

# Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:  
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At: Robert Dewey (Cadeirydd)

Cynghorwyr: Patrick Heesom, Paul Johnson ac Arnold Woolley

## **Aelodau Cyfetholedig:**

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes ac Kenneth Molyneux  
(+ 1 swydd wag ar gyfer aelod cyfetholedig)

29 Hydref 2019

Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn **6.00 pm** Dydd Llun, 4ydd Tachwedd, 2019 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

**\* Mae gofyn i Aelodau nodi amser dechrau'r cyfarfod a 6.00 pm**

## **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 3 - 8)**

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 30 Medi 2019.

### **4 GODDEFEBAU**

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

Bydd aelodau'r wasg / y cyhoedd yn gallu aros yn yr ystafell 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 ADRODDIADAU O YMWELIADAU AELODAU ANNIBYNNOL Â CHYNGHORAU TREF/CYMUNED**

**Pwrpas:** I dderbyn adroddiadau ar lafar gan aelodau annibynnol y Pwyllgor ar eu hymweliadau â'r cynghorau canlynol:

- Cyngor Tref Shotton (Ken Molyneux - 07.10.19)

**6 TRAFOD GYDA'R CYNGOR AR FATERION MOESEGOL (Tudalennau 9 - 12)**

**Pwrpas:** I gwblhau trefniadau ar gyfer cyfarfodydd rheolaidd rhwng yr Arweinydd a Chadeirydd y Cyngor a'r Cadeirydd ac Is-gadeirydd y Pwyllgor Safonau.

**7 LLAWLYFR OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU (OGCC) RHIFYN 21 (EBRILL 2019 - MEHEFIN 2019) A RHIFYN 22 (GORFFENNAF 2019 - MEDI 2019) (Tudalennau 13 - 22)**

**Pwrpas:** Hysbysu'r Pwyllgor am gyhoeddiadau diweddaraf Llyfr Achos Cod Ymddygiad Ombwdsmon y Gwasanaethau Cyhoeddus.

**8 DIWEDDARIAD AR Y SEDD WAG AR GYFER AELOD ANNIBYNNOL**

**Pwrpas:** Adroddiad llafar ar y drefn recriwtio i lenwi'r sedd wag bresennol ar y Pwyllgor ar gyfer Aelod Annibynnol (cyfetholedig).

**9 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 23 - 26)**

**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

## **STANDARDS COMMITTEE** **30<sup>TH</sup> SEPTEMBER 2019**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at the Town Hall, Caerwys on Monday, 30<sup>th</sup> September 2019.

### **PRESENT: Rob Dewey (Chairman)**

#### **Councillors:**

Patrick Heesom, Paul Johnson and Arnold Woolley.

#### **Co-opted members:**

Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux.

### **APOLOGY:**

Julia Hughes.

### **TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:**

Councillors: Roy Wakelam – Penyffordd Community Council; Michael Moriarty, Susan Broadway and Steve Wilson – Caerwys Town Council; Gareth Evans – Higher Kinnerton Community Council; Richard Dolphin and William Glynn – Whitford Community Council; Ian Hodge and Ted Palmer – Holywell Town Council and Huw Morgan – Nannerch Community Council. Phillip Parry, Clerk to Caerwys, Whitford and Halkyn Community Councils was also in attendance.

### **IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer, Head of Democratic Services and Team Leader – Democratic Services.

## **27. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None.

## **28. MINUTES**

The minutes of the meeting held on 2<sup>nd</sup> September 2019 were submitted and approved as a correct record.

### **RESOLVED:**

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

## **29. DISPENSATIONS**

No requests received.

### **30. ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS**

- (a) To discuss any ethical issues or the work of the Standards Committee raised by Town and Community Councils:

The Monitoring Officer advised that none had been raised in advance of the meeting. The Chair invited any issues from the floor but there were none.

- (b) To gauge interest in a training event for new Councillors on the Code of Conduct and to seek a volunteer to host:

The Monitoring Officer explained that he had been contacted by two town/community councils on the possibility of training being offered to new Councillors on the Code of Conduct. If there was an appetite for such training it could be provided and he sought a volunteer town/community council to host the training.

