved by Councillor Arnold Woolley and seconded by Mark Morgan.

**RESOLVED:**

That the update be noted.

**49. FORWARD WORK PROGRAMME**

The Monitoring Officer presented the Forward Work Programme. Referring to the items listed for consideration at future meetings of the Committee he advised that the Welsh Government may decide to issue a consultation document on changes to the Code of Conduct and this would be included on the Forward Work Programme if received. He asked members to put forward any suggestions for items they wished to be included on the Programme.

The Chair referred to the agreement that on completion of the Independent Member visits to County Council meetings the findings of the visits would be reported back to the Chair and Leader of the Council for information. In addition

feedback would also be provided to Group Leaders. The Monitoring Officer said he would clarify if any visits were outstanding and if they had been completed feedback to Group Leaders would be included on the agenda for the next meeting.

In response to the suggestion by Councillor Paul Johnson that the Standards Committee also be included in the list of meetings to be observed, the Monitoring Officer explained that the Standard Committee's statutory role was to promote compliance with the Code of Conduct to support other Committees within the Council.

Gill Murgatroyd suggested that following the meetings of the Standards Committee a short review could be held to consider practice and procedures. It was agreed that a de-brief be held post each meeting to identify if there was any need for improvement. Gill Murgatroyd moved the proposal and this was seconded by Councillor Paul Johnson.

**RESOLVED:**

That the Forward Work Programme be agreed.

**50. MEMBERS OF THE PRESS IN ATTENDANCE**

There were no members of the press in attendance.

(The meeting started at 6.30pm and ended at 8.09pm)

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**Chairman**

# Eitem ar gyfer y Rhaglen 5



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 5 <sup>th</sup> July 2021
<b>Report Subject</b>	Amendments to the Planning Code of Practice
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

In March 2021 the Committee considered a review of the Protocol for Meeting Contractors (the Protocol) as part of the Committee's rolling review of the Council's Constitution. The parts of the Protocol relating to Members in their Dealings with Contractors/Developers and Other Third Parties who might be bidding for, or seeking, a contract with the Council were updated.

The Protocol previously contained guidance around dealing with developers and the Committee resolved that this guidance be removed from the Protocol to avoid duplication with the Planning Code of Practice (PCoP), which was the more appropriate guidance document for those purposes.

The Committee resolved that the parts of the Protocol for Meetings with Contractors that provided advice in respect of Developers should be contained in the PCoP and that the PCoP be updated accordingly.

At the Council meeting in April 2021, which approved the updated Protocol, Members also requested that advice be added to the PCoP around the pre-application consultation process.

The Planning Strategy Group (PSG) considered the above proposed changes to the PCoP on the 13 May and again on the 10 June 2021. Members of the PSG meeting requested a number of other alterations to the PCoP that they felt would be of assistance to Members involved in the planning process.

### RECOMMENDATIONS

1	To approve the alterations to the PCoP as identified in tracked changes in the appendix to this report.
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE AMENDMENTS TO THE PLANNING CODE OF PRACTICE</b>
1.01	Currently the PCoP requires members of the Planning Committee to declare, at the beginning of a Planning Committee meeting, if they have been contacted by applicants or developers on four or more occasions. However, there is no further advice within the PCoP in respect of such contact. It is therefore appropriate that the PCoP is updated to provide Members with advice about what to do in such circumstances and what the implications of such contact might mean in respect of their participation at the meeting. Paragraph 5.3 accordingly suggests amendments.
1.02	In April this year, when Council approved amendments to the Protocol, Members requested that further guidance and advice be specifically provided in the PCoP for members of the Planning Committee who are consulted pursuant to pre-application consultation requirements. Section 61Z of the Town and Country Planning Act 1990 and Part 1A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 contains pre-application consultation requirements for certain proposed developments. Broadly speaking, these requirements are about consulting with landowners, and others who are likely to be directly impacted by a proposed development, and the provisions include a specific requirement to consult with local councillors and community councils. Within the current PCoP there is no specific reference to this process and the proposed alterations at paragraph 8 of the PCoP are intended to provide that clarity.
1.03	At the meeting of PSG on 13 <sup>th</sup> May last, Members considered proposed changes to the PCoP to deal with the matters referred to at paragraphs 1.01 to 1.02 above and also considered that further amendments to provide additional clarity may be of use. Members resolved that a further report should be taken to the meeting of PSG on the 10 June to deal with these additional matters. The additional proposed alterations to the PCoP are identified in tracked changes in the appendix to this report.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	PSG have been consulted and proposed alterations to the Constitution need to be considered and approved by the Constitution and Democratic Services Committee and then full Council.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 - The Planning Code of Practice with proposed alterations tracked.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>No relevant background documents other than the previous report to the Committee on the Protocol and the report to Council.</b></p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	N/A

