

hawardencommunitycouncil.gov.uk

Item 3

From: "Gareth Legal" <Gareth.Legal@flintshire.gov.uk>
Date: 14 June 2017 17:19
To: <mail@hawardencommunitycouncil.gov.uk>; "David Evans" <David.evans@flintshire.gov.uk>
Subject: Advice to Clive Carver about co-option

Both

My advice to Clive is below

You will see straight away that it actually contains a typo. I advised him that option 1 was stronger but then go on to give reasoning that applies to option 2. My advice should of course have said option2 was the stronger option (so that the explanation and option were aligned).

I am not sure where that leaves the town council. If Clive told them I was advising option 1 then actually that was not my intention but it is what the email said.

I can only apologise for the confusion this has caused. I am happy to help try to resolve the matter and will be happy to talk it through with you

I am in the office tomorrow and then I am on leave but Mandy can arrange a meeting for my return

Gareth

Clive

Co-option in Wales is covered by the local government measure 2009 – probably post-dating and almost certainly not mentioned anyway by Arnold Baker

Inevitably my advice is that the fact other councils may have done things wrong is no reason for Hawarden to do so.

Given the lack of clarity on closing date the council has two choices:

- 1) Give the benefit of the doubt to the "late" application. This is potentially unfair to the person who submitted their application on time
- 2) Rule that the application was late – which is potentially unfair to the person who was not clear about the deadline.

Of the two, option 1 is probably the stronger because it should be fairly obvious to someone that if you are submitting something then you need to do it when the receiving organisation is open – imagine telling your credit card company that you "paid" your bill on time but they were closed!

Not appointing the one applicant who did submit on time in order to allow the other an opportunity to reapply properly would not be acting in good faith and thus definitely unfair.

Gareth

Gareth Owens

Chief Officer (Governance) | Prif Swyddog (Llywodraethu)

05/07/2017

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Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb am y rhannau hynny o'r neges.