It was requested that such a session could include training for Chairs which was supported. On a training venue, the Monitoring Officer explained that somewhere in the North West of the County would be preferable as it could encompass required training for new members of the North Wales Fire and Rescue Authority. The training would most likely take place at the beginning of November. Councillor William Glynn from Whitford Community Council said he would ask at the next meeting of Whitford Community Council if they would be happy to host the training in Carmel Village Hall.

#### **RESOLVED:**

- (a) That training be offered to new Councillors on the Code of Conduct, and that the session also include training for Chairs; and
- (b) That the possibility of using Carmel Village Hall for the training be considered at the next meeting of Whitford Community Council.

#### **Variation of Order of Business**

The Chair indicated that the next item to be considered would be The Role of a Councillor.

### **31. THE ROLE OF A COUNCILLOR**

The Head of Democratic Services introduced the report which provided details of the role of a County Councillor and the potential expectations of them.

A Councillor was an integral part of the Council as collectively, all seventy Councillors in Flintshire were Flintshire County Council.

The role description for a Flintshire County Councillor was published on the website and covered accountabilities, role, purpose and activity.

As a guide, the Independent Remuneration Panel for Wales (IRPW) believed that the role of a 'back bench' Councillor was likely to be the equivalent of three working days a week. A Cabinet Member was likely to work the equivalent of a 37 hour week.

Town and Community Councillors had their own separate roles. It was important that County Councillors and Town and Community Councillors worked together in representing their communities and likewise, County Councils and Town and Community Councils were encouraged to work closely together and may hold regular liaison meetings – this was the purpose of the Flintshire Forum.

The Welsh Local Government Association (WLGA) published a new Councillor guide 'A Guide for New Councillors in Wales' which set out the role of a Councillor, and was appended to the report. In addition, a Local Government association guide to working within a political environment was also appended to the report. The Committee welcomed the report, in particular the WLGA guide and requested that this be sent out to all County Councillors and to Town and Community Clerks.

Ken Molyneux commented that the information on social media was sparse within the document. The Head of Democratic Services explained that the WLGA had a separate social media protocol; the Monitoring Officer explained that this had previously been reported to Standards Committee and could also be found on the WLGA website. In addition, he said that other such information would be available, via the Town and Community Clerks, who had access to One Voice Wales or the Society of Local Council Clerks.

**RESOLVED:**

- (a) That the report be received; and
- (b) That a copy of the WLGA guide 'A Guide for New Councillors In Wales', which set out the role of a Councillor, be sent to County Councillors and Town and Community Council Clerks.

**32. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS**

Rob Dewey presented his verbal report following his visit as an independent member to Northop Hall Community Council which had taken place on 10<sup>th</sup> September.

The meeting had been a positive experience and was well led by the Chair with helpful assistance from the Clerk. He reported on the good external signage to the meeting venue, and the use of name plates in the meeting. The Clerk was new and an appropriate training course had been identified for her. She delivered a good and thorough report. He praised the level of commitment and contributions by those in attendance.

He felt it would be beneficial if Town and Community Councils published draft minutes of their previous meetings, given the timing between meetings, which would be of assistance to any members of the public. Councillor Heesom supported this and requested that the Monitoring Officer look into that being a possibility.

There was one remaining visit outstanding which was Shotton Town Council; Ken Molyneux was visiting there the following week.

**RESOLVED:**

That the verbal report be received and feedback given to Town and Community Councils accordingly.

**33. FEEDBACK FROM THE INDEPENDENT MEMBERS' VISITS TO TOWN AND COMMUNITY COUNCILS**

The Monitoring Officer introduced the report and explained the independent members of the Standards Committee had attended all but one Town and Community Council meetings over the past 12 months. The visits had been carried out in order to gain a greater understanding of how Town and Community Council meetings were run across the County, with a particular focus on issues pertaining to the Members' Code of Conduct (the Code), and to provide any feedback arising from the visits that may be useful.