Mae'r dudalen hon yn wag yn bwrpasol

## **SECTION 23**

### **23. PLANNING CODE OF PRACTICE**

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

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3. TRAINING
4. REGISTRATION AND DECLARATION OF INTERESTS
  - 4.1 Code of Conduct
  - 4.2 Personal Interests
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  - 4.4 Pre-determination
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13. PLANNING OBLIGATIONS
14. REGULAR REVIEW OF DECISIONS
15. COMPLAINTS



## 1. **INTRODUCTION**

1.1 The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.

1.2 It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.

1.3 This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.

1.4 Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

## 2. **ROLE OF MEMBERS AND OFFICERS**

### 2.1 **General**

2.1.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not individual Members, and Members instructions may only be given to officers through a decision of the Council, its Cabinet or a Committee.

2.1.2 It is important that a good relationship exists between Members and officers and that this is based on mutual trust and understanding of each other's positions. This relationship and trust must never be abused or compromised.

### 2.2 **Role of Officers**

2.2.1 The officer's function is to advise and assist Members in the formulation of planning policies, in the determination of planning applications and, deciding whether or not to take enforcement action for breaches of planning control. officers should:-

- Provide impartial and professional advice.
- Make sure that all accurate information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications and enforcement issues against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation based on the above requirements.
- Carry out the decisions made by Members in committee or through the delegated authority of the Chief Officer, Planning and Environment [& Economy](#) Update Members on new legislation and guidance.
- Provide appropriate training and briefings for Members.

## 2.3 **Role of Members**

2.3.1 The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan(s). As a general principle there is an expectation that Members will uphold the Council's planning policies.

2.3.2 When Members come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared if not already done so [or seek advice from the legal officer if unsure](#).
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Where a planning application relates to a Member's ward the views of the local Member are important to the Chief Officer, Planning, [& Environment & Economy](#), and to the Chair and Members of the ~~Planning and Development Control Committee~~ [Planning Committee](#). Ward Members should not become too closely identified with special interest groups if they wish to vote in the ~~Planning and Development Control Committee~~ [Planning Committee](#). Whilst Members have a responsibility to their constituents their overriding duty is to the whole County and therefore need to consider proposed developments in the interests of the wider community.

2.3.4 Members should not decide how to vote on any application at any formal political group meeting. Political group meetings should never dictate how Members should vote on a planning issue.

## 2.4 **Member / Officer Contact**

- 2.4.1 The officer / Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.
- 2.4.2 In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Whilst Members may wish to seek advice or information from the Chief Officer, Planning, ~~& Environment~~ and Economy or the Development Manager, Members should in the first instance seek information from the Case Officer. Information can be sought and provided by e-mail.
- 2.4.3 Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Planning Services Reception staff or by email. Members rooms can be utilised and suitable rooms can be made available by mutual agreement if privacy is required or a virtual meeting may be arranged where all parties agree.
- 2.4.4 It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

## 3. **TRAINING**

- 3.1 All members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.
- 3.2 Other training will be arranged by officers in consultation with members in the form of additional sessions, seminars and workshops on topical issues and to keep members up to date on new procedures, advice and guidance.
- 3.3 Members of the Planning ~~& Development Control~~ Committee (including substitute members) are required at all times between ordinary County Council elections to attend at least 75% of the planning training topics covered during their membership of the Committee.
- 3.4 Attendance at planning training will be monitored and reported to the Planning Strategy Group who may grant an exception to the requirements of paragraph 3.3 where there is good reason for a member temporarily failing to meet this requirement.

## 4. **REGISTRATION AND DECLARATION OF INTERESTS**

### 4.1 **Code of Conduct**

4.1.1 Members should follow scrupulously the County Council's **Members' Code of Conduct** in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Member should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a

Member considers he/she may have a personal interest they should consult the Monitoring Officer, [Deputy Monitoring Officer](#) or a Senior Officer of Legal & Democratic Services for advice on their position ideally in advance of the meeting.

### 4.2 **Personal Interests**

4.2.1 The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Member is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Member, but the Monitoring Officer is there to advise. If there is any doubt in a Member's mind, he / she should seek early advice from the Monitoring Officer, [Deputy Monitoring Officer](#) or other Senior Officer of Legal & Democratic Services on their position. Members should err on the side of declaring an interest when they are not sure.

4.2.2 Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the ~~Planning and Development Control Committee~~ [Planning Committee](#).

4.2.3 Where a Local Member has decided he / she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his / her ward such a Member may arrange for another Member to act as local Member instead to represent constituents' views. In such a situation the local Member should inform the Monitoring Officer and the Chief Officer, Planning, ~~& Environment~~ [& Economy](#) of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

### 4.3 **Declaration**

4.3.1 When declaring an interest at committee, this should be done at the beginning of the meeting. Members should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

#### 4.4 **Predetermination**

4.4.1 A Member has predetermined a planning application where the Member shows (e.g. in local press) he/she has made their mind up on the merits of the application prior to it being considered at committee. A predisposition is where a Member has an inclination or preliminary view on the merits of the application.

