

Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:
Maureen Potter 01352 702322

At: Edward Michael Hughes (Cadeirydd)

Cynghorwyr: Patrick Heesom, Paul Johnson ac Arnold Woolley

Aelodau Cyfetholedig

Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam a Kenneth Harry Molyneux

29 Awst 2017

Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn 6.30 pm Dydd Llun, 4ydd Medi, 2017 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

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

R H A G L E N

1 YMDDIHEURIADAU

Pwrpas: I derbyn unrhyw ymddiheuriadau.

2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

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

3 COFNODION (Tudalennau 3 - 10)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod blaenorol.

4 GODDEFEBAU

Pwrpas: Derbyn unrhyw geisiadau am oddefebau.

5 **ADOLYGU TRWYDDEDAU** (Tudalennau 11 - 12)

Pwrpas: Y Pwyllgor i adolygu trwyddedau yn unol â'r gofyniad i adolygu trwyddedau'n flynyddol

6 **AELODAETH Y PWYLLGOR - SEDD WAG AR Y PWYLLGOR** (Tudalennau 13 - 16)

Pwrpas: Cyngori ar yr angen i lenwi sedd wag ar y pwyllgor a'r cyfle i hysbysebu ar gyfer y sedd wag ar y cyd â'r Awdurdod Tân.

7 **ADRODDIAD BLYNYDDOL OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU AR GYFER Y FLWYDDYN 2016/17** (Tudalennau 17 - 40)

Pwrpas: Nodi'r materion sy'n ymwneud â Chwynion Cod Ymddygiad a adroddwyd yn Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

8 **YMWELIAD YR OMBWDSMAN Â CHYD-GYFARFOD Y PWYLLGOR SAFONAU A'R CYNGHORAU TREF A CHYMUNED**

Pwrpas: I drafod pynciau a chwestiynau a dderbyniwyd gan gynrychiolwyr ar gyfer ymweliad yr Ombwdsman yng nghyfarfod mis Hydref.

9 **RHAGLEN GWAITH I'R DYFODOL** (Tudalennau 41 - 42)

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

Yn gywir



Robert Robins
Rheolwr Gwasanaethau Democraidd

Eitem ar gyfer y Rhaglen 3

PWYLLGOR SAFONAU **3 GORFFENAF 2017**

Cofnodion o gyfarfod Pwyllgor Safonau Cyngor Sir y Fflint a gynhaliwyd yn Neuadd y Sir, Yr Wyddgrug ddydd Llun, 3 Gorffennaf 2017.

YN BRESENNOL: Ed Hughes (Cadeirydd)

Y Cynghorwyr:

Patrick Heesom, Paul Johnson ac Arnold Woolley.

Aelodau Cyfetholedig:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam a Ken Molyneux.

HEFYD YN BRESENNOL:

Swyddog Monitro, Dirprwy Swyddog Monitro ac Arweinydd Tîm – Gwasanaethau Pwyllgor

Roedd y Cyngorydd Clive Carver yn bresennol ar gyfer eitem rhif 4 ar y rhaglen, Goddefebau.

10. DATGAN CYSYLLTIAD (gan gynnwys datganiadau chwipio)

Datganodd y Cyngorydd Heesom gysylltiad personol sy'n rhagfarnu yn eitem rhif 4 ar y rhaglen ar geisiadau am oddefebau sy'n gysylltiedig â Chyngor Cymuned Mostyn. Gadawodd yr ystafell pan ystyriwyd y ceisiadau am oddefeb.

11. COFNODION

Cyflwynwyd cofnodion y cyfarfod a gynhaliwyd ar 5 Mehefin 2017

Ar gyfer cofnod rhif 1, Cworwm, ac mewn ymateb i gwestiwn gan Mr Molyneux, eglurodd y Swyddog Monitro y byddai'n dosbarthu rhestr i aelodau'r Pwyllgor a oedd yn darparu manylion ynglŷn â phryd y penodwyd yr aelodau cyfetholedig ac at ba ddyddiad y byddent yn gwasanaethu.

Ar gofnod rhif 6, Cyflwyniad Aelodau, dywedodd Mr Molyneux nad oedd wedi derbyn manylion y partiön gwleidyddol yn dilyn yr etholiad. Eglurodd yr Arweinydd Tîm – Gwasanaethau Pwyllgor y byddai'n dosbarthu'r manylion i holl aelodau'r Pwyllgor.

Ar gofnod rhif 7, Gweithdrefn Ddatrys Leol ar gyfer Cyngorau Tref a Chymuned, eglurodd y Swyddog Monitro ei fod wedi ysgrifennu at Glercod Cyngorau Tref a Chymuned i egluro penderfyniad y Pwyllgor. Byddai adroddiad yn cael ei gyflwyno yng nghyfarfod nesaf Fforwm y Sir. Nododd Mr Duggan-Keen ei fod yn ymwybodol bod Cyngor Sir Ddinbych wedi mabwysiadu gweithdrefn ddatrys leol ar gyfer Cyngorau Tref a Chymuned ac eglurodd y Swyddog Monitro nad oedd yn ymwybodol ohono ond y byddai'n holi ei gydweithwyr yn Sir Ddinbych.

PENDERFYNWYD:

Cymeradwyo'r cofnodion fel cofnod cywir a'u llofnodi gan y Cadeirydd.

12. GODDEFEBAU.

Ar ôl cyhoeddi'r rhaglen, derbyniwyd pedwar cais am oddefeb gan y Cynghorydd Sir - Clive Carver, Cynghorydd Cymuned Mostyn - Peter Gibbons, Cynghorydd Cymuned Mostyn -Angela Tattum a Chynghorydd Cymuned Mostyn – David Roney. Eglurodd y Cadeirydd bod y goddefebau gan Gynghorwyr Cymuned Mostyn yr un fath, felly byddent yn cael eu trafod gyda'i gilydd.

Cynghorydd Sir - Clive Carver

Gofynnwyd i'r Pwyllgor ystyried cais am oddefeb a gyflwynwyd gan y Cynghorydd Sir, Clive Carver, "er mwyn gallu cyfathrebu, yn ysgrifenedig, dros y ffôn neu'n bersonol, gyda Chlerc Cyngor Cymuned Penarlâg ac er mwyn gallu trafod y mater gyda Chynghorwyr Cymuned eraill Penarlâg, yn a thu allan i gyfarfodydd Cyngor Cymuned Penarlâg, yn enwedig gan fod pedwar o Gynghorwyr Cymuned Penarlâg ar Bwyllgor Rheoli Sefydliad Penarlâg".

Eglurodd y Cynghorydd Carver bod yr oddefeb yn ymwneud â gwaith i Siambr y Cyngor yng Nghyngor Cymuned Penarlâg. Roedd yn aelod o Gyngor Cymuned Penarlâg a oedd yn rhentu Siambr y Cyngor gan Sefydliad Penarlâg ac roedd yn Gadeirydd y Pwyllgor Rheoli ar gyfer y corff. Yn dilyn cynnydd yn nifer Cynghorwyr Ward Ewloe o bedwar i saith yn dilyn etholiadau mis Mai 2017, penderfynwyd yn flaenorol y dylid archwilio'r dull gorau o ddarparu lle ar gyfer yr Aelodau ychwanegol yn Siambr y Cyngor, ac yn ddefnyddol y dylid cyflawni'r gwaith fel y byddai'n barod ar gyfer y cyfarfod yn dilyn y Cyfarfod Cyffredinol Blynnyddol. Ei ddealltwriaeth oedd y byddai'r Cyngor Cymuned yn arwain y gwaith dylunio a byddent yn ymgynghori â'r Pwyllgor Rheoli ynglŷn â chynlluniau'r gwaith. Roedd y broses wedi oedi ac yn anodd ei symud ymlaen.

Ceisiodd y Swyddog Monitro ychydig o eglurder ar ba sail yr oedd y Cynghorydd Carver wedi'i benodi i gorff Sefydliad Penarlâg. Eglurodd y Cynghorydd Carver ei fod wedi'i benodi gan Gyngor Cymuned Penarlâg yn y Cyfarfod Cyffredinol Blynnyddol. Yn dilyn yr eglurhad hwnnw, eglurodd y Swyddog Monitro nad oedd y Cynghorydd Carver angen goddefeb gan fod paragraff 12(2)(a)(iii) o God Ymddygiad yr Aelodau yn golygu fod ei gysylltiad yn un personol ac nid yn un sy'n rhagfarnu. Roedd hyn oherwydd ei fod wedi'i benodi i'r corff gan y Cyngor Cymuned. Ychwanegodd pe bai cais cynllunio yn cael ei gyflwyno mewn perthynas â'r gwaith yna ni fyddai'r eithriad hwn yn berthnasol. Byddai llythyr yn cael ei anfon at y Cynghorydd Carver gan y Swyddog Monitro gan ddarparu manylion a fyddai'n cynnig amddiffyniad digonol pe bai'r angen ac yn egluro'r sefyllfaoedd lle na fyddai'r eithriad yn berthnasol.