The overriding feedback was that Town and Community Council meetings in Flintshire were well organised and attended and that Town and Community Councillors, and their Clerks, should be commended for their hard work and commitment.

Copies of letters sent to Town and Community Councils following each visit had been sent out and were appended to the report.

There were some common themes that had arisen where members of the Standards Committee considered improvements should be made to Town and Community Council meetings, which were:

1. Declarations of Interest should appear as a standing item on all agendas before substantive items were listed;
2. Where Declarations of Interest were made by Councillors, they should both verbally express whether the interest was personal, or both personal and prejudicial, and should also briefly explain the nature of the interest including which item on the agenda it related to and the same should be submitted in writing before the end of the meeting;
3. Agendas should be available prior to meetings on the Council's website and minutes of meetings should also be published on the Council's website;
4. In order to promote accessibility, the location, date and time of meetings should be available on the Council's website and adequate signposting at and around the venue itself should be in place;

5. Name plates should be displayed for Councillors at meetings so members of the public know who the Members of the Council are;
6. Inductions should be arranged for all new Councillors, including an explanation of the expectations upon them under the Code;
7. That the matters required under the Local Government (Democracy) (Wales) Act 2013 are published on Town and Community Council websites as follows:
  - a) Information on how to contact it, and if different, the Clerk including:
    - i. A telephone number;
    - ii. A postal address;
    - iii. An email address;
  - b) Information about each of its Members, including:
    - i. The Member's name;
    - ii. How the Member may be contacted;
    - iii. The Member's party affiliation (if any);
    - iv. The ward which the Member represents (where relevant);
    - v. Any office of the Council held by the Member;
    - vi. Any Committee of the Council to which the Member belongs.
  - c) The minutes of the proceedings of the Council's meeting and (in so far as is reasonably practicable) any documents which are referred to in the minutes;
  - d) Any audited statement of the Council's accounts; and
  - e) The register of Members' interests.

In response to a question from Councillor Johnson, the Monitoring Officer explained that whilst it was a requirement to publish contact details for Members, he was able to give permission, depending on the circumstances explained to him, for such information to be redacted from the website or documents available to be viewed by the public.

The Monitoring Officer sought feedback from Town and Community Councils on whether any of the recommendations outlined in the seven letters had been acted upon. Feedback could be received up to 4<sup>th</sup> November 2019 to enable the details to inform a final report to the Committee on the visits in December 2019. Holywell Town Councillor, Ted Palmer, said that since the letters had been received, Holywell Town Council now displayed Councillor name plates, had public speaking on the agenda and Declaration of Interest forms were put out on the tables.

A comment was made by Councillor Huw Morgan of Nannerch Community Council that the agenda for the joint meeting with Town and Community Councils should make it clear that the training provided at 6.00pm was open to Town and Community Council representatives and not just Standards Committee members, as was usually the case with Standards Committee meetings.

**RESOLVED:**

That the report be circulated to all Town and Community Councils in Flintshire and the common theme and suggestions outlined in the report be endorsed as recommendations of best practice to those Councils.

**34. FORWARD WORK PROGRAMME**

The current Forward Work Programme was received.

In November the Annual Report of the Adjudication Panel for Wales would be submitted in addition to a report on Liaison with the Council on Ethical Issues.

**RESOLVED:**

That the Forward Work Programme be noted.

**35. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

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

(The meeting started at 6.30pm and ended at 7.40pm)

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**Chairman**



# Eitem ar gyfer y Rhaglen 6



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 November 2019
<b>Report Subject</b>	Liaison with the Council on Ethical Issues
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

In January 2019, the Committee on Standards in Public Life (“CSPL”) published a blueprint for the creation of a new ethical regime for English Councils. One of the recommendations was for Councils to arrange regular meetings between the Chair/Vice Chair of the Standards Committee and senior figures within the Council.