4.4.2. A Member who has predetermined the merits of a planning application in advance of it being considered at committee should not be a Member of the committee that considers that application. A Member of the committee may have a predisposition or a preliminary view. If in doubt a Committee Member should seek advice prior to the Committee meeting from either the Monitoring Officer or the Solicitor who attends committee meetings.

4.4.3 Those Members who do not sit on the ~~Planning & Development Control~~ Committee may predetermine their stance on an application but should respect the fact that Planning Committee Members cannot do the same.

#### 4.5 **Register**

4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Member has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

#### 4.6 **Dual Community / Town and County Council Membership**

4.6.1 Membership of a Town / Community Council which has expressed a view on a planning matter does not in itself mean that the Member cannot take part in the determination of the matter when it comes before the ~~Planning and Development Control Committee~~ Planning Committee provided that the Member has kept an open mind and not committed himself / herself to a final view on the matter until all the arguments for and against have been aired at committee. The Member can enter into discussion and ask questions, but should make clear that a view in favour or against the proposal is on the basis of knowledge and information known at that time.

4.6.2 Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application unless the Member has obtained dispensation from the Standards Committee.

#### 4.7 **Cabinet Members who also sit as members of the Planning Committee**

-Where a Member of the Planning Committee is also a Cabinet Member, there are likely to be occasions where an application for planning permission is being considered by the Planning Committee that also relates to a Cabinet Members'

Portfolio. For example, there may be a planning application for a new school and the Cabinet Member responsible for Education may also sit as a Member of the Planning Committee. This does not give rise to a personal and prejudicial interest, as the Councillor is acting as a County Councillor both as a Cabinet Member and as a Planning Committee Member. However, it may be the case that if the planning application is very closely related to a specific decision made by a Cabinet Member they may be perceived to have predetermined their stance. If a Member is unsure of their position in this regard they should contact the Monitoring Officer, [Deputy Monitoring Officer](#) or a Senior Officer of Legal Services for advice on their position, ideally in advance of the meeting.

## 5. **LOBBYING**

5.1 Lobbying is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined. [Welsh Government guidance on pre-application planning consultations encourages developers to speak to local councillors in order to understand the local context and their concerns as well as to explain any proposed development.](#) This can help Members' understanding of the issues and concerns associated with an application. Officers should be made [aware](#) of any lobbying correspondence Members receive.

5.2 However, Members of the ~~Planning & Development Control~~ Committee are under an obligation to determine matters on their merits [and in a manner that is seen to be impartial](#). That means that they should not take a firm view on a planning matter before receiving and reading the officer's report or receiving any new information reported to the committee [nor create the impression that they favour one outcome or another](#). Whilst Members of the committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the ~~Planning and Development Control Committee~~ [Planning Committee](#) meeting [nor suggest that they support either the applicant or any objector\(s\)](#). To avoid compromising their position before they have received all the relevant information, committee Members are advised that they should:-

- > **Refer** applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.
- > **Avoid** making it known in advance whether they support or oppose the proposal.
- > **Avoid** campaigning actively in support of a particular outcome.
- > **Direct** lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.

5.3 ~~Members should declare at the appropriate part of~~ [Prior to](#) the committee meeting [any member who has significant contact with applicants and objectors must without delay seek advice from the Monitoring Officer or Deputy Monitoring Officer on whether there is a risk that the member's impartiality might be seen](#)



as compromised. Significant contact is where a Member has been contacted on four or more occasions by the applicant or the same objector (either orally or in writing). Officers might advise a member that they should only speak but not vote on an application in order to protect the impartiality of the decision making process.

5.4 Members must advise the Ward Member and adjoining ward members as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

5.5 Members of the Planning ~~& Development Control~~ Committee must avoid organising support for or against a planning application. Where such a Member does organise support for or against a planning application then that Member must stand down from the ~~Planning and Development Control Committee~~ Planning Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer, Deputy Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.

5.6 If a Planning ~~& Development Control~~ Committee Member expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If such a Member does express an opinion, then it should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.

5.7 Where a member of the committee has not complied with 5.2, 5.5 or 5.6 above and has predetermined the merits of the application, they must not participate in the decision-making on that application.

5.8 If a Member becomes a new member of the Planning Committee it is possible that they may have made clear their position on a particular application prior to becoming a member of the planning committee. If that application is subsequently before the Planning Committee for determination they must not participate in the decision-making on that application.