Cynghorwyr Tref Mostyn - Peter Gibbons, Angela Tattum a David Roney

Ar ôl datgan cysylltiad yn y rhan hon o'r eitem, gadawodd y Cynghorydd Heesom yr ystafell.

Darparodd y Dirprwy Swyddog Monitro fanylion am gefndir y ceisiadau ar gyfer eitem ar raglen Cyngor Cymuned Mostyn a oedd yn ceisio cyllid cyfatebol ar gyfer Grŵp Chwaraeon a Hamdden Mostyn (rhif elusen 1170389) gyda 70% pellach gan Cadwyn Clwyd i sicrhau cais am grant LEADER o'r rhaglen datblygu gwledig. Roedd y tri Cynghorydd Cymuned yn ymddiriedolwyr. Eglurodd y Dirprwy Swyddog Monitro pan gyflwynwyd yr eitem i'w thrafod yng nghyfarfod y Cyngor Cymuned yn ddiweddar, bu'n rhaid gohirio'r eitem gan nad oedd digon o wybodaeth ar gael oherwydd bod y tri Aelod wedi datgan cysylltiad personol sy'n rhagfarnu ac wedi gadael yr ystafell. Cadarnhaodd mai'r paragraffau perthnasol ar gyfer y goddefebau oedd (f) a (h).

Siaradodd y Cynghorydd Woolley a Mr Dewey o blaid y ceisiadau gan na fyddai modd trafod yr eitem oherwydd diffyg gwybodaeth, pe na roddir y goddefebau.

PENDERFYNWYD:

Cynghorydd Sir - Clive Carver

Bod llythyr yn cael ei anfon at y Cynghorydd Carver yn nodi nad oedd ei gysylltiad yn un sy'n rhagfarnu ac i ddarparu manylion iddo a fyddai'n darparu amddiffyniad digonol pe bai'r angen. Byddai'r sefyllfaoedd lle na fyddai'r eithriad yn berthnasol hefyd yn cael eu hegluro.

Cynghorydd Cymuned - Peter Gibbons

Y rhoddir goddefeb i'r Cynghorydd Cymuned Peter Gibbons o dan baragraffau (f) a (h) o Reoliadau'r Pwyllgor Safonau (Cymeradwyo Goddefebau) (Cymru) 2001 i siarad ac/neu ateb cwestiynau yng nghyfarfodydd Cyngor Tref Mostyn mewn perthynas ag eitemau ar y rhaglen ar gyfer cyllid cyfatebol ar gyfer Grŵp Chwaraeon a Hamdden Mostyn, ac i adael yr ystafell yn ystod y drafodaeth a phan bleidleisir ar y mater. Hefyd i siarad â swyddogion ar yr amod bod tyst a fyddai'n sicrhau bod o leiaf tri pherson yn bresennol, a bod cofnod yn cael ei gadw o'r sgwrs.

Cynghorydd Cymuned - Angela Tattum

Y rhoddir goddefeb i'r Cynghorydd Cymuned Angela Tattum o dan baragraffau (f) a (h) o Reoliadau'r Pwyllgor Safonau (Cymeradwyo Goddefebau) (Cymru) 2001 i siarad ac/neu ateb cwestiynau yng nghyfarfodydd Cyngor Tref Mostyn mewn perthynas ag eitemau ar y rhaglen ar gyfer cyllid cyfatebol ar gyfer Grŵp Chwaraeon a Hamdden Mostyn, ac i adael yr ystafell yn ystod y drafodaeth a phan bleidleisir ar y mater. Hefyd i siarad â swyddogion ar yr amod bod tyst a fyddai'n sicrhau bod o leiaf tri pherson yn bresennol, a bod cofnod yn cael ei gadw o'r sgwrs.

Cynghorydd Cymuned - David Roney

Y rhoddir goddefeb i'r Cynghorydd Cymuned David Roney o dan baragraffau (f) a (h) o Reoliadau'r Pwyllgor Safonau (Cymeradwyo Goddefebau) (Cymru) 2001 i siarad ac/neu ateb cwestiynau yng nghyfarfodydd Cyngor Tref Mostyn mewn perthynas ag eitemau ar y rhaglen ar gyfer cyllid cyfatebol ar gyfer Grŵp Chwaraeon a Hamdden Mostyn, ac i adael yr ystafell yn ystod y drafodaeth a phan bleidleisir ar y mater. Hefyd i siarad â swyddogion ar yr amod bod tyst a fyddai'n sicrhau bod o leiaf tri pherson yn bresennol, a bod cofnod yn cael ei gadw o'r sgwrs.

13. AILBENODI CYNRYCHIOLYDD CYNGOR TREF A CHYMUNED

Eglurodd y Swyddog Monitro bod adroddiad wedi'i gyflwyno i Gyfarfod Blyneddol y Cyngor yn argymhell bod y Cynghorydd Duggan-Keen, cynrychiolydd presennol Cynghorau Tref a Chymuned ar y Pwyllgor Safonau, yn cael ei ail-benodi am dymor pellach a oedd wedi'i gytuno.

Gofynnodd y Cynghorydd Johnson am fanylion y broses o enwebu cynrychiolwyr ar gyfer y rôl. Eglurodd y Swyddog Monitro ei fod wedi ymgynghori â'r Cynghorau Tref a Chymuned yn gofyn am eu harsylwadau ar ail-benodi'r Cynghorydd Duggan-Keen neu a oedd ganddynt enwebiadau amgen i'w cynnig. Dim ond dau ymateb a gafwyd, ac nid oedd yr un o'r ddau yn wrthwynebiadau i'r ailbenodiad.

Mewn ymateb i gwestiwn pellach, eglurodd y Swyddog Monitro mai tymor y penodiad oedd 5 mlynedd ac erbyn hynny byddai'r Cynghorydd Duggan-Keen wedi gwasanaethu'r nifer uchaf posibl o gyfnodau yn y swydd. Yn dilyn y drafodaeth, cytunwyd y byddai'r Swyddog Monitro yn cysylltu â Llywodraeth Cymru i egluro'r anawsterau a wynebwyd gan fod angen dechrau'r broses recriwtio cyn yr etholiad nesaf heb wybod pwy fyddai'n cael eu hethol.

PENDERFYNWYD:

- (a) Nodi nad oedd unrhyw Gyngor Tref neu Gymuned yn gwrthwynebu ailbenodiad y Cynghorydd Duggan-Keen;
- (b) Bod y Swyddog Monitro yn cysylltu â Llywodraeth Cymru i dynnu sylw at yr anawsterau gydag amseru'r broses recriwtio; a
- (b) Bod adroddiad yn cael ei gyflwyno i gyfarfod y Cyngor Sir ym mis Medi gan argymhell bod y Cynghorydd Duggan-Keen yn cael ei ailbenodi am dymor arall.

14. CYNNAL HYFFORDDIANT AR GYFER CYNGHORAU TREF A CHYMUNED

Cyflwynodd y Swyddog Monitro'r adroddiad ac egluro bod y Cyngor wedi darparu tair sesiwn hyfforddiant ar gyfer Cynghorau Tref a Chymuned ar y Cod Ymddygiad a Llywodraethu ac roedd 54 cynghorydd o 23 Cyngor wedi'u mynychu.

Oherwydd bod nifer o Cynghorau heb gael digon o ymgeiswyr ar gyfer yr etholiad ac y bu'n rhaid iddynt gyfethol Cynghorwyr, byddai nifer o Gynghorwyr wedi methu mynychu'r sesiynau hyfforddiant a gynhaliwyd. Felly byddai sesiwn hyfforddiant bellach yn cael ei chynnal ym mis Medi, byddai'r dyddiad yn cael ei gadarnhau.

Gofynnodd y Swyddog Monitro a oedd unrhyw aelodau o'r Pwyllgor Safonau yn dymuno cymryd rhan yn y sesiwn hyfforddiant honno, a dywedodd Mr Dewey yr hoffai gymryd rhan. Dywedodd y Cadeirydd y gallai cymryd rhan yn amodol ar ei argaeledd.

Mewn ymateb i gwestiwn gan y Cynghorydd Johnson, eglurodd y Swyddog Monitro y cynhelir sesiwn hyfforddiant flynyddol ar gyfer Cynghorau Tref a Chymuned a fyddai'n ymdrin â'r un testunau, fodd bynnag, byddai'n cysylltu â nhw i ofyn a oedd ganddynt unrhyw beth penodol yr hoffent dderbyn hyfforddiant arno. Yn dibynnu ar yr ymateb a'r meysydd yr oeddent yn teimlo eu bod angen hyfforddiant arnynt, byddai angen iddynt geisio cytundeb gan y Prif Swyddogion perthnasol y gallent ddarparu'r adnodd hynny. Dewis amgen fyddai sesiynau hyfforddiant penodol cyn cyfarfodydd y Fforwm Cymunedol. Byddai'n trafod yr opsiynau gyda chydweithwyr.

PENDERFYNWYD:

- (a) Nodi'r hyfforddiant a ddarperir ynghyd â'r dyddiad ychwanegol a drefnwyd ar gyfer mis Medi; a
- (b) Bod y Swyddog Monitro yn cysylltu â Chynghorau Tref a Chymuned i ofyn a oeddent angen unrhyw hyfforddiant ar unrhyw destunau penodol.

15. ADRODDIADAU BLYNYDDOL GAN AELODAU

Cyflwynodd y Swyddog Monitro adroddiad a oedd yn darparu manylion o gyfarfodydd blaenorol lle y trafodwyd adroddiadau blynyddol gan Aelodau.

Ym mis Mai 2016, penderfynodd y Pwyllgor Safonau "*Y cysylltir ag Aelodau ym mis Mai bob blwyddyn gyda thempled o adroddiad blynyddol ac y dylid eu cynghori y byddai unrhyw adroddiadau yn cael eu rhoi ar wefan y Cyngor gan y Gwasanaethau Democrataidd*". Yn dilyn yr etholiadau lleol, ac yn unol â'r cofnod hwnnw, roedd yn briodol atgoffa'r Aelodau o'r weithdrefn honno yn awr.

Mewn ymateb i gwestiwn gan y Cynghorydd Johnson, eglurodd y Swyddog Monitro nad oedd yn ofynnol bod Aelodau yn cynhyrchu adroddiad blynyddol, ond roedd yn ofynnol bod y Cyngor yn eu cyhoeddi ar y wefan os oeddent yn cael eu cynhyrchu. Ychwanegodd fod nifer o Aelodau yn cynhyrchu newyddlenni helaeth ac felly efallai nad oeddent yn dymuno cynhyrchu adroddiad blynyddol .

Yn dilyn trafodaeth cydnabu'r Pwyllgor fanteision cyfryngau cymdeithasol pe baent yn cael eu defnyddio'n briodol ac fe gytunwyd y byddai canllaw CLILC ar y defnydd o gyfryngau cymdeithasol yn cael eu dosbarthu i'r holl Aelodau.

PENDERFYNWYD:

- (a) Y dylid cynghori'r holl Aelodau o'r gweithdrefnau ar gyfer ysgrifennu adroddiadau blynyddol; a
- (b) Bod canllawiau CLILC ar y defnydd o gyfryngau cymdeithasol yn cael eu dosbarthu i'r holl Aelodau.

16. RHAGLEN GWAITH I'R DYFODOL

Cyflwynodd y Swyddog Monitro'r rhaglen gwaith i'r dyfodol a gwahodd testunau ar gyfer sesiynau hyfforddiant yn y dyfodol.

Eglurodd bod y cyfarfod ar 2 Hydref 2017 yn gyfarfod ar y cyd gyda'r Cynghorau Tref a Chymuned. Byddai'r Ombwdsmon, Mr Nick Bennett, yn bresennol yn y cyfarfod ac awgrymodd y byddai Adroddiad Blynyddol Ombwdsmon y Gwasanaethau Cyhoeddus yn eitem addas ar gyfer y cyfarfod, ac fe gefnogwyd y cynnig. Cytunwyd y byddai unrhyw gwestiynau gan aelodau'r Pwyllgor Safonau yn cael eu cyflwyno i'r Swyddog Monitro erbyn diwedd mis Gorffennaf ac y byddent yn cael eu hanfon at yr Ombwdsmon er mwyn caniatáu digon o amser i baratoi ymatebion. Byddai'r Swyddog Monitro hefyd yn cynnig yr un peth i'r Cynghorau Tref a Chymuned a byddai adroddiad yn cael ei gyflwyno i'r Pwyllgor Safonau ym mis Medi cyn y cyfarfod ar y cyd ym mis Hydref.

Cytunwyd ar yr eitemau canlynol ar gyfer cyfarfod mis Medi:

- Cyfnod swydd ar gyfer aelodau lleyg Pwyllgorau Safonau; ac
- Adolygu goddefebau.

PENDERFYNWYD:

- (a) Nodi'r Rhaglen Gwaith i'r Dyfodol gan gynnwys yr eitemau uchod; a
- (b) Bod y Swyddog Monitro yn cysylltu â Chynghorau Tref a Chymuned i ofyn bod unrhyw gwestiynau y maent yn dymuno eu gofyn i'r Ombwdsmon yn y cyfarfod ar y cyd ym mis Hydref yn cael eu hanfon ato erbyn diwedd mis Gorffennaf, gan gynnwys y rhai a gyflwynwyd gan aelodau'r Pwyllgor Safonau.

17. AELODAU'R CYHOEDD A'R WASG HEFYD YN BRESENNOL

Nid oedd unrhyw aelodau o'r wasg na'r cyhoedd yn bresennol.

Dechreuodd y cyfarfod am 6.30pm a daeth i ben am 7.30pm.

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Cadeirydd

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Review of Dispensations
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Local Government Act 2000 (the Act) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

When conducting a review the standards committee must determine whether the dispensation should continue to have effect.

RECOMMENDATIONS

1	To review the dispensations granted by the committee which remain in effect, as well as the dispensations that have recently expired but which the relevant Councillors require to be extended, and determine whether each of those dispensations should continue to have effect or be extended.
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REPORT DETAILS

1.00	
1.01	The Deputy Monitoring Officer has reviewed the dispensations granted by the Committee in order to ascertain which dispensations continue to have effect and require review, and which dispensations have recently expired but which the relevant Councillors wish to be extended.

2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Councillors who have an effective dispensation have been advised of the requirement of the Committee to review their dispensation and to decide whether they shall continue to have effect, as have those who have a dispensation that has recently expired.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	N/A

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	N/A Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A

Eitem ar gyfer y Rhaglen 6



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Committee Membership:- Vacancy on the Committee
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Committee should be made up of nine members but currently has a vacancy in its composition, which requires the appointment of a further lay member. The Fire Authority is also currently seeking to appoint a lay member to their standards committee. The committee therefore has the opportunity to consider advertising jointly with the Fire Authority in respect of the appointment and also to consider the possibility of a joint appointment in order to reduce costs and lend greater prominence to the campaign for the appointment.

RECOMMENDATIONS

1	To seek agreement from the Fire Authority to jointly advertise with the Council for a lay member to the authorities' respective standards committees, and to explore the possibility of a joint appointment with the Fire Authority.
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REPORT DETAILS

1.00	
1.01	The Committee, pursuant to the Council's Constitution, is to be composed of nine members, to include five "independent" or "lay" Members, who are not either a Councillor or an Officer or the spouse of a Councillor, or an Officer of this Council, or any other relevant Authority (as defined by the Local Government Act 2000); Three Councillors other than the Leader and not more than one Member of the Executive; and one Community Council Member.

1.02	The Committee currently has a vacancy, as there are only four lay Members on the Committee.
1.03	Appointments to the Committee must be made in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended) (the Regulations).
1.04	<p>That procedure has certain publicity requirements under Regulation 13 as follows:-</p> <p>(1) Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.</p> <p>(2) The advertisement referred to in paragraph (1) above shall notify the local government electors for the relevant authority's area that the relevant authority is seeking to appoint an independent member to its standards committee.</p> <p>(3) A relevant authority may publish an advertisement in connection with any vacancy for a post as an independent member on that relevant authority's standards committee in any newspaper that it publishes.</p>
1.05	The term of office for a lay member of the Committee is to be not less than four and not more than six years.
1.06	The Regulations require an appointment panel to be set up and require specific criteria to be established for any lay member appointment to the Committee.
1.07	The Fire Authority for North Wales also needs to fill a vacancy for a lay member on their standards committee.
1.08	The costs of the required publicity, establishment of requisite criteria and establishment of an appropriate appointment panel, can be reduced if those costs are shared between the Council and the Fire Authority. Further, if costs are shared, there is the potential to give greater prominence to the advertisement campaign.
1.09	There is also the potential to make a joint appointment and then share the costs of remunerating the appointed member between the Fire Authority and the Council. There may be difficulties in this regard, given that the Fire Authority covers the whole of North Wales and, depending on the location of applicants, there may be a reluctance to travel between authorities. However, the campaign could potentially look to recruit either one person for both authorities or two people, with one person for each authority's committee.

2.00	RESOURCE IMPLICATIONS
2.01	The cost of the appointment and associated with making the appointment, including the campaign and publicity.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Fire Authority for North Wales.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	N/A

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	N/A Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Public Services Ombudsman for Wales Annual Report for the Year 2016/17
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Public Services Ombudsman for Wales (PSOW) has published his Annual Report (AR) for 2016/2017 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005.

This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.

RECOMMENDATIONS

1	To note the matters relating to Code of Conduct Complaints (CCC's) reported in the AR.
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REPORT DETAILS

1.00	
1.01	The PSOW has published his AR for 2016/2017 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. This is the first time that the AR has been combined with annual accounts for the PSOW.
1.02	The purpose of the AR is to report on the performance of the PSOW's office over the year and to deliver any key messages arising from the work carried out during the year.

1.03	This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.
1.04	The AR sets out the workload that has been dealt with by the PSOW during 2016/2017. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCC's). This report will highlight the data relating to CCC's only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).
1.05	While the number of public services complaints have risen by 3%, the number of CCC's has fallen by 14%. For the year 2015/16 CCC's had risen by 19% (from 231 in 2014/15 to 276 In 2015/16). That rise was due to complaints from Town and Community Councillors (which had risen by 49% since 2014/15). The total number of complaints for the year 2016/17 were 236. 37% of the complaints related to the promotion of equality and respect; 23% related to the failure to disclose or register interests; 14% related to failure to be objective or act with propriety and 4% related to accountability and openness. Of those complaints, 248 were closed (down 6% on last year) and 44 were investigated (up 19% on last year).
1.06	Further details of CCC's is contained at pages 13 to 14, and 20 to 21 of the AR. Statistical data is contained at Annex B (pages 105 – 108) of the AR. Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category 'Closed after initial consideration.' This includes decisions such as <ul style="list-style-type: none"> •there was no 'prima facie' evidence of a breach of the Code •the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction).
1.07	The PSOW considers that the drop in the level of CCC complaints by over 14% is particularly encouraging given that historically complaints increase in the period before local elections.
1.08	The PSOW considers that the introduction of the Public Interest Test has reduced the number of low-level complaints being considered by his office and points out that on the rare occasions where serious matters have been referred to the Adjudication Panel for Wales (the APW) during the year, the APW have found breaches of the code.
1.09	With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority's standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year.
1.10	The AR also notes the publication of the updated Code of Guidance for County and town/community Councillors.

2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	Pages 12 to 23 of the AR and Annex B of the AR

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>http://www.assembly.wales/laid%20documents/agr-ld11135/agr-ld11135-e.pdf</p> <p>Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	PSOW:- the Public Services Ombudsman for Wales whose duty it is to investigate complaints made by members of the public in relation to the actions and decision making of public bodies in Wales.
7.02	AR:- Annual Report of the PSOW for 2016/17
7.03	CCC's:- Code of Conduct Complaints

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The Complaints Service

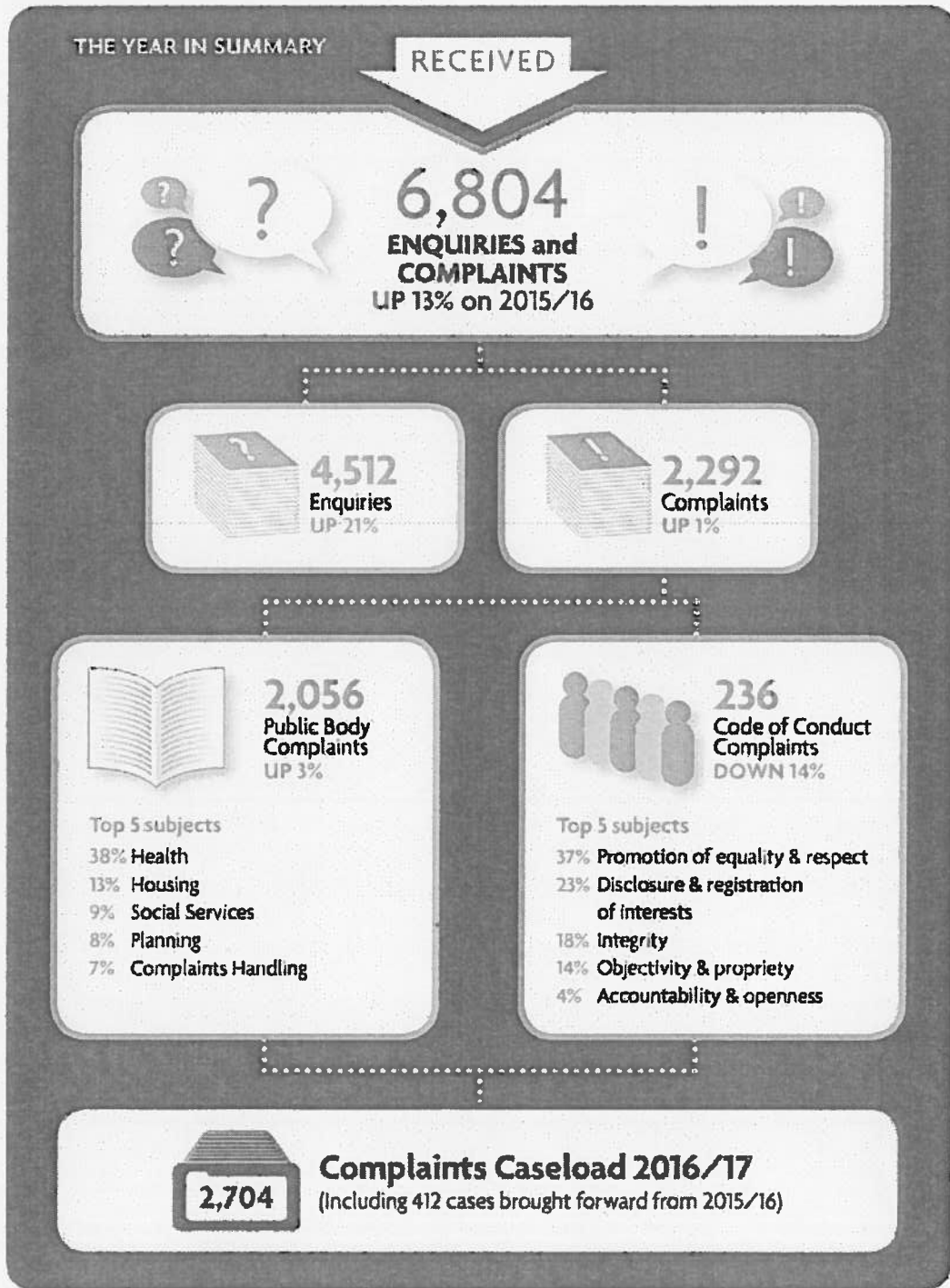
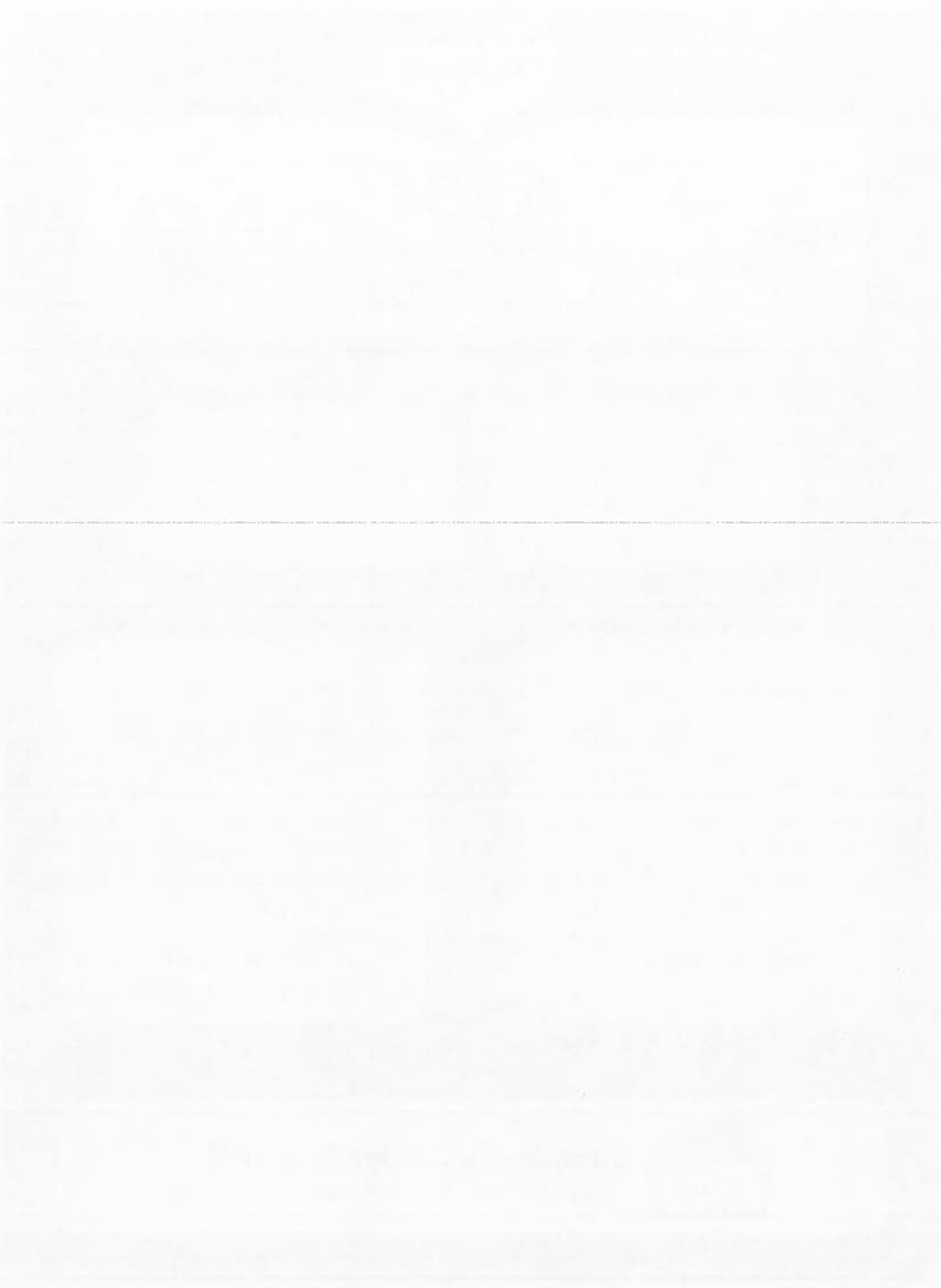
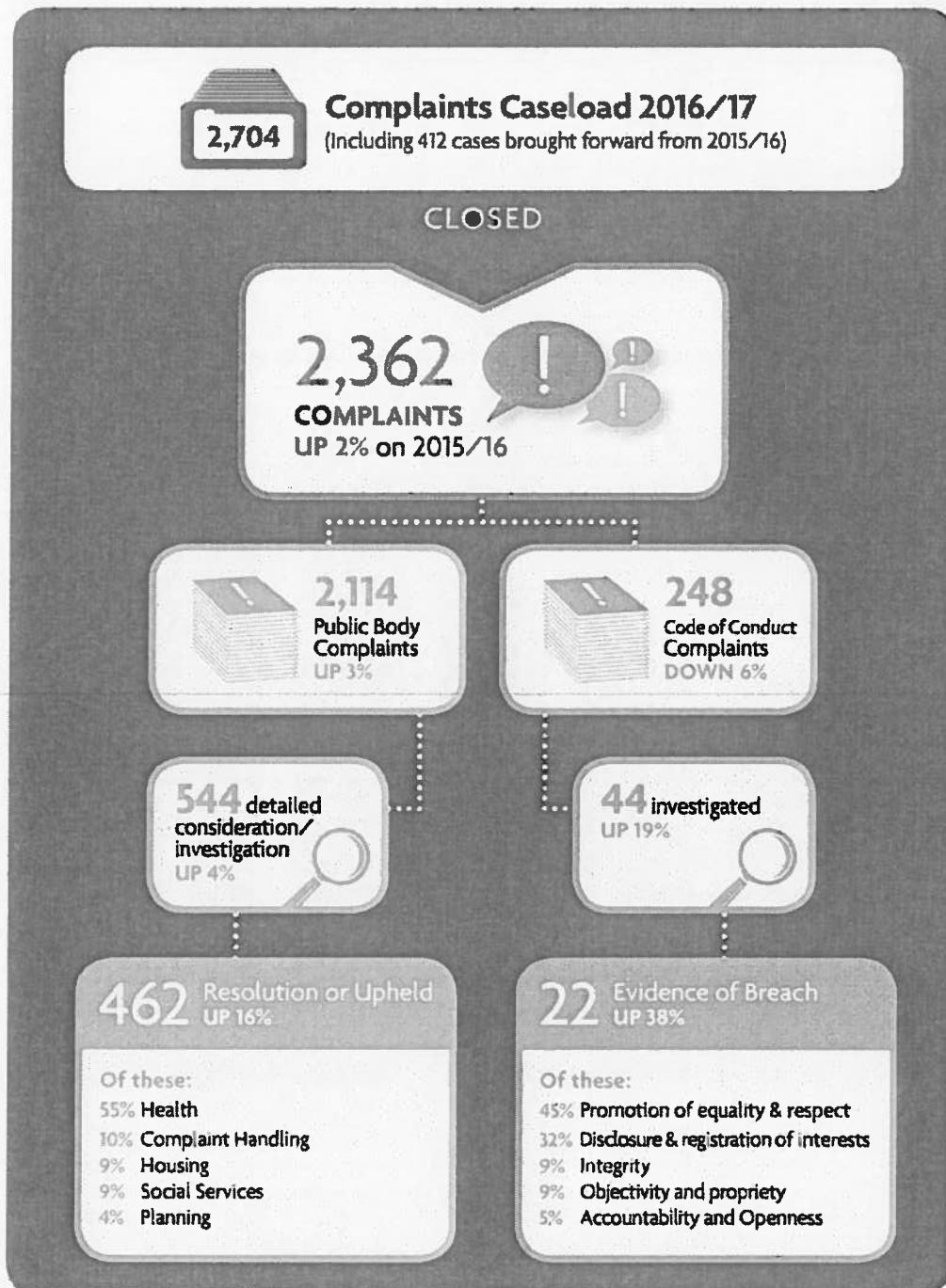


Figure 14.20

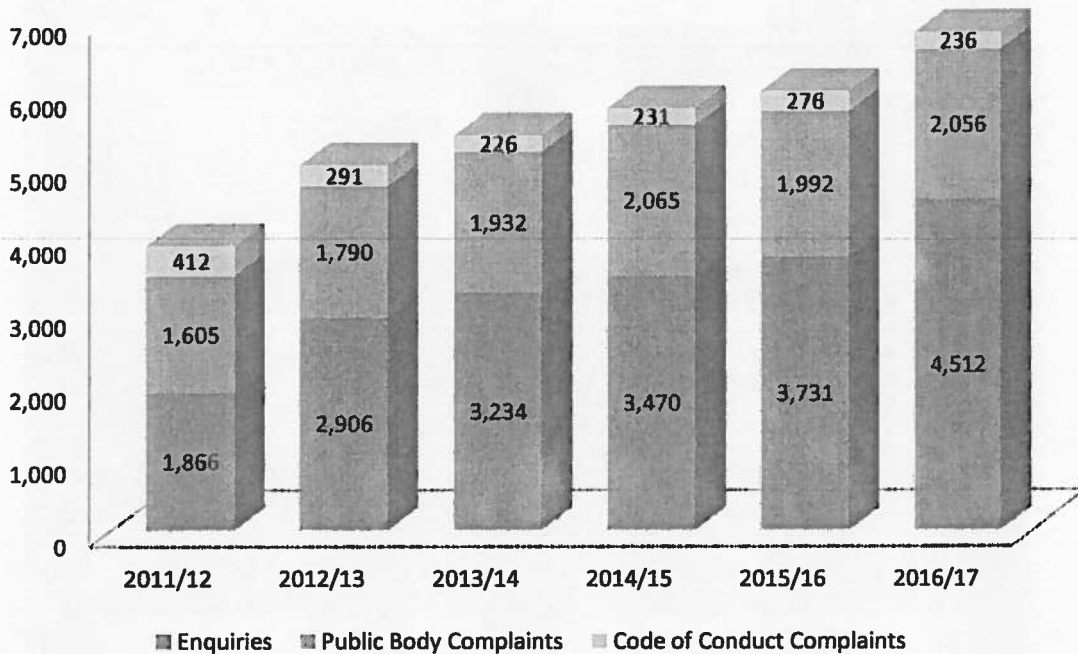




Overall Casework Statistics

The number of enquiries and complaints (public body complaints, and complaints about the conduct of members of local authorities) totalled 6804 during 2016/17 which is a 13% increase on the position for 2015/16. Over the past six years, overall casework has increased by 75%.

Total Enquiries and Complaints received by year



Enquiries

The office dealt with 4,512 enquiries during 2016/17 compared with 3,731 the previous year. This is a 21% increase. Despite this increase we have continued to maintain a fast and efficient service at the frontline.

We set ourselves the target of answering our main line reception calls within 30 seconds in 95% of cases. The Team performed impressively in this regard, answering 98% of calls within this timescale.

An enquiry is a contact made by a potential complainant asking about the service provided, which does not, result in a formal complaint being made to me at that time. At this point in our service we will advise people how to make a complaint to me or, where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them. Where appropriate, the Complaints Advice Team will also seek to resolve a problem at enquiry stage without taking the matter forward to the stage of a formal complaint.

Public Body Complaints

During 2016/17 we received 2,056 complaints about public sector providers – a 3% increase on the previous financial year. This brings public body complaints to a similar level as 2014/15 when my office received 2,065 complaints.

Sectoral breakdown of complaints received

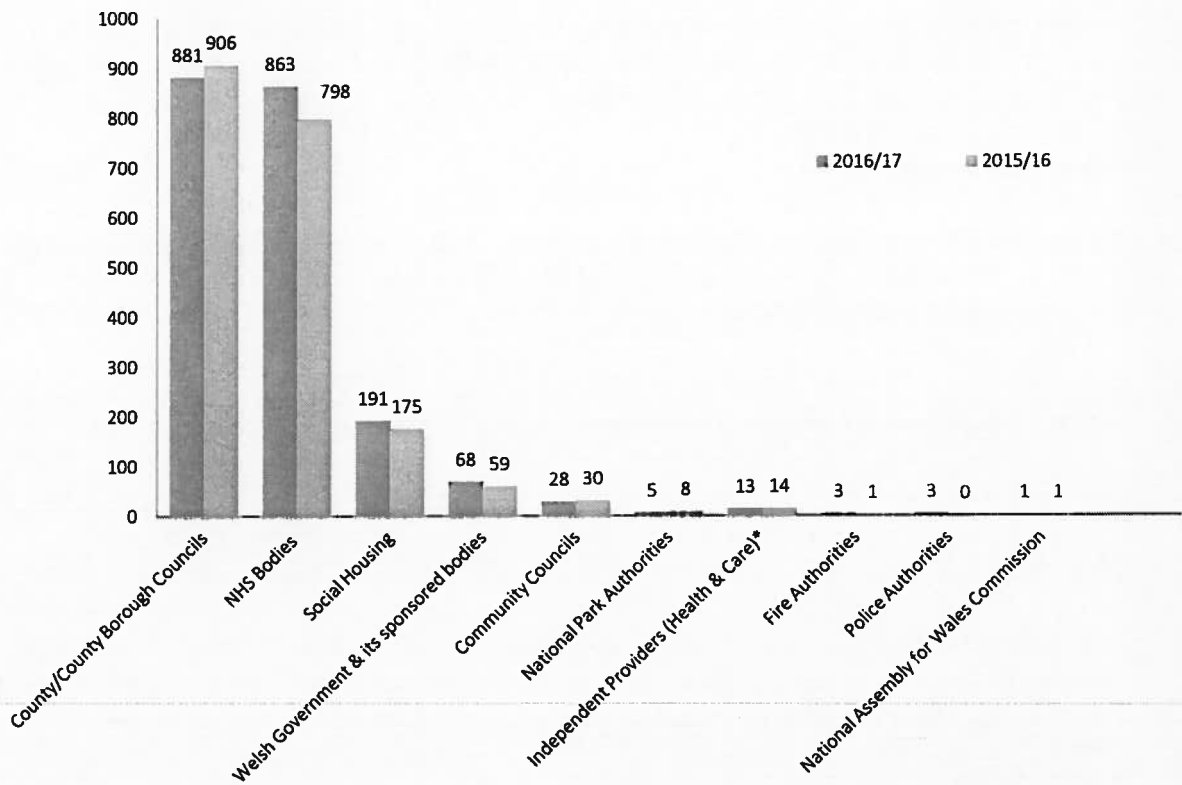
County councils have always generated the most complaints to this office due to the wide range of services they provide. However, for the second year running there has been a decrease in the number of complaints – down from 906 during 2015/16 to 881 in 2016/17.

Once again there has been an increase in complaints about NHS bodies. These include complaints about Local Health Boards, NHS trusts, GPs and dentists. There was a 8% increase in complaints about health bodies compared with 2015/16 (863 compared with 798)

Complaints about NHS Bodies have increased by 8% from 798 in 2015/16 to 863 in 2016/17. A large proportion of that increase is due to a rise in complaints **received** about Betsi Cadwaladr University Health Board of 23%.

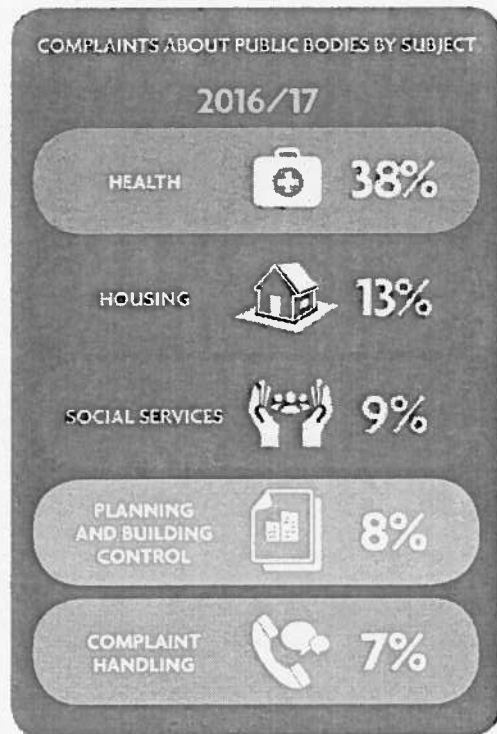
The chart on page 16 shows the distribution of the complaints received by sector.

Complaints received by public body sector

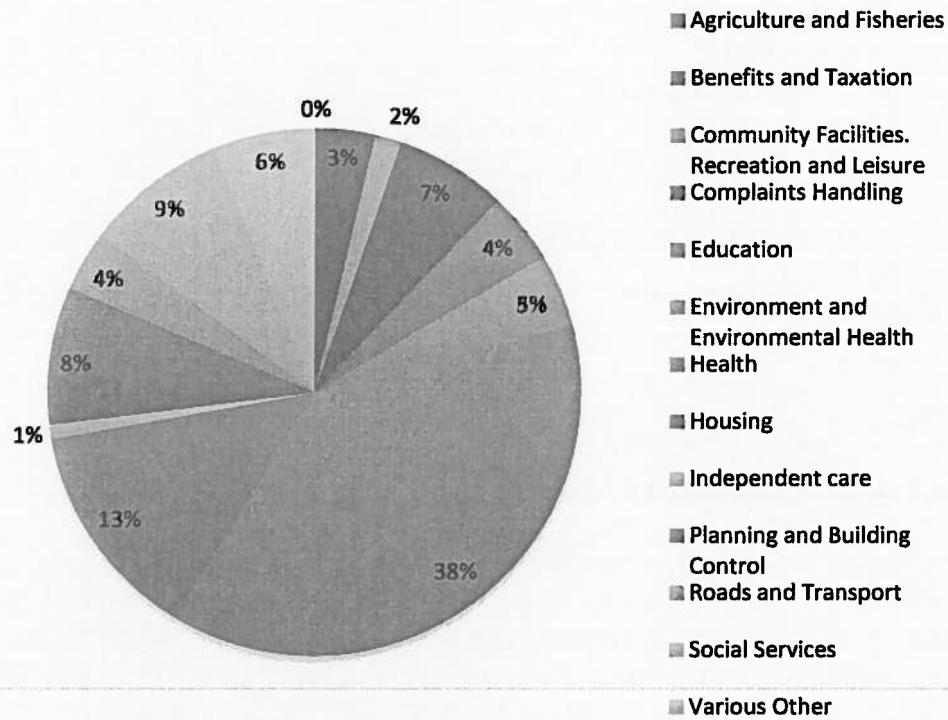


Complaints received about public bodies by subject

As consistent with previous years, health was the major part of our office caseload, up from 36% last year to 38% this year. This was followed by housing (13%) and planning and building control (8%). Social Services remained at a similar proportion as the previous financial year at 9%.



Complaints received about public bodies by subject



Outcomes of complaints considered

We closed 2,114 complaints about public service providers during the past year compared with 2,050 in 2015/16 (an increase of 3%). A summary of the outcomes is set out in the table below and detailed breakdowns of the outcomes by public service provider can be found at Annex A.

I am pleased that staff have managed to achieve this level of case closures during the year, together with the fact that the number of cases on hand at the end of 2016/17 stood at 345, compared with 412 at the end of 2015/16 (which is a reduction of 13%). This is well within what I consider to be a reasonable caseload for the office to have open at any one time.

Complaint about a Public Body	2016/17	2015/16
Closed after initial consideration	1570	1488
Complaint withdrawn	0	41
Complaint settled voluntarily	287	227
Investigation discontinued	16	19
Investigation: complaint not upheld	66	105
Investigation: complaint upheld in whole or in part	168	163
Investigation: complaint upheld in whole or in part – public interest report	6	7
Investigation: complaint upheld in whole or in part – public interest report (S22)	1	0
Total Outcomes – Complaints	2114	2050

Decision times

Time taken to tell the complainant if I will take up their complaint

We set ourselves a target to tell complainants whether or not I will take up their complaint. This year we introduced new key performance indicators. Previously there was a blanket four week target for all complaints, regardless of complexity. This has been changed to ensure the focus is on measuring against the service user's experience rather than the previous internal focus.

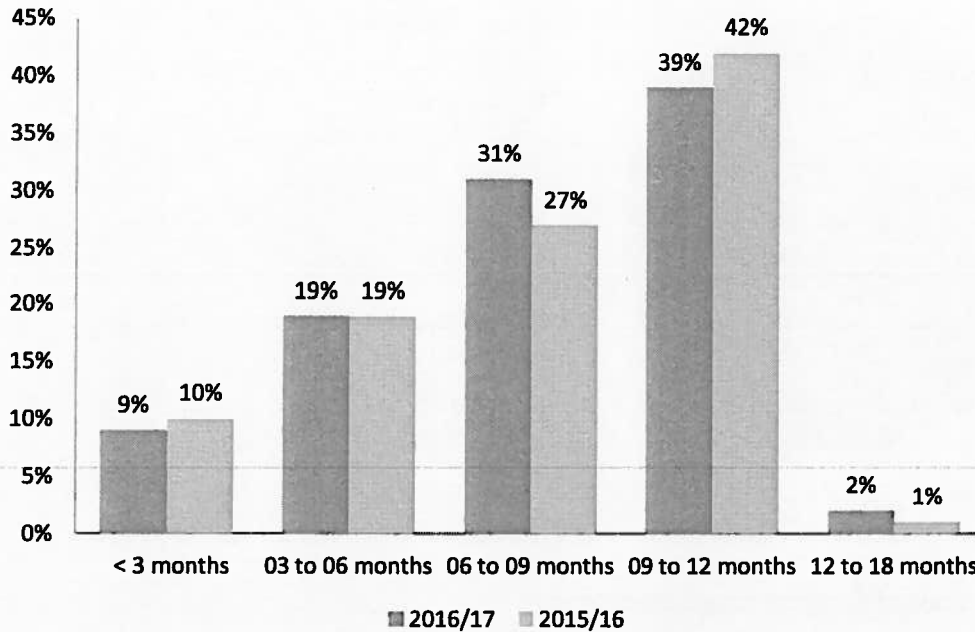
The new decision times are as follows:

- Decision on whether complaint within jurisdiction/premature - within 3 weeks.
- Decision on whether to investigate, following detailed assessment - within 6 weeks.
- Where decision to seek early resolution without need to investigate, resolution achieved - within 9 weeks.
- Date sufficient information received (DSIR) from complainant to investigation start date – within six weeks

	Percentage 2016/17
Decision on whether complaint within jurisdiction/premature – within three weeks	95%
Decision on whether or not to investigate, following detailed assessment - within six weeks.	92%
Where decision to seek early resolution without need to investigate, resolution achieved – within nine weeks	95%
DSIR to Investigation start date – within six weeks	80%

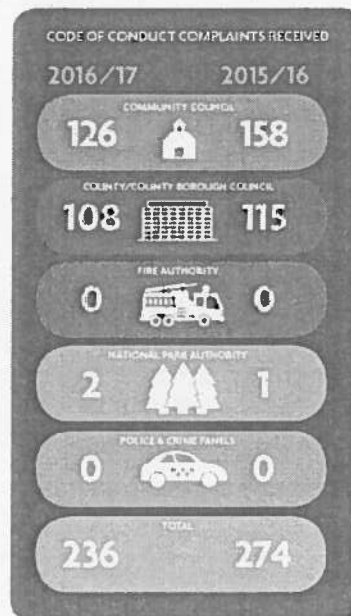
Investigation Decision Times

In 2016/17 we completed 98% of investigations within 12 months, against the 100% target we set ourselves. There were seven investigations that went over 12 months. These cases were complex and required further investigatory work, or where there were significant challenges to draft findings by the complainant or public body. The chart below gives further details on investigation timescales.



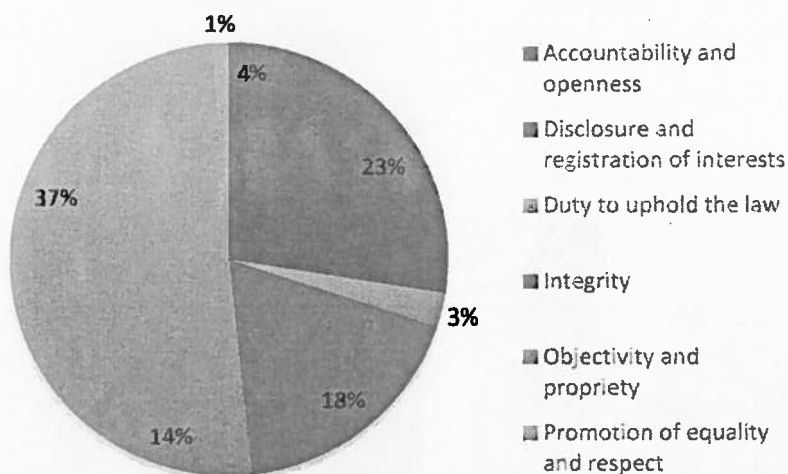
Code of Conduct Complaints

The number of code of conduct complaints decreased by 14% compared with 2015/16 (236 in 2016/17 against 274). This is encouraging considering historically, code of conduct complaints increase in the period before local elections.



Nature of Code of Conduct complaints received

The majority of complaints received during 2016/17 related to matters of 'promotion of equality and respect' accounting for 37% of the complaints made to me. (this was 41% in 2015/16). Disclosure and registration of interests (23%) and Integrity (18%) were the next largest areas of complaint which is consistent with the previous year.



Summary of Code of Conduct complaint outcomes

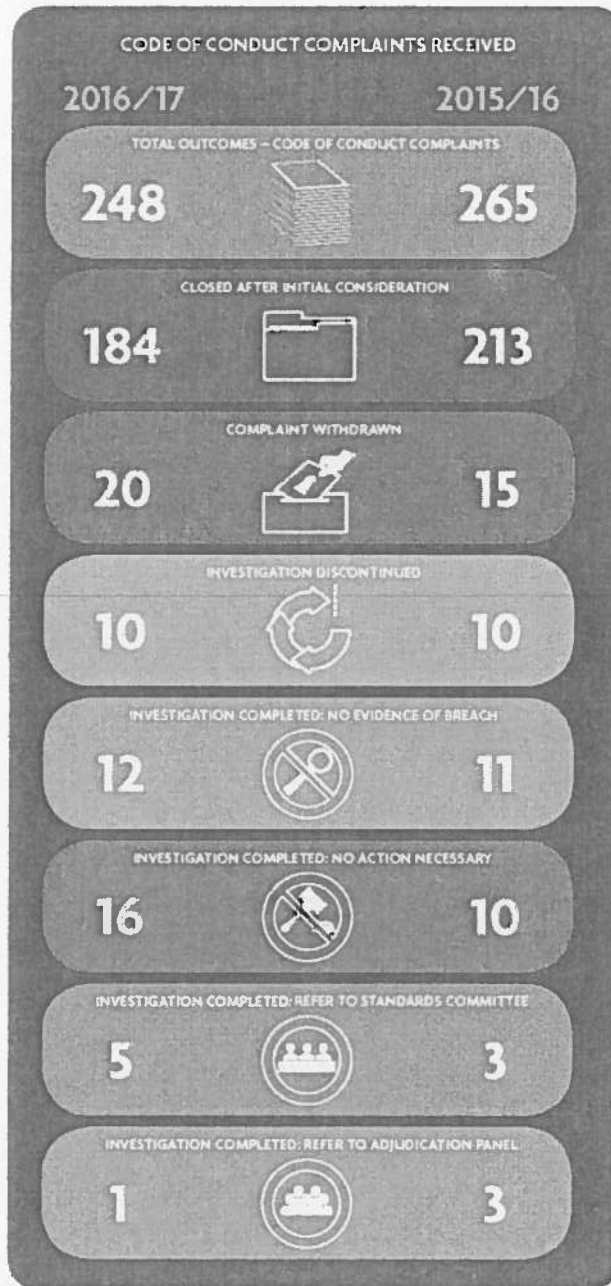
Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category 'Closed after initial consideration.'

This includes decisions such as

- there was no 'prima facie' evidence of a breach of the Code
- the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)

With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority's standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year. In these circumstances it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned. It is then for them to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed.

A breakdown of the outcomes is below:



A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2016/17 is set out in the Annex.

Decision times

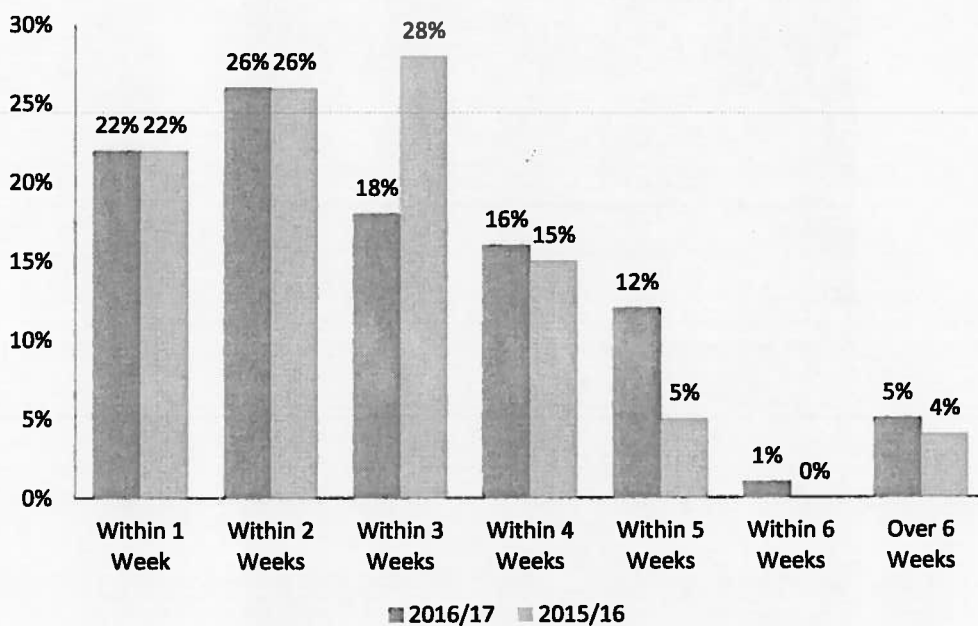
Time taken to tell the complainant if I will take up their complaint

In respect of Code of Conduct complaints, 82% of complainants were informed within four weeks of whether I would take up their complaint (from the date that sufficient information is received). This is considerably lower than during 2015/16 where 91% were informed within four weeks.

However, this is partially explained by the fact that a greater number of complaints this year reached investigation. I consider that it is fairer for us to take into consideration what a member has to say before taking a decision and this process can take some time. This is because the commencement of a formal investigation against a member is a stressful and serious matter for the member being complained about.

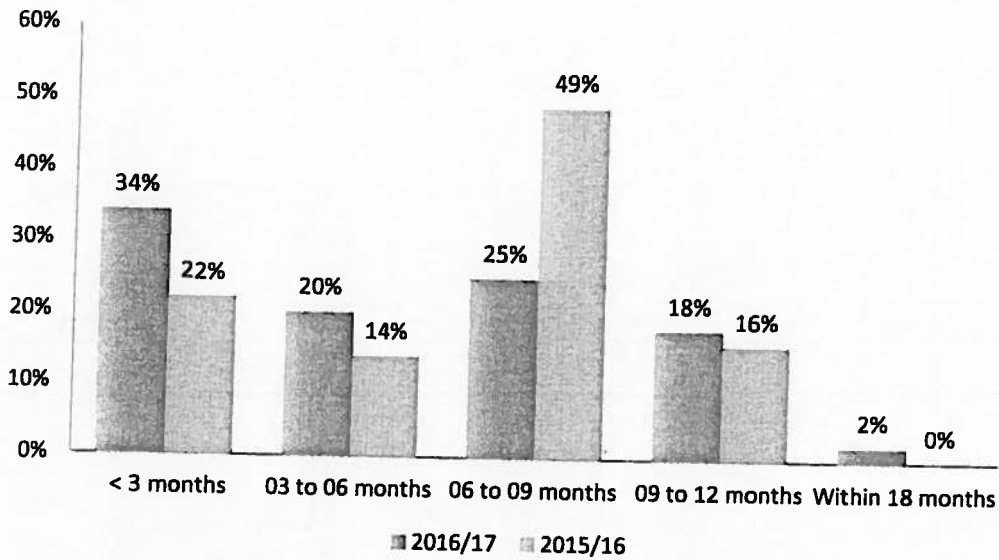
Further details on these decision timescales are shown below.

Code of Conduct time taken to tell the complainant if I will take up their complaint



Decision times for concluding Code of Conduct investigations

Comparing performance against 2015/16, a greater percentage of investigations were closed within three months (34% compared to 22% in 2015/16.)



Annex B: Code of Conduct Complaints closed – Statistical Breakdown by outcomes by local authority

County/County Borough Councils

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	1	0	0	0	0	0	0	1
Bridgend	3	0	0	1	0	0	0	4
Caerphilly	6	0	1	0	0	0	0	7
Cardiff	4	0	0	0	0	1	0	5
Carmarthenshire	1	0	0	0	0	0	0	1
Ceredigion	5	0	0	0	0	0	0	5
Conwy	1	0	0	1	0	0	0	2
Denbighshire	6	0	0	0	0	0	0	6
Flintshire	3	0	1	0	0	0	0	4
Gwynedd	3	0	0	0	0	0	0	3
Isle of Anglesey	2	0	0	1	0	0	0	3
Merthyr	0	1	0	0	0	0	0	1
Monmouthshire	7	0	1	0	0	0	0	8
Neath Port Talbot	1	0	0	0	1	0	0	2
Newport	1	0	0	0	0	0	0	1
Pembrokeshire	2	0	0	0	0	0	0	2
Powys	16	0	1	0	3	0	2	22
Rhondda Cynon Taf	6	0	1	0	0	0	0	7
Swansea	12	1	0	0	0	0	0	13
Torfaen	3	0	0	0	1	0	0	4

INNOVATION, IMPROVEMENT, INFLUENCE

Llandrindod Wells Town Council	2	0	0	0	0	0	0	0	0	0	0	2
Llandudno Town Council	3	0	0	0	0	0	0	0	0	0	0	3
Llandwrog Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanelli Rural Council	4	0	0	0	0	2	0	0	0	0	0	6
Llanelli Town Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanelli Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanfihangel Glyn Myfyr Community Council	1	1	0	0	0	0	0	0	0	0	0	2
Llangefni Town Council	9	0	0	1	0	0	0	0	0	0	0	10
Llangennech Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Llangynog Community Council	1	1	0	0	0	0	0	0	0	0	0	2
Llantrisant Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llantwit Major Town Council	1	0	0	0	0	1	0	0	0	0	0	2
Magor with Undy Community Council	2	0	0	1	0	0	0	0	0	0	0	3
Manorbier Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Milford Haven Town Council	2	0	0	0	0	0	0	0	0	0	0	2
Mold Town Council	1	0	0	0	0	0	0	0	0	0	0	1
Mumbles Community Council	2	3	0	0	0	3	0	0	0	0	18	26
Northop Hall Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Ogmore Valley Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Pen-Y-Cae Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Pontyclun Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Pontypridd Town Council	4	0	0	0	0	0	0	0	0	0	0	4
Prestatyn Town Council	5	2	0	0	0	1	0	0	0	0	0	8
Queensferry Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Radyr and Morganstown Community Council	0	0	0	3	0	0	0	0	0	0	0	3
Saltney Town Council	1	0	0	0	0	0	0	0	0	0	0	1

Sully and Laverock Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Irefriw Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Tywyn Town Council	0	0	0	0	2	0	0	0	0	0	0	2
TOTAL	112	8	7	13	0	0	0	0	0	18	0	140

National Park Authorities

National Park Authorities	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Brecon Beacons	2	0	0	0	0	0	0	2
TOTAL	2	0	0	0	0	0	0	2

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
October 2017	<ul style="list-style-type: none">• Training• Dispensations• PSOW Annual Report• Joint Meeting with Town and Community Councils	2 October - Joint meeting with Town and Community Councils to be attended by the Ombudsman, Mr Nick Bennett
Sept 2107	<ul style="list-style-type: none">• Training• Dispensations• Review of Dispensations• Questions for the Ombudsman	To review the questions for the Ombudsman attending the joint meeting in October

Mae'r dudalen hon yn wag yn bwrpasol