The Committee considered the CSPL’s recommendations at its meeting on the 2<sup>nd</sup> September 2019, and agreed to adopt this recommendation. The Leader and Chair of Council have both agreed to the proposal. This report suggests a standard agenda for such meetings and that they should take place every 6 months.

### RECOMMENDATIONS

1	That the agreement of the Leader and Chair of Council to 6 monthly liaison meetings be welcomed.
2	That the key issues set out in the report form the agenda for such meetings.

## **REPORT DETAILS**

<b>1.00</b>	<b>Explaining the Proposed Meetings</b>
1.01	The Committee on Standards in Public Life (“CSPL”), also known as the “Nolan Committee”, made the original recommendations that led to the creation of Standards Committees. It recently reviewed, and, in January 2019, made a number recommendations to strengthen, the ethical regime in England following wide ranging changes made by the Localism Act 2011. This Committee reviewed those recommendations at its meeting on 2 <sup>nd</sup> September 2019.
1.02	<p>The CSPL recommended that - “BP15 senior officers to meet regularly with group leaders or whips re standards”</p> <p>The Chief Executive and Monitoring Officer already meet with group leaders and discuss standards issues (e.g. the recent changes to the Flintshire Standard). The Committee suggested that it might be helpful if the Chair/Vice Chair of this Committee met with senior Councillors. The Leader and Chair of Council have agreed to meet on a regular basis to discuss standards issues.</p>
1.03	<p>The meetings will be an informal two way discussion, and could cover:</p> <ul style="list-style-type: none"><li>• the recent work of the Committee;</li><li>• proposal for future work of the Committee;</li><li>• any concerns about procedures, protocols or member behaviour.</li></ul> <p>I would suggest that such issues could form the basis for a regular/standard agenda. I would also recommend that the meetings take place every 6 months at the outset. A date has already been arranged for mid-November.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The proposed meetings will have minimal resource implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Leader and Chair of Council have been consulted.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The proposed meetings do not generate any additional risks for the Council and may help to improve the Council’s resolution of any perceived problems.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Local Government Ethical Standards Report.</p> <p><a href="https://www.gov.uk/government/collections/local-government-ethical-standards">https://www.gov.uk/government/collections/local-government-ethical-standards</a></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>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None that are not explained within the report.

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 7



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 4 <sup>th</sup> November 2019
<b>Report Subject</b>	Public Service Ombudsman for Wales Casebooks: Issue 21 (April 2019 to June 2019) and Issue 22 (July 2019 to September 2019)
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

The Public Service Ombudsman for Wales (PSOW) considers complaints that Members of local authorities in Wales have broken the Code of Conduct (the Code). There are four findings the PSOW can arrive at:

- (a) that there is no evidence of breach;
- (b) that no action needs to be taken in respect of the complaint;
- (c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal.

The PSOW summarises the complaints that he has investigated on a quarterly basis in the Code of Conduct Casebook (the Casebook). In reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. These editions cover the periods April to June 2019 and July to September 2019.

These editions highlight that 17 complaints were investigated by the PSOW during this time, of which of 8 investigations led to findings of no evidence of breach, 5 led to findings of no action necessary, 3 led to referrals to the relevant Standards Committees and 1 led to a referral to the APW.

### RECOMMENDATIONS

1	To note the findings of those complaints that were investigated by the PSOW during April to June 2019 and July to September 2019, as summarised in issues 21 and 22 of the Casebooks.
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## REPORT DETAILS

1.00	BACKGROUND
1.01	<p>The PSOW considers complaints that Members of local authorities in Wales have broken the Code. The PSOW investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act. Where the PSOW decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the PSOW can arrive at, namely:</p> <ul style="list-style-type: none"><li>(a) that there is no evidence that there has been a breach of the authority's Code;</li><li>(b) that no action needs to be taken in respect of the matters that were subject to the investigation;</li><li>(c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;</li><li>(d) that the matter be referred to the President of the APW for adjudication by a tribunal (this is usually only the more serious cases)</li></ul>
1.02	<p>In terms of findings (c) and (d) it is for the Standards Committee or tribunal to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.</p>
1.03	<p>The Casebook contains summaries of reports issued by the PSOW for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. These editions (issues 21 and 20) cover April to June 2019 and July to September 2019.</p>
1.04	<p>The summary of the findings in these editions of the Casebooks, are as follows:-</p> <p><b><u>Casebook Issue 20 (April to June 2019)</u></b></p> <p><b><u>No evidence of breach</u></b></p>
1.05	<p>Sully and Lavernock Community Council - Disclosure and registration of interests. Case number: 201802547 - Report issued in April 2019.</p>
1.06	<p>The PSOW received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code. It was alleged that, despite being aware that a grievance had been submitted to the Council about his behaviour, the Member had failed to declare an interest when those matters were discussed in Council meetings.</p>

1.07	In addition to the evidence provided by the complainant, information was also sought from the Council, the County Council and the Member. Having reviewed the information available, the PSOW found that there was no evidence of a breach of the Code.
1.08	Amlwch Town Council – Promotion of equality and respect Case Number: 201802863 – Report issued in April 2019
1.09	The PSOW received a complaint that a Member (“the Member”) of Amlwch Town Council (“the Council”) had breached parts of the Code in his conduct towards the Council’s Clerk at a meeting.
1.10	The PSOW investigated whether the Member had breached parts of the Code in relation to showing respect and consideration, not use bullying behaviour or harass any person, and not conduct yourself in a manner which could reasonably be regarded as bringing their authority into disrepute.
1.11	The PSOW investigated a selection of those present at the meeting, including members of the Council and members of the public. The evidence did not support the complaint.
1.12	Under Section 69(4) (a) of the Local Government Act 2000, the PSOW concluded that there was no evidence to suggest that the Member had failed to comply with the Code.
1.13	Powys County Council – Promotion of equality and respect Case Number: 201803813 & 201803815 – Report issued in May 2019.
1.14	The PSOW received a complaint that a Member (“the Member”) of Powys County Council (“the Council”) had breached the Code. It was alleged that the Member had continuously made comments to the press about the complainant’s business, which caused the complainant to feel bullied and harassed. During the course of the investigation, information was provided by relevant parties including the complainant and the Monitoring Officer.
1.15	The PSOW found that there was no evidence of a breach of the Code. The matters referred to by the complainant were accurate and in the public domain. There was no evidence which was suggestive that matters had been leaked to the press by the Member.
	<b><u>No action necessary</u></b>
1.16	Magor with Undy Community Council – Integrity Case Number: 201807788 – Report issued in May 2019.
1.17	The PSOW received a complaint that a Member (“the Member”) of Magor with Undy Community Council (“the Council”) had breached the Code when he organised the transfer of Council data to an external, electronic storage application. It was alleged that the Member acted improperly to persuade Council staff to grant access to the Council’s files, and inappropriately accessed the information which was available during the file transfer process.

1.18	<p>Having been informed, during the course of the investigation that the Member had resigned from the Council, the PSOW concluded that the complaint no longer satisfied the public interest requirements of the two-stage test and the investigation was discontinued.</p> <p><b><u>Referred to Standards Committee</u></b></p>
1.19	<p>Cwmllynfell Community Council– Promotion of equality and respect Case Number: 201704948 – Report issued in May 2019.</p>
1.20	<p>The PSOW received a complaint that a Member (“the Member”) of the Cwmllynfell Community Council (“the Council”) displayed disrespectful and bullying behaviour towards the Clerk (at the time) at two meetings.</p>
1.21	<p>The PSOW found that there was evidence to suggest that the Member had failed to show respect and consideration to the former Clerk when raising matters of a personal nature, which did not relate to the performance of the Clerk’s duties, during the second meeting which was open to the public. The Member’s actions were considered to be contrary to one of the Council’s Standing Orders. The PSOW found also that there was evidence to suggest that the Member had displayed bullying behaviour towards the Clerk at this meeting.</p>
1.22	<p>The PSOW determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council’s Standards Committee.</p>
1.23	<p>The Standards Committee determined that the Member’s conduct in respect of the second meeting was in breach of paragraphs 4(b) and 4(c) of the Council’s Code. In addition, the Standards Committee found that in behaving in this way during this meeting that the Member had also brought the office of member into disrepute in breach of paragraph 6(1)(a). The Standards Committee issued a censure to the Member for the breaches of the Code found.</p> <p><b><u>Referred to Adjudication Panel for Wales</u></b></p>
1.24	<p>There are no summaries in relation to this finding.</p> <p><b><u>Casebook Issue 22 (July to September 2019)</u></b></p> <p><b><u>No evidence of breach</u></b></p>
1.25	<p>Caia Park Community Council - Disclosure and registration of interests Case number: 201805133 - Report issued in July 2019.</p>
1.26	<p>The PSOW received a complaint that a Member (“the Member”) of Caia Park Community Council (“the Council”) had breached the Code for Members, in October 2018, when they submitted an application for funding for a community project, in which they had an interest, which was above the Council’s agreed limit, against the advice of the Clerk. It was alleged that the Member’s behaviour could bring the Council into disrepute.</p>



1.27	The investigation established that the Clerk had advised that the Council could consider an application for funding above the agreed limit. The Member declared an interest and there was no evidence that they sought to influence the decision making. Therefore, the PSOW found that there was no evidence that the Member had breached the Code.
1.28	Powys County Council - Accountability and openness. Case Number: 201803272 – Report issued in August 2019.
1.29	The PSOW received a complaint that a Member (“the Member”) of Powys County Council (“the Council”) had breached the Code (“the Code”) in relation to the connection of water supplies to two of his properties and in respect of his actions in relation to his caravan site.
1.30	An investigation was commenced to consider whether the Member had breached the part of the Code relating to disrepute. Copies of relevant documents were obtained. The evidence found by the investigation was shared with the Member before he was formally interviewed.
1.31	The PSOW determined there was no evidence to suggest that the Member had breached the Code.
1.32	Denbighshire County Council - Promotion of equality and respect. Case Number: 201900044 – Report issued in August 2019.
1.33	The PSOW received a complaint about a Member (“the Member”) of Denbighshire County Council (“the Council”). It was alleged that the Member’s behaviour had been inappropriate and disrespectful and breached the Code.
1.34	During the course of the investigation, information was provided by relevant parties including the complainant, and the Monitoring Officer. The PSOW found that there was no evidence to support the concerns raised and found that there was no breach of the Code.
1.35	Prestatyn Town Council - Promotion of equality and respect. Case Number: 201900045 – Report issued in August 2019.
1.36	The PSOW received a complaint about a Member (“the Member”) of Prestatyn Town Council (“the Council”). It was alleged that the Member’s behaviour had been inappropriate and disrespectful and breached the Code.
1.37	During the course of the investigation, information was provided by relevant parties including the complainant, the Clerk to the Council and the Monitoring Officer.
1.38	The PSOW found that there was no evidence to support the concerns raised and found that there was no breach of the Code.
1.39	Sully and Lavernock Community Council - Duty to uphold the law. Case number: 201900025 - Report issued in September 2019.

1.40	The PSOW received a complaint that a Member (“the Member”) of Sully and Lavernock Community Council (“the Council”) had breached the Code when he allegedly physically attacked someone.
1.41	The PSOW’s investigation was suspended pending the outcome of a criminal prosecution made against the Member in relation to the incident. The case was heard by the Magistrates’ Court; there was no direct witness evidence to the alleged incident and the Member was found not guilty. Therefore, the PSOW did not consider that the evidence suggested that the Member had breached the Code in this case.
1.42	The PSOW’s finding under s69 (4) (a) of the Local Government Act 2000 was therefore that there was no evidence that the Member had failed to comply with the Code.  <b><u>No action necessary</u></b>
1.43	Llandrindod Wells Town Council - Promotion of equality and respect. Case number: 201803394 - Report issued in July 2019.
1.44	The PSOW received a complaint that a Member (“the Member”) of Llandrindod Wells Town Council (“the Council”) had inappropriately accessed the Council’s computer, withheld information gathered from it from the Council and failed to declare a personal and prejudicial interest in matters the Council was considering. It also alleged that the Member had engaged in bullying behaviour towards the Clerk at two meetings, in particular.
1.45	The investigation considered whether the Member might have breached paragraphs 4(b) and (c), 5(b), 7(a), 11 and 14 of the Code. Copies of relevant documents, including the approved minutes of the two meetings, were obtained and telephone interviews were conducted with relevant witnesses. The evidence found by the investigation was shared with the Member before he was formally interviewed.
1.46	The investigation found that the evidence did not suggest the Member had acted in a bullying manner, prevented the Council from obtaining access to information to which it was entitled or used his position improperly. The Member was entitled to comment on matters to do with the Council and had legitimate grounds for his actions.
1.47	The investigation found evidence that the Member had failed to show due respect and consideration to the Clerk at one meeting, and that he had failed to take appropriate action in respect of a personal and prejudicial interest. However, the Member had been acting in good faith and in the best interests of the Council. In addition, he demonstrated a reasonable level of personal reflection since the time of the events. The PSOW found that, therefore, no action needed to be taken in respect of the matters investigated.
1.48	Bridgend Town Council - Disclosure and registration of interests. Case number: 201707582 - Report issued in September 2019.

1.49	The PSOW received a complaint about a Member (“the Member”) of Bridgend Town Council (“the Council”). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member failed to show respect and consideration during the meeting and behaved in a bullying manner towards the Clerk to the Council.
1.50	During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.
1.51	The PSOW found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member’s actions in failing to leave the room and making representations were also suggestive of a failure to comply with the relevant provisions of the Code. Further, the PSOW determined that the evidence was suggestive that the Member failed to show respect and consideration to the Clerk during that meeting.
1.52	In deciding what action to take the PSOW considered the custom and practice of declaring interests within the Council at the relevant time, the mitigation provided by the Member and recent evidence confirming a significant improvement in working relationships within the Council. The PSOW concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.
1.53	Bridgend Town Council - Disclosure and registration of interests. Case number: 201707583 - Report issued in September 2019.
1.54	The PSOW received a complaint about a Member (“the Member”) of Bridgend Town Council (“the Council”). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member had used his position improperly in an attempt to gain an advantage for himself or his close personal associates.
1.55	During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.
1.56	The PSOW found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member’s actions in failing to leave the room and making representations are also suggestive of a failure to comply with the relevant provisions of the Code. However, the PSOW was not persuaded that the evidence was suggestive that the Member used his position in an attempt to gain an advantage as suggested.

1.57	In deciding what action to take the PSOW considered the custom and practice of declaring interests within the Council at the relevant time and the mitigation provided by the Member. The PSOW concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.
1.58	Trefeurig Community Council - Disclosure and registration of interests. Case number: 201806748 - Report issued in September 2019.
1.59	The PSOW received a complaint that a Member (“the Member”) of Trefeurig Community Council (“the Council”) had breached the Code. It was alleged that, during a discussion about a planning application for a local development, the Member failed to declare an interest in the matter.
1.60	During the course of the investigation, information was provided by relevant parties including the complainant, and the Clerk to the Council. The PSOW found that no action needed to be taken in respect of the matters investigated.
	<b><u>Referred to Standards Committee</u></b>
1.61	Prestatyn Town Council - Promotion of equality and respect. Case number: 201700947 – Report issued in July 2019.
1.62	The PSOW received a complaint that a Member (“the Member”) of Prestatyn Town Council (“the Council”) may have used threatening and abusive behaviour towards a fellow member of the Council and behaved in an aggressive and confrontational manner at two Council meetings in November 2016 and May 2017.
1.63	The PSOW obtained relevant information about the matter from the Council and interviewed a number of witnesses. The Member was interviewed and provided his response to the complaint.
1.64	Having considered the evidence the PSOW found that there was evidence to suggest that the Member may have breached the Code and referred the matter for consideration by the Council’s Standards Committee.
1.65	The Standards Committee determined that the Member failed to show respect and consideration to Police Officers who were in attendance at the meeting in November 2016 and towards his fellow member in the meeting in May 2017. In addition, the Standards Committee found that the Members behaviour at both meetings was capable of bringing the Council into disrepute.
1.66	The Standards Committee decided that on the basis of the findings reached that the Member should be suspended from office of member of the Council for a period of four months.
1.67	Neath Town Council - Promotion of equality and respect. Case number: 201707990 – Report issued in July 2019.

1.68	On 21 March 2018, I received a complaint that a member of the Council (“the Member”) failed to observe the Code for members of Neath Town Council (“the Council”). It was alleged that the Member had commented that a Neath resident had deserved to be murdered.
1.69	The investigation found that the Member’s unsolicited comments about the victim were both disrespectful and distasteful and, whilst it may have been the member’s private opinion, there was no reason for it to have been expressed publicly. In view of the effect of the Member’s comments on the citizens of Neath Town Council, many of whom believe that the Member is no longer a suitable representative, and the effect on the reputation of the Town Council itself, the PSOW concluded that the Member may have breached paragraph 6(1)(a) of the Code.
1.70	The PSOW determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council’s Standards Committee. The Standards Committee found that the Member had breached the Code and she was suspended for four months.
<b><u>Referred to Adjudication Panel for Wales</u></b>	
1.71	Mathern Community Council - Promotion of equality and respect. Case number: 201802799 – Report issued in July 2019.
1.72	During a public hearing of the Adjudication Panel For Wales held on 19 July 2018, a member of Mathern Community Council (“the Member”) made a statement which he followed up with a letter to the Adjudication Panel. Both the statement and the letter contained language either the same as or similar to language which the Adjudication Panel had advised him would amount to a breach of the Code.
1.73	The PSOW decided to investigate whether the Member’s actions amounted to a breach of paragraph 6(1)(a) of the Code on the basis that the matter had come to his attention as a result of the investigation which was being heard by the Adjudication Panel for Wales on 19 July.
1.74	The PSOW considered that a reasonable person would conclude that the Member actions affected the reputation of both the Office of Member and the Authority of which he is a member and that they may amount to a breach of paragraph 6(1)(a) of the Code. The PSOW also considered that any restriction of the Member’s right to freedom of expression under article 10 of the Human Rights Act, would be necessary for the protection of the rights and interests of others.
1.75	The PSOW referred the matter to the Adjudication Panel for Wales. However, on 17 July 2019 the Adjudication Panel determined that the matter did not come to the PSOW’s attention as a result of the investigation heard on 19 July 2018 as that investigation concluded on 20 December 2017 (when the matter was referred to the Adjudication Panel for Wales) and determined it would therefore not consider the case. No further action was taken.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	N/A

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<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	<p><b>APW</b> – The Adjudication Panel for Wales is an independent tribunal whose function is to determine alleged breaches by elected and co-opted members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities, against their authority’s statutory Code.</p> <p><b>PSOW</b> - Public Services Ombudsman for Wales is independent of other bodies and has legal powers to investigate complaints about public services and independent care providers in Wales and to investigate complaints that members of local government bodies have broken their authority’s Code.</p>

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

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

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



Date of Meeting	Topic	Notes/Decision/Action
	<ul style="list-style-type: none"> <li>• Update on Community Asset Transfers</li> <li>• PSOW Code of Conduct Casebook Issue 20 (Jan 19 – March 19)</li> </ul>	Report by Matt Georgiou
<p>To be scheduled –</p> <p>Annual Report of the Adjudication Panel for Wales – report not yet published (Oct 19)</p> <p>Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council.</p> <p>Item to consider the frequency of reporting on the Overview of Ethical Complaints.</p> <p>Code of Conduct complaints in Flintshire.</p>		

Mae'r dudalen hon yn wag yn bwrpasol