## 6. **APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS**

6.1 Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives\* of Members or such

officers and where the officer or Member knows of the application shall be decided by the Planning ~~and Development Control~~ Committee and not by the Chief Officer, Planning ~~& Environment~~ & Economy under delegated powers.

[\* Close relative is defined as spouse, partner, parent, child or sibling].

6.2 A Member affected by clause 6.1 shall declare the personal and prejudicial interest at any meeting of the ~~Planning and Development Control Committee~~ Planning Committee to determine the application, take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.

6.3 The affected officer shall take no part in the processing of the application and its determination.

## 7. APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

7.2 Subject to any legislative restrictions all such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations and in accordance with the Council's scheme of delegation for all planning applications as set out in the Council's constitution.

## 8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND PRE-APPLICATION CONSULTATIONS

8.1 Pre-application meetings between officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at officer level and Members should refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

- > **It will be made clear** prior to and at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Planning ~~& Development Control~~ Committee or any member of the committee.
- > **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.



> **Where** exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers and the adjoining ward member will be invited to attend.

8.2 Pre-application Consultation (PACs) requirements are different from the meetings referred to at paragraph 8.1 above. They are statutory requirements that have been introduced to require developers to consult on certain development proposals, prior to submitting a planning application. Members are usually consulted directly by the developers as part of these requirements. Planning officers are not required to be consulted as there is no requirement as part of the PAC process to consult the local planning authority. However, depending on the size of the proposal other officers within the Council may be consulted, such as the Council's Highway Engineers. If Members are requested to attend any meetings as part of this process it is still recommended that they contact a planning officer and that the advice at paragraph 8.1 above is followed. The advice at paragraph 5 above equally applies where developers contact Members as part of the PAC process and Officers should be made aware of any correspondence Members receive. -Further advice about the PAC process can be found on the gov.wales website.

## 9. **PLANNING COMMITTEE SITE VISITS**

### 9.1 **Purpose**

9.1.1 ~~Planning and Development Control Committee~~Planning Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general character of the area due to the scale or design of the development.

### 9.2 **Request for a Site Visit**

9.2.1 A request for a site visit is normally made by the local Ward Member in response to being consulted on the proposed development. The request must be in writing (e.g. e-mail) and should clearly indicate the planning reasons for the visit which will appear on the agenda for site visits. Site visits can be costly and cause delay so it is important that they are only held where necessary and prior to committee. Site visits are held pursuant to a decision of the Chair of the ~~Planning and Development Control Committee~~Planning Committee or pursuant to a request from a local Member including another Ward Member consulted because the application significantly affects the other ward. All local Members will be advised when a site visit has been arranged.

9.2.2 Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at issue

- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Members have already visited the site within the last 12 months, except in exceptional circumstances

Where no planning reason is given for the site visit or the reason for the site visit is any of the above the Chair should not convene the site visit.

### 9.3 **Format and Conduct at the Site Visit**

9.3.1 Members of the ~~Planning and Development Control Committee~~Planning Committee and the Local Ward Member(s) will be notified in advance of any visit. Such visits are not formal meetings of the Committee and there is no right of public attendance at the visit itself. If the public in lobbying Members on their way to or from a site visit seek to present documentation they should be advised to send it to the Planning Department instead

9.3.2 Advance notice of the site visit will also be sent to the applicant or agent requesting that access to the site for Members/officers be provided at the specified time/date and pointing out that the applicant/agent will not be allowed to participate in the site visit. Any Member with a personal and prejudicial interest must not take part in the site visit.

9.3.3 The Chair will invite the Planning Officer to briefly outline the proposal and point out the key issues raised by the application and of any vantage points from which the site should be viewed then the local ward Member (and adjoining ward Member in the exceptional circumstances that they are also present) will be invited to speak, followed by other Members of the Committee who may ask questions and seek clarification from officers who will respond. Any statement or discussion concerning the principles and policies applicable to the development should not be allowed by the Chairman.

9.3.4 Although site visits are not part of the formal committee consideration of the application, the Code of Conduct still applies to site visits and Members should have regard to the guidance on declarations of personal interest.

9.3.5 A file record will be kept of those attending the site visit, together with a brief note of any points raised.

9.3.6 For the avoidance of doubt references in this section to Local Member(s) includes adjacent ward Members where the application significantly affects their ward.

9.3.7 Occasionally the applicant/agent/owner of the site to be visited may not permit Members and officers onto the site. There may be good reason for this, for example, if someone was injured they could have a claim against the landowner. Where access is refused to one or more of the elected Members, the Chairman will be advised that none of the Members and officers should enter onto the land. In such circumstances the site should be viewed from the nearest public land such as the public highway.

9.3.8. In summary site visits are:- >

**Fact finding exercise.**

- > **Not part** of the formal committee meeting and therefore public rights of attendance do not apply.
- > **To enable** officers to point out relevant features.
- > **To enable** questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

## 10. PROCEDURE AT PLANNING & DEVELOPMENT CONTROL COMMITTEE

10.1 The majority of planning applications are determined by the Chief Officer, Planning, ~~& Environment~~ & Economy under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the ~~Planning and Development Control Committee~~ Planning Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.

10.2 Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters;

- description of the proposal
- description of the site
- responses to consultations and officer observations thereon.
- summary of objections and / or support received
- relevant site history
- relevant Development Plan policies
- relevant planning guidance where appropriate
- any other material planning consideration
- an appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division

- a clear recommendation
  - brief details of the substance of any conditions to be imposed or;
  - full details of reasons for refusal.
- 10.3 Late observations received by 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.
- 10.4 The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.
- 10.5 Where an application is being reported to committee, the Chair will allow oral representations to be made in accordance with the protocol on public speaking prior to the committee debating the application.
- 10.6 Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.
- 10.7 Members who read out at committee, or refer to, communications they have received should provide an advance copy to officers

## 11. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 11.1 From time to time members of the Planning ~~& Development Control~~ Committee will disagree with the professional advice given by the Chief Officer, Planning ~~& Environment~~ & Economy. The committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members propose to make a decision contrary to the officer recommendation (whether for approval or refusal), the proposer should set out clearly the reasons for doing so. The Chairperson will ensure that the officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.
- 11.2 In cases where the ~~Planning and Development Control Committee~~ Planning Committee decides for good and valid reasons to depart from the Chief Officer, Planning & Environment recommendation, the committee must always define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting.
- 11.3 In the case of conditions which the committee has resolved to add or amend the precise wording is delegated to the Chief Officer, Planning ~~& Environment~~ & Economy and, if appropriate, in consultation with the Chair of committee.
- 11.4 In cases of refusal the reasons shall be clearly stated and agreed by Members. There may be occasions when officers need to clarify the reasons for refusal either at the meeting itself or by a report to a subsequent meeting.

11.5 A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief Officer Governance has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer, Planning and Environment indicated the proposed decision represents a significant departure from planning policy and the legal officer subsequently agreed.

## 12. PLANNING APPEALS

- 12.1 There are a wide variety of different factual situations relating to appeals. There can be appeals against non determination or against a refusal made under officers' delegated powers or by the ~~Planning & Development Control~~ Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.
- 12.2 The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council.
- 12.3 The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.
- 12.4 The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning & Environment will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).
- 12.5 In the case of Informal Hearings and inquiries, the Chief Officer, ~~Planning & Environment~~ Environment and Economy will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the ~~Planning and Development Control Committee~~ Planning Committee.

12.6 Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.

~~12.7~~ Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist the Council's case and relevant Members will be approached by the Chief Officer, Planning ~~g~~ & Environment and Economy to ascertain their availability. Officers will assist any such Member in preparing for the appeal.

~~12.7~~

~~12.8~~ External legal representation and/or consultants will be engaged where the Chief Officer, Planning ~~g~~ & Environment and Economy, following consultation with the Local ~~g~~ Member(s) and the Chair and Vice Chair of the Planning Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

~~12.8~~

### 13. **PLANNING OBLIGATIONS**

13.1 The ~~Planning and Development Control Committee~~ Planning Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been raised with the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

13.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

### 14. **REGULAR REVIEW OF DECISIONS**

14.1 As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

14.2 Such a review will take place annually and briefing notes will be prepared for each case. The Planning Strategy Group will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

15. **COMPLAINTS**

15.1 Any issues or concern arising from this Code of Practice can be raised with the Chairperson of the ~~Planning and Development Control Committee~~Planning Committee, the Monitoring Officer, the Chief Officer, Planning, & Environment and Economy or the Legal Officer present at committee. (The Council also has a formal complaints system in operation, which can be used if necessary).





# Eitem ar gyfer y Rhaglen 6



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 5 <sup>th</sup> July 2021
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

This report shows a summary of the ethical complaints alleging a breach of the Code that have been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

The report gives the Committee an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report (March 2021) 6 complaints have been received. 13 complaints have been resolved since the last report. There are none outstanding.

### RECOMMENDATIONS

1	That the Committee notes the number and type of complaints.
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### REPORT DETAILS

<b>1.00</b>	<b>NUMBER OF COMPLAINTS</b>
1.01	The attached spreadsheet at Appendix A lists in summary form the complaints received during 2019/20. Each entry lists: <ul style="list-style-type: none"><li>• the Ombudsman's reference number (year/4 digit reference)</li><li>• the type of Council (Community, County or Town)</li><li>• the complainant (Councillor, officer, public)</li><li>• the provisions which are alleged to have been breached</li><li>• the decision at each of the 3 stages of investigation</li></ul>
1.02	Since the last report 6 complaints have been received. These complaints vary in terms of matters alleged and the circumstances of the incident. Of the 4 cases that have been determined, none were been investigated by the PSOW because they failed the 2 stage test.
1.03	As always some complaints are in relation to particular sets of circumstances or events. A sizeable proportion of complaints are, however, between Councillors who do not get along with each other.

	<p>Typically, these represent a form of overly personalised politics in Councils where there factional politics (whether around political groups or friendship circles) can be said to be a feature. To some extent these can be seen as relationship issues that should neither be the province of the code of conduct nor the PSOW. They should instead be managed through Councillors controlling their own behaviour, through tight control of meetings by the Chair and having a thicker skin when issues do arise. The Monitoring Officer and Deputy Monitoring Officer have worked with a number of Councils to help them identify “flash points” so that mechanisms can be put in place to prevent or manage them in future.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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2.01	None associated with the complaints recorded in this report. Working with individual Town and Community Councils to address relationship breakdown is time consuming. Where some form of whole Council “mediation” is required the Council has been recommending the use of an experienced governance consultant at the cost of the Council involved.
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	None.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	None
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	Appendix A - Number of complaints.
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	<p>None</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance  <b>Telephone:</b> 01352 702344  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
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7.01	<p><b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The Ombudsman will only investigate an alleged breach of the Code if there is clear evidence of a breach and it is in the public interest to do so.</p>
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PSOW Reference	Council	Councillor	Complainant	Alleged breach	Gatekeeper	Investigation	Hearing
16/1611	County	A	Officer	Bullying, disrespect	Investigate	Evidence of breach	APW disqualified for 14 months
16/6253	Town 1	B	Councillor	Failure to declare an interest, voting with an interest	Investigate	Apology given by councillor. Not in public interest to proceed	
16/7019	Community 1	C	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7020	Community 1	D	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7053	Community 1	D	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7054	Community 1	D	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7173	Community 1	C	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		
16/7174	Community 1	D	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
17/0516	County	A	Public	Disrepute, respect	Alleged actions not a breach of the code		
17/2548	County	B	Public	Disrepute	Alleged actions not a breach of the code		
17/7733	Community 1	C	Public	Disrepute	Alleged actions not a breach of the code		
17/7836	Town 1	D	Councillor	Bullying	Duplicate of a complaint that will be investigated		
17/7924	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/7925	Town 1	E	Councillor	Voting with a prejudicial interest	Investigate	CLr following MO advice so no breach of code	
17/7956	Town 1	F	Councillor	Respect	Alleged actions not a breach of the code		
17/7957	Town 1	G	Councillor	Bullying	Alleged actions not a breach of the code		
17/7965	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/8009	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
18/0177	Town 1	A	Public	Bullying	Investigate	Breach but no action necessary	
18/0178	Town 1	B	Public	Bullying	Investigate	Breach but no action necessary	
18/0179	Town 1	C	Public	Bullying	Investigate	Breach but no action necessary	
18/0180	Town 1	D	Public	Bullying	Investigate	Breach but no action necessary	
18/1691	County	E	Public	Disrepute, misuse of position	Investigate	Refer to APW	(1) Member improperly conferred an advantage thereby bringing office into disrepute and (2) Member had an inappropriate relationship thereby bringing his office into disrepute
18/1844	Community 1	F	Public	Disrepute	Allegations not capable of being a breach. Possibly acting in private capacity		
18/2293	Town 1	G	Public	Disrepute	Comments in private capacity and not in public interest		
18/2299	Town 1	G	Public	Disrepute	Comments in private capacity and not in public interest		
18/4124	Town 1	H	Public	Disrepute, respect	Insufficient evidence and complaint not sufficiently serious to warrant investigation		
18/04263	Community 2	I	Public	Disrepute, bullying, respect	Allegations do not relate to official capacity. Insufficient evidence, would need strong evidence to suggest a member has breached the code.		
18/05023	Town 1	D	Councillor	Bullying, respect	Withdrawn by complainant		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2019/01539	County	A	Public	Disrespect and disrepute	Insufficient evidence		
2019/01542	Community 1	B	Public	Disrespect and bullying	Not official capacity PSOW did not investigate		
2019/001823	Community 2	C	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001824	Community 2	D	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001825	Community 2	E	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001826	Community 2	F	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001827	Community 2	G	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001828	Community 2	H	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001829	Community 2	I	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001830	Community 2	J	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/001831	Community 2	K	Councillor	Disrespect and bullying	Complaints not related to the code and insufficient evidence		
2019/03873	Town 1	L	Councillor	Defamation of character and slanderous comments	Suitable for local resolution which had already been invoked		
2019/06280	Town 1	M	Councillor	Inability to control a Councillor's behaviour during Council meetings and misreporting of information	Complaint not related to the code and insufficient evidence		
2019/06288	Town 1	N	Councillor	Disorderly conduct outside T&CC meeting	Not official capacity		
2019/06842	Town 1	N	Councillor	Disorderly conduct at T&CC meeting	Political expression		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2020/02107	Community 1	A	Public	Threatening behaviour towards a member of the public	Lack of evidence and acting in private capacity		
2020/03161	Community 2	B	Public	Accusations made during virtual meeting	Political expression and not in public interest		
2020/03162	Community 2	C	Public	Failure to stop accusations being made during virtual meeting	Behaviour arguably not a breach and not in public interest		
2020/03596	Community 3	D	Public	Comments made which were humiliating and upsetting to the Clerk during virtual meeting.	Questions were reasonable and insufficient evidence that code was breached		
2020/04182	Town 1	E	Councillor	Self referral for potentially bringing office into disrepute	Investigate	No breach of the code. Actions were in private life and did not affect role as a councillor	
2020/04855	Town 1	F	Councillor	Letter received by complainant perceived to be of a bullying nature	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/04856	Town 1	G	Councillor	Letter received by complainant perceived to be of a bullying nature	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/04857	Town 1	H	Councillor	Letter received by complainant perceived to be of a bullying nature	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/04858	Town 1	I	Councillor	Letter received by complainant perceived to be of a bullying nature	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/04859	Town 1	J	Councillor	Letter received by complainant perceived to be of a bullying nature	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/05071	Town 1	F	Public	Cyber bullying of another Councillor through Social Media posts	PSOW did not investigate - no specific breach referred to by the complainant and no breach found.		
2020/05414	Town 2	K	Public	Breach of Code - failure to act in response to concerns and perceived lack of support	PSOW did not investigate - no breach of the code		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2021/00033	Community 1	A	Public	Breach of Code - behaviour of Cllr deemed to be aggressive and inappropriate	PSOW did not investigate - alleged breach is not sufficiently serious enough to warrant an investigation		
2021/00076	Community 1	B	Public	Breach of Code (Sections 6a and 6C) in supporting another Cllr's inappropriate behaviour.	PSOW did not investigate - insufficient evidence and clarification that Code was breached		
2021/00300	Community 2	C	Councillor	Disrespectful comments made during a Zoom meeting towards complainant which were overheard by all participants.	PSOW did not investigate - the Councillor in question has acknowledged his behaviour, provided written apologies and resigned as a result of their actions. It's not in the public interest to continue.		
2021/01570	Town 1	D	Public	Breach of Code of Conduct specifically the Equalities Act 2010 during an interview for a co-optee vacancy on the TC	PSOW did not investigate as it is not in the public interest to do so. Also, the Council has already provided an apology and has committed to reviewing the process and undertaking refresher training to better understand its responsibilities.		
2021/01569	Town 1	E	Public	Breach of Code of Conduct specifically the Equalities Act 2010 during an interview for a co-optee vacancy on the TC	PSOW did not investigate as it is not in the public interest to do so. Also, the Council and Councillor have already provided an apology and have committed to reviewing the process and undertaking refresher training to better understand its responsibilities.		



**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2020/21**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>March 2022</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Forward Work Plan</li> </ul>	
<b>January 2022</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Independent member visits to meetings</li> <li>• Forward Work Plan</li> </ul>	
<b>November 2021</b> Joint meeting with T&CCs	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• PSOW Annual Report/Casebook Issue 25</li> <li>• Items raised by Town and Community Councils</li> <li>• Forward Work Plan</li> </ul>	
<b>September 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Forward Work Plan</li> </ul>	
<b>July 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Planning the Agenda for the Liaison on Ethical Issues Meeting</li> <li>• Amendments to the Planning Code of Practice</li> <li>• Independent member visits to meetings</li> <li>• Review and assurance on Member/Officer Protocol</li> <li>• Review of the Ethical Standards Framework</li> </ul>	<p>Report by Gareth Owens Report by Gareth Owens Report by Matt Georgiou</p> <p>Verbal Update Verbal Update</p>

	<ul style="list-style-type: none"> <li>• Forward Work Plan</li> </ul>	
<b>May 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• PSOW Casebook Issue 24 (Jan – Dec 2020)</li> <li>• Annual Reports of the Adjudication Panel for Wales for 2018/19 and 2019/20</li> <li>• Review of Dispensation Procedures at Conwy, Denbighshire and Wrexham</li> <li>• Independent Member Visits to Meetings</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Matt Georgiou Verbal update by Matt Georgiou</p> <p>Report by Matt Georgiou</p>
<b>March 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Review of Protocol for meeting Contractors</li> <li>• Independent Member Visits to Meetings</li> <li>• Public Services Ombudsman for Wales (PSOW) Consultation on Revised Guidance on the Code of Conduct</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Gareth Owens Report by Gareth Owens Verbal Update Report by Gareth Owens</p>
<b>January 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review Protocol on the Production of Councillor Newsletters</li> <li>• Standards Forum &amp; Ethical Liaison Pre-briefing</li> <li>• Recruitment of Independent Members to the Standards Committee</li> <li>• Independent Member attendance at Committee Meetings</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens</p> <p>Report by Matt Georgiou and Nic Gittins</p>
<b>November 2020</b> Joint Meeting with T&CC	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• PSOW Annual Report/Casebook Issue 23 (Oct –Dec 2019) and the Annual letter from the PSOW</li> </ul>	<p>Report by Matt Georgiou</p>

	<ul style="list-style-type: none"> <li>• Overview of Ethical Complaints</li> <li>• Directions from President of the APW</li> <li>• Items raised by Town and Community Councils</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Gareth Owens                  Report by Gareth Owens                  Verbal</p>
<b>September 2020</b>	<ul style="list-style-type: none"> <li>• Training on LDP</li> <li>• Dispensations for LDP</li> <li>• Review of Dispensation Procedures</li> <li>• Forward Work Plan</li> </ul>	
<p><b>Reports to be scheduled -</b>                  Survey on the Production of Councillor Newsletters                  Standards Forum &amp; Ethical Liaison pre Briefing</p>		

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 10



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 5 July 2021
<b>Report Subject</b>	Planning the Agenda for the Liaison on Ethical Issues Meeting
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee meet periodically with senior members of the Council to discuss ethical issues. The next such meeting needs to be arranged and will include the Chair and Leader of Council plus the Group Leaders.

So that the meeting is productive it is suggested that the committee should propose a draft agenda. A key issue on the horizon is the new legislative duty on Group Leaders to promote and maintain high standards by members of the group. Agreeing how this will be interpreted and applied within the Council should provide for a full and productive discussion.

### RECOMMENDATIONS

1	That the draft agenda for the next Ethical Liaison Meeting be agreed.
2	That the final agenda be agreed by the Chief Officer Governance in consultation with the parties to the meeting.

## REPORT DETAILS

<b>1.00</b>	<b>Explaining the Ethical Liaison Meeting</b>
1.01	<p>The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee should meet periodically with senior members of the Council to discuss ethical issues. One such meeting has taken place and it was agreed that the next meeting should</p> <ol style="list-style-type: none"><li>1) include the political group leaders; and</li><li>2) take place after the Independent Members had completed their visits to Council meetings.</li></ol> <p>Further meetings were delayed by the response to the pandemic but it is now appropriate to arrange the second meeting.</p>
1.02	<p>For the meeting to be focussed and productive it is suggested that the Committee propose an agenda covering pertinent topics. Clearly the outcome of the Independent Member visits to Council meetings will be one such topic. The final report on such visits is an earlier item on the agenda and so can be included.</p>
1.03	<p>Another forthcoming issue that would be helpful to discuss with Group Leaders is how the Council will apply the new duty on them under the Local Government and Elections (Wales) Act 2021. The duty is as follows:</p> <p>“(1) A leader of a political group ...—</p> <ol style="list-style-type: none"><li>(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and</li><li>(b) must co-operate with the council's standards committee ... in the exercise of the standards committee's functions.</li></ol> <p>(2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.”</p>
1.04	<p>The duty does not come into force until May 2022 and, as yet, Welsh Government has not drafted any guidance on the duty. WLGA has consulted Councils and has prepared a list of the key issues to be submitted to Welsh Government for its consideration when drafting the guidance. As the document is still draft I have attached it as an exempt document. Should the committee wish to discuss the contents of the note itself then it will need to resolve to exclude the press and public.</p>
1.05	<p>Along with a general introductions and an explanation of the nature of the meeting, these 2 items should generate sufficient productive discussion for one meeting. As a matter of courtesy the other participants in the meeting should be consulted on the draft agenda and the final version will be drawn up in consultation with them.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly arising from this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Chair and Leader of Council plus the group leaders will be consulted on the proposed agenda.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Report authors to list key risks and mitigation measures.  Risk paragraph to include anti-poverty, environment and equalities issues.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – notes from WLGA regarding proposed duty on group leaders (note this Appendix is an exempt document and is not to be shared with the press or public)

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	No background papers  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:Gareth.legal@flintshire.gov.uk">Gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>WLGA:</b> The Welsh Local Government Association, a body that represents all local authorities in Wales. It often acts as a single voice for councils in their dealings with Welsh Government.

Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 11

Yn rhinwedd paragraff(au) 15 of Part 4 of Schedule 12A  
o Ddeddf Llywodraeth Leol 1972.

Dogfen Gyfyngedig - Ni ddylid ei chyhoeddi

Mae'r dudalen hon yn wag yn bwrpasol