

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

Nicola Gittins / 01352 702345

nicola.gittins@flintshire.gov.uk

At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Teresa Carberry, Andrew Parkhurst ac Antony Wren

Aelodau Cyfetholedig:

David Wynn Davies, Jacqueline Guest, Mark Morgan a Gill Murgatroyd

Dydd Gwener, 27 Mai 2022

Annwyl Gynghorydd

HYSBYSIAD O GYFARFOD ANGHYSBELL
PWYLLGOR SAFONAU
DYDD LLUN, 6ED MEHEFIN, 2022 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

Steven Goodrum

Rheolwr Gwasanaethau Democratiadd

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 Democrataidd 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 - 8)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 10 Ionawr 2022.

EITEMAU ER GWYBODAETH

4 CANLLAWIAU LLYWODRAETH CYMRU AR DDYLETSWYDD ARWEINWYR GRWP I HYBU YMDDYGIAD MOESEGOL (Tudalennau 9 - 16)

Pwrpas: Rhannu'r canllawiau terfynol gan Lywodraeth Cymru ar y ddyletswydd newydd hon.

5 TROSOLWG O GWYNIION MOESEGOL (Tudalennau 17 - 26)

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

EITEMAU ER PENDERFYNIAD

6 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 27 - 28)

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

7 GODDEFEBAU (Tudalennau 29 - 32)

Pwrpas: Derbynn 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.

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>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 3

STANDARDS COMMITTEE **10TH JANUARY 2022**

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 10th January 2022

PRESENT: Julia Hughes (Chair)

Councillors:

Gladys Healey, Patrick Heesom and Arnold Woolley

Co-opted members:

David Wyn Davies, Jonathan Duggan-Keen, Jacqueline Guest, Gill Murgatroyd and Mark Morgan

IN ATTENDANCE:

Monitoring Officer and Democratic Services Officer

33. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

34. MINUTES

The minutes of the meeting held on 1st November 2021 were approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

35. DISPENSATIONS

None.

36. AGENDA ITEMS FOR THE NEXT ETHICAL LIAISON MEETING

The Monitoring Officer presented the report and explained that the Committee on Standards in Public Life recommended that the Chair and Vice Chair of the Standards Committee met periodically with senior Members of the Council to discuss ethical issues.

At the last meeting the principal topic of discussion was the forthcoming statutory duty on Group Leaders to promote good standards of behaviour. The primary focus was on training/induction and Group Leaders agreed a number of actions to assist in the Induction Programme for Members after the elections in May 2022. There was insufficient time to discuss how the Committee would report on the performance of the duty and that should be discussed at the next meeting.

An early draft of the statutory guidance in respect of the Group Leaders' duty had been received and gave a good indication of what would be expected under the new duty and could help frame the expectations of Group Leaders against which the Committee would report.

The draft statutory guidance suggested that failure to fully comply with the duty might be regarded as bringing the office of Group Leader into disrepute, so it was necessary to be precise about what could reasonably be expected of Group Leaders. For example, the new duty did not make Group Leaders responsible for the behaviour of their group members, so a breach of the code by a Group member should not necessarily reflect on the Leader of that Group.

Details of the standards that appeared to be those against which levels of compliance should be reported were outlined in the report. Also outlined in the report was the suggested wording to be used on reporting to the Committee.

Gill Murgatroyd suggested that the Standards Committee could meet to suggest proposals to be added to the report prior to the next Ethical Liaison Meeting. She also referred to paragraph 1.07 in the report and sought clarification around the reference to paragraph 3.7 in the first sentence. The Monitoring Officer explained this was a typographical error and should read 3.5. She also sought confirmation that the Committee referred to in the first sentence was the Standards Committee. Gill Murgatroyd referred to page 25 of the report and said paragraph 2.7 appeared to be missing. The Monitoring Officer said this was as received and was an error in the draft document.

In response to the questions and comments from Councillor Gladys Healey the Monitoring Officer advised that it had been agreed with Group Leaders that all Councillors would attend training on the Code of Conduct.

In response to the comments by Mark Morgan regarding a timetable and the number of reports, the Monitoring Officer explained there would be one report and part of that would be information on how well Group Leaders were doing. The Monitoring Officer responded to the comments raised by the Chair and Mark Morgan around the reporting process, non-compliance and presentation of the Annual Report.

Councillor Gladys Healey commented on the Race Equality Action Plan for Wales and sought clarification of the goals referred to in paragraph 1.9 of the report. The Monitoring Officer said he would circulate the Race Equality Act for information to Committee members.

Jonathan Duggan-Keen proposed that the Chair and Mark Morgan attend the Group Leader's Ethical Liaison meeting and provide feedback to the Standards Committee. This was seconded by Councillor Arnold Woolley. Mark Morgan suggested that a report template be presented to Group Leaders for discussion. This was agreed by Councillor Gladys Healey.

RESOLVED:

- (a) That the draft agenda for the next Ethical Liaison Meeting be approved;
- (b) That the final agenda be agreed by the Chief Officer (Governance) in consultation with the parties to the meeting; and
- (c) That the Chair and Mark Morgan attend the Group Leader's Ethical Liaison meeting and provide feedback to the Standards Committee.

37. NATIONAL FORUM FOR STANDARDS COMMITTEE CHAIRS

The Monitoring Officer presented the report and explained that the Penn Report on the Review of the Ethical Regime in Wales commented on the variety of practices across Wales in how Standards Committees discharged their duties.

Richard Penn commented positively on the work of the forum for Chairs of Standards Committee in North and Mid Wales and recommended that a national forum for the Chairs of Standards Committees should be established, modelled on that forum.

Following the previous meeting, the Monitoring Officer had consulted other Councils on whether they would wish to support the creation of a national forum and the Monitoring Officers in those authorities were consulting with their Standards Committee on the issue.

There were a number of things to consider with the creation of such a national forum and they were outlined in the report but none appeared unsurmountable.

It was proposed by Mark Morgan and seconded by Councillor Arnold Woolley that the Committee support the creation of an All Wales Forum for Standards Committee Chairs.

RESOLVED:

That the creation of an all Wales Forum for Standards Committee Chairs be supported.

38. ALL WALES STANDARDS CONFERENCE 2022

The Monitoring Officer explained that the All Wales Standards Conference would take place on Wednesday 9th February at 10am and advised that it would be a virtual meeting.

The Chair recommended attendance at the Conference which was informative and helpful.

RESOLVED:

That the information be noted.

39. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme for consideration.

The Programme had been structured as agreed at a previous meeting of Standards Committee.

The Chair referred to the item on the Independent Member Visits to Council meetings which was scheduled for the June meeting and suggested that a new cycle of visits be arranged for Councillors following the local government elections held in May 2022.

RESOLVED:

That the Forward Work Programme be agreed.

40. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 6.30pm and ended at 7.41pm)

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Chair

Eitem ar gyfer y Rhaglen 4



STANDARDS COMMITTEE

Date of Meeting	Monday, 6 June 2022
Report Subject	Welsh Government Guidance on the duty of Group Leaders to promote Ethical Behaviour
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Act 20221 imposed a new duty on Group Leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group. It also imposes a duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its new annual report.

Group Leaders and the Committee must have regard to statutory guidance issued by Welsh Government. It has previously considered an early draft of that guidance. A consultation draft of the guidance was earlier this year. It is broadly the same as the previous guidance in that it sets out the ways in which a Group Leader might promote good conduct and suggests that it would bring their position into disrepute if they fail to do so. A notable difference is in respect of the reporting function which is now less detailed.

The consultation opened in February and in May which largely coincided with the pre-election period. It has therefore not been possible to report to the draft guidance to the Committee before now.

RECOMMENDATIONS

1	That the Committee notes the proposed guidance.
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REPORT DETAILS

1.00	EXPLAINING THE PROPOSED STATUTORY GUIDANCE
1.01	The Committee has previously received reports informing it of the new duty on a Group Leader to promote and maintain good standards of conduct by members of their group. It also considered an early draft of the statutory guidance on how that duty should be performed.

1.02	<p>Welsh Government published a consultation draft of the guidance in February. The guidance mirrors the early draft in many respects. It still includes examples of how Group Leaders might perform this duty such as:</p> <ul style="list-style-type: none"> • demonstrating personal commitment to and attending relevant development or training around equalities and standards; • encouraging group members to attend relevant development or training around equalities and standards; • ensuring nominees to a Committee have received the recommended training for that Committee; • promoting civility and respect within group communications and meetings and in formal Council meetings; • promoting informal resolution procedures in the Council, and working with the standards Committee and monitoring officers to achieve local resolution; • promoting a culture within the group which supports high standards of conduct and integrity; • attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues; • work to implement any recommendations from the Standards Committee about improving standards; • work together with other Group Leaders, within reason, to collectively support high standards of conduct within the Council. <p>NB the final example was included following representations by this Committee on the early draft.</p>
1.03	<p>The guidance makes clear that the Committee should arrange to train the Group Leaders on the duty within 6 months of the elections and annually thereafter. It suggests meeting periodically with Group Leaders to review behaviour which, of course, this Committee already does and has been doing for some time.</p>
1.04	<p>The early draft contained more detail on the duty to report on Group Leaders' performance. The current draft states "... a Council's political Group Leaders and its Standards Committee should agree on the form and frequency of a report from each Group Leader to the Standards Committee. The Standards Committee should then consider each report and provide feedback to the Group Leaders."</p> <p>The issue of reporting on this duty was due to be discussed at an Ethical Liaison Meeting that was due to take place in March. Unfortunately, that meeting needed to be re-arranged and will now take place on 27 June. The Committee considered the issue of reporting at its meeting in January following which I developed the attached template at Appendix 1</p>
1.05	<p>Draft responses to the consultation have been prepared and are attached at Appendix 2 for consideration.</p>
1.06	<p>The consultation was launched when the council had ceased Committee meetings in order to allow preparations for the elections to be resourced. It then ran through the pre-election period and closed in May. Though the Committee's comments will be late we can ask WG to accept them in the circumstances.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None arising from this report. The resources exist to prepare an annual report which includes commentary on the Group Leaders' performance of the new duty.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The statutory guidance will be discussed with Group Leaders at the Ethical Liaison Meeting on 27 June 2022.
4.00	RISK MANAGEMENT
4.01	Guidance on the new duty and how it is to be fulfilled will help to increase clarity around expectations and thereby increase the chance of compliance. Conversely it should minimise the risk of conflict or contention in the event of perceived non-compliance. Fulfilling the duty will in itself help to promote behaviour that reduces the risk of behaviour that fails to meet statutory requirements.
5.00	APPENDICES
5.01	Appendix 1 – Template report Appendix 2 – Suggested response
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Consultation document. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk
7.00	GLOSSARY OF TERMS
7.01	Ethical Liaison Meeting – periodic meeting between the Chair and Vice Chair of the Standards Committee with the Chair and Leader of Council plus Group Leaders Group Leader – Councillors split into political groups based on shared opinions or values for support and administrative reasons. They can but do not always correlate to national political parties. The Council has 5 such groups.

Mae'r dudalen hon yn wag yn bwrpasol

		<u>Template Report</u>		<u>Appendix 1</u>	
<u>Promoting Compliance With the Code of Conduct</u>					
Report by:					
Political Group:					
No. of members:		No. trained on Code:	X (Y%)		
For the period:					
<u>Number, Source and Level of Complaints</u>					
	Informal	Local Resolution (Stage)			PSOW
		1	2	3	
Public					
Officers					
Councillors					
<u>Steps taken to Promote Compliance (To Be Completed by Group Leader)</u>					
<p>Include matters such as</p> <ul style="list-style-type: none"> - demonstrating personal commitment to and attending relevant development or training around equalities and standards; - encouraging group members to attend relevant development or training around equalities and standards; - ensuring nominees to a committee have received the recommended training for that committee; - promoting civility and respect within group communications and meetings and in formal council meetings; - promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution; - promoting a culture within the group which supports high standards of conduct and integrity; - attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues; - work to implement any recommendations from the Standards Committee about improving standards; - work together with other group leaders, within reason, to collectively support high standards of conduct within the council. 					

Mae'r dudalen hon yn wag yn bwrpasol

Draft Statutory Guidance – Standards of conduct

Your name: Gareth Owens

Organisation (if applicable): Flintshire County Council

email / telephone number: 01352 702344

Your address: County Hall, Raikes Lane, Mold CH7 6NR

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Question 1: Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?
If not, why not?

Response - In respect of the reasonable steps set out at page 8 of the draft Guidance whereas one of the bullet points places an expectation on the group leader “demonstrating”, it is suggested that more of the steps should place a requirement on a group leader to demonstrate reasonable steps taken; this would assist with ensuring engagement on the part of a group leader in their compliance with section 62 of the Local Government and Elections (Wales) Act 2021/section 52A of the Local Government Act 2000.

It is recommended that the provisions set out at page 7 and 9 are better aligned regarding implications associated with the Members’ Code of Conduct. The draft Guidance at page 7 states “the duty does not make leaders of a political group accountable for the behaviour of their Members as conduct must be a matter of individual responsibility”. Page 9 of the draft Guidance reference is made to “a leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code...” It is recommended that the reference at page 7 also mentions the fact that failure to take reasonable steps however could be a breach of the code by the Group Leader..

At page 10 of the draft Guidance reference is made to “Group leaders should also report any serious concerns about Members’ behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches”. This should be re-phrased so as to remind Group Leaders of the duty on members under the code to report matters to their Monitoring Officer which they reasonably believe to be a breach of the code.

Reference is also made at page 10 of the draft Guidance to “If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, **the leader of the political group must support the action**, in order to maintain the high standards of conduct expected in public life and the Code”

(my emphasis). It is suggested that for the benefit of a group leader and the Standards Committee that there is further indicative detail as to what would equate to supporting the action

Question 2: Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?
If not, why not?

Response: Save for the point raised below, it is considered that the draft Guidance provides sufficient clarity whilst providing scope for each Standards Committee to determine how to proceed with compliance with the requirements expected of the Standards Committee.

However, with reference to the provision at page 12 of the draft Guidance to “a council’s political group leaders and its standard committee should agree on the form and frequency of a report from each group leader to the standards committee”, whereas consultation on this point with group leaders is supported, it may not be possible to agree in which case the Standards Committee must be able to decide the format and required content for the report.

Question 3: We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Response: The Guidance would neither have an adverse nor positive impact.

Question 4: Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and have no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Response: No comments in this regard.

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

Response: No further comments.

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday 6 th June 2022
Report Subject	Overview of Ethical Complaints
Report Author	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 (1 November 2021) 7 complaints have been received. 5 complaints have been resolved since the last report. There are 3 outstanding.

RECOMMENDATIONS

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

1.00	NUMBER OF COMPLAINTS
1.01	The attached spreadsheet at Appendix A lists in summary form the complaints received during 2021/22. Each entry lists: <ul style="list-style-type: none">• the Ombudsman's reference number (year/4 digit reference)• the type of Council (Community, County or Town)• the complainant (Councillor, officer, public)• the provisions which are alleged to have been breached• the decision at each of the 3 stages of investigation
1.02	Since the last report 7 complaints have been received. These complaints vary in terms of matters alleged and the circumstances of the incident. Of the 5 cases that have been determined, none were investigated by the PSOW because they failed the 2 stage test. 2 complaints are recent and so the PSOW is still deciding whether or not to investigate. One complaint relating to abuse of a clerk during a public meeting is being investigated.

1.03	The majority theme with the complaints covered by this report is social media, with 4 of 7 relating to comments made on line. The Committee is familiar with the difficulties surrounding the use of social media and the protection for freedom of political expression. The code provides a very low safety net in relation to poor or challenging behaviour. The induction training encourages Councillors to allow other Councillors to hold a different opinion without being berated, vilified or ridiculed.
2.00	RESOURCE IMPLICATIONS
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.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.
4.00	RISK MANAGEMENT
4.01	None
5.00	APPENDICES
5.01	Appendix A - Number of complaints.
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk
7.00	GLOSSARY OF TERMS
7.01	Public Services Ombudsman for Wales – 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.

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	Cllr 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 would not be in public interest to proceed in any event		
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.		
2021/02918	County	F	Public	Alleged breach of Planning Code of Practice section 1.3.2 - did not act open and fairly at Planning Committee on 2.9.21	PSOW considered that the councillor was objective and willing to listen to representations so no breach occurred.		
2021/03071	County	G	Public	Alleged breach of Planning Code of Practice section 1.3.2 - did not act open and fairly at Planning Committee on 2.9.21	PSOW did not investigate - paragraphs of code breached not indicated. PSOW not persuaded that the matters raised were irrelevant to the application being considered and no evidence to suggest the Cllr was not objective or willing to listen to representations so no breach occurred.		
2021/03202	Town 2	H	Councillor	Alleged breach of the code due to naming the Cllr on a Facebook post and using incorrect information which could bring the Chair and another Town Councillor into disrepute	PSOW did not investigate - sufficient evidence not provided to substantiate the complaint.		
2021/03286	Comm 3	I	Councillor	Alleged breach of the code due to voting against a proposal to broadcast Council meetings for personal reasons rather than the interests of the Community	PSOW did not investigate - allegations do not constitute a breach of the Code, because only councillors can vote on how the council is run. It would be unrealistic to expect all members to declare a personal and prejudicial interest in these instances. Not in the public interest due to low likelihood of finding of breach or sanction		

2021/03677	Town 2	H	Councillor	Alleged breach of the Code due to selective presentation of facts on Facebook for political gain eg criticising others for not living in their ward without mentioning that he lives further away from his own ward	PSOW did not investigate - sufficient evidence of a breach not provided.		
2021/05656	Town 3	J	Employee	Events at BTC Meeting 20/10 where the Cllr implied there was a cover up going on and called for the complainant to resign.			
2021/06140	Town 3	K	Public	Councillor intervened in respect of works to a tree under a TPO. The councillor was alleged to be rude and abrupt to the complainant and the tree surgeon. Alleged abuse of power.	PSOW did not investigate -no breach of the Code found. However the Councillor will be reminded to be mindful of his obligations under the Code.		
2021/06199	Town 3	L	Councillor	Complainant alleges the Cllr made vexations and malicious comments to other Cllrs about him and attempted to get their candidacy withdrawn claiming if they were elected they would be nothing but trouble.	PSOW did not investigate - no breach of the Code found. The comments made were political in nature and an opinion to which they are entitled. An elected member's freedom of expression is afforded enhanced protection when expressing political views or conducting political business. The Code does not inhibit free speech.		
2021/06238	Comm 4	M	Public	Complaint about comments made by a Councillor on Facebook calling anyone challenging his points a troll and obnoxious.	PSOW did not investigate. Sufficient evidence to substantiate the complaint not provided so first stage of the PSOW 2 stage test not met.		
2021/06745	Comm 4	M	Public	Inappropriate comments on Facebook which allegedly breach para 4c of the code. Calling a member of the public names for making comments about an incident in the area.	PSOW did not investigate. Whilst the comments were disrespectful they were protected by freedom of political expression and interference with that right would not be proportionate		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2022/00603	County	A	Public	Failure to declare on register of interest that the Cllr is a Clerk of a T&CC			
2022/01136	County	B	Councillor	Post on Social Media seen as a slur on the Councillor's character. Comments are allegedly contrary to para 6 (bring the Council into disrepute)			

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2021/22

Date of Meeting	Topic	Notes/Decision/Action
July 2022	<ul style="list-style-type: none">• All Wales Standards Conference 2022 report back• Rolling Review of the Constitution• Induction Programme for Councillors• Forward Work Plan	Report by Gareth Owens Report by Gareth Owens Report by Steve Goodrum
June 2022	<ul style="list-style-type: none">• Training• Dispensations• Overview of Ethical Complaints• Welsh Government Guidance on the duty of Group Leaders to promote Ethical Behaviour• Forward Work Plan	Report by Gareth Owens Report by Gareth Owens
March 2022 - Cancelled		
January 2022	<ul style="list-style-type: none">• Training• Dispensations• Agenda items for the next Ethical Liaison Meeting• National Forum for Standards Committee Chairs• All Wales Standards Conference 2022• Forward Work Plan	Report by Gareth Owens Report by Gareth Owens Verbal report by Gareth Owens

Tudalen 27

Eitem ar gyfer y Rhaflen 6

Date of Meeting	Topic	Notes/Decision/Action
November 2021 Joint meeting with T&CCs	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Standards Forum pre-briefing • Public Services Ombudsman for Wales (PSOW) Annual Letter • Penn Review of the Ethical Standards Framework • Items raised by Town and Community Councils • Forward Work Plan 	Report by Gareth Owens Report by Gareth Owens Report by Matt Georgiou Report by Gareth Owens Verbal
September 2021	<ul style="list-style-type: none"> • Training • Dispensations • Penn Review of the Ethical Standards Framework (if available) • Feedback from the Ethical Liaison Meeting • Findings From Independent Member Visits to Committee Meetings • Pan Wales Standards Conference • Forward Work Plan 	Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens
Reports to be scheduled - Survey on the Production of Councillor Newsletters		

Eitem ar gyfer y Rhaglen 7

FLINTSHIRE COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE

	Enter the details as described in Italics in the first column in this column
Name of Councillor <i>Your name. Each application should be made separately.</i>	WILLIAM JOHN CREASE
Address <i>Your home address.</i>	4 CAMBRIAN CLOSE CONNAN'S QUAY
Name of Council <i>Of which Council are you a member?</i>	FLINTSHIRE COUNTY COUNCIL CONNAN'S QUAY TOWN COUNCIL
Ward <i>The ward you represent.</i>	CONNAN'S QUAY SOUTH
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	ALLOTMENTS
Level of Dispensation sought (e.g. to speak only or to speak and vote) <i>You may wish to seek dispensation for the options detailed in the opposite column. Please tick all that apply.</i>	<input checked="" type="checkbox"/> To write to or speak with officers; <input type="checkbox"/> To write to, speak and/or answer questions at Council/Committee meetings; <input checked="" type="checkbox"/> To remain in the room during any debate; <input checked="" type="checkbox"/> To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.) COUNCIL, PLANNING
Relevant Paragraph under which Dispensation is requested (See overleaf)	D, F, G, I, J
Details of the Prejudicial Interest <i>This should be a short explanation of all the relevant facts about how your interest arises and how significant it might be. The questions are a prompt not an exhaustive list:</i>	I AM A PROTHOLDER AT MILL LANE ALLOTMENTS, MY WIFE IS A PROTHOLDER AT MILL LANE ALLOTMENTS I AM CURRENTLY CHAIR OF MILL LANE ALLOTMENT ASSOCIATION
<ul style="list-style-type: none"> • How does your interest arise? Will the business under discussion affect your well-being, your financial position, your family, etc? • What other roles or memberships do you hold that give rise to an interest? • Will you benefit personally from the business under discussion or is your interest purely from public service? 	
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	DEPUTY LEADER CQTC CHAIR FINANCE & GP. CQTC

Signed:



Tudalen 29

Date:

26/05/2022

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL
APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE

	Enter the details as described in italics in the first column in this column
Name of Councillor <i>Your name. Each application should be made separately.</i>	ANTHONY WREN
Address <i>Your home address.</i>	7 THE HIGHCROFT CONNAN'S QUAY CH5 4SD
Name of Council <i>Of which Council are you a member?</i>	CONNAN'S QUAY TOWN COUNCIL (CQTC) FLINTSHIRE COUNTY COUNCIL (FCC)
Ward <i>The ward you represent.</i>	SOUTHWARD CONNAN'S QUAY
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	ALLOTMENTS
Level of Dispensation sought (e.g. to speak only or to speak and vote) <i>You may wish to seek dispensation for the options detailed in the opposite column. Please tick all that apply.</i>	<input checked="" type="checkbox"/> To write to or speak with officers; <input checked="" type="checkbox"/> To write to, speak and/or answer questions at Council/Committee meetings; <input checked="" type="checkbox"/> To remain in the room during any debate; <input checked="" type="checkbox"/> To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)
Relevant Paragraph under which Dispensation is requested (See overleaf)	c, d, f, g, i, j
Details of the Prejudicial Interest <i>This should be a short explanation of all the relevant facts about how your interest arises and how significant it might be. The questions are a prompt not an exhaustive list:</i>	<ul style="list-style-type: none"> • ALLOTMENT TENANT, MILL LANE ALLOTMENTS, CONNAN'S QUAY (OWNED BY FCC, LEASED BY SECRETARY, MILL LANE CQTC) ALLOTMENT ASSOCIATION • MEMBER OF STANDARDS COMMITTEE FCC. • NO MORE / LESS THAN ANY OTHER TENANT.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	CHAIR OF PLANNING COMMITTEE CQTC.

Signed: A. S. Wren	Tudalen 31	Date: 27.5.22
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Mae'r dudalen hon yn wag yn bwrpasol