

Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:
Nicola Gittins / 01352 702345

At: Robert Dewey (Chairman)

Cynghorwyr: Patrick Heesom, Paul Johnson and Arnold Woolley

Aelodau Cyfetholedig:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

Dydd Mawrth, 26 Chwefror 2019

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn 6.30 pm Dydd Llun, 4ydd Mawrth, 2019 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

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 - 6)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 4ydd Chwefror 2019.

4 GODDEFEBAU

Pwrpas: Derbyn unrhyw geisiadau am oddefebau.

5 LLYFR ACHOSION COD YMDDYGIAD OMBWDSMON Y GWASANAETHAU CYHOEDDUS, RHIFYN 18 (GORFFENNAF – MEDI 2018) (Tudalennau 7 - 14)

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

6 ADRODDIADAU O YMWELIADAU AELODAU ANNIBYNNOL A CHYNGHORAU TREF/CYMUNED

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

- Cyngor Cymuned Llanfynydd (Rob Dewey – 19.11.18)
- Cyngor Tref Holywell (Phillipa Earlam – 20.11.18)
- Cyngor Cymuned Hope (Rob Dewey – 05.12.18);
- Cyngor Cymuned Brynford (Phillipa Earlam – 11.12.18)
- Cyngor Cymuned Penyffordd (Rob Dewey – 12.12.18)
- Cyngor Cymuned Trelawnyd & Gwaenysgor (Julia Hughes – 10.01.19)
- Cyngor Cymuned Broughton & Bretton (Ken Molyneux – 15.01.19)
- Cyngor Cymuned Halkyn (Julia Hughes – 21.01.19)

7 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 15 - 18)

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 **4 FEBRUARY 2019**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 4 February 2019

PRESENT: Rob Dewey (Chairman)

Councillors:

Patrick Heesom and Paul Johnson

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Hughes, Julia Hughes and Ken Molyneux

APOLOGIES: Councillor Arnold Woolley

IN ATTENDANCE:

Deputy Monitoring Officer and Democratic Services Officer

52. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

53. MINUTES

The minutes of the meeting held on 7 January 2019 were submitted.

RESOLVED:

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

54. DISPENSATIONS

None were received.

55. OVERVIEW OF ETHICAL COMPLAINTS

The Deputy Monitoring Officer introduced the report which provided a running total of the ethical complaints alleging a breach of the code that had been submitted to the Public Services Ombudsman for Wales. He advised that as per the Committee's resolution at its meeting in March 2018, the complaints distinguished between different Councils and Councillors whilst remaining anonymous.

The Deputy Monitoring Officer reported on the list of complaints received during 2017/18 which was appended to the report. He advised that two complaints had been received since the last report. The Deputy Monitoring Officer reported that a significant number of complaints had been submitted in

respect of one Town Council. One of these was from a member of the public and investigation was still in progress.

During discussion the Deputy Monitoring Officer provided clarification on the year when the complaints had been made. The Chair commented on the number of alleged breaches made regarding bullying and suggested that more training should be provided to Town and Community Councils to address the issue.

In response to a query by Julia Hughes on the frequency of reporting ethical complaints, the Deputy Monitoring Officer advised that it had been agreed that an overview of ethical complaints would be included as a standing agenda item for consideration by the Committee and an update provided when new complaints arose. He agreed to review the Committee's decision and report back.

RESOLVED:

That the number and types of complaints be noted.

56. COUNCILLOR TRAINING 2018

The Deputy Monitoring Officer provided a verbal report to inform the Committee of attendance at Councillor training on the Members' Code of Conduct which was delivered on 17 October 2018. He explained that the training session had been organised by Saltney Town Council and had been well attended by a number of representatives from Town and Community Councils. The Deputy Monitoring Officer advised that 21 people had signed the attendance register at the training session on 17 October, but commented that a greater number had been present in the room.

RESOLVED:

That the report be noted.

57. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS

The following independent members presented their verbal reports:

Phillipa Earlam - Llanasa Community Council
Julia Hughes – Caerwys Town Council and Ysceifiog Community Council
The Chairman - Nercwys Community Council

All reported that observing the meetings had been a positive experience and that they had been well led by Chairs (and a Vice-Chair in one instance) with support from Clerks and good participation by attendees.

The following points were identified to assist Town and Community Councils and members of the public who wished to attend meetings:

- The same point was made again about the importance of the location of meetings being clear and information being available on the website and on noticeboards, as well as venues being clearly signposted where there is more than one room in the building;
- The best use of the layout of the meeting room should be made, in terms of the audibility and visibility of the meeting for any public attending;
- The identity of members of the meeting itself should be made clear for the benefit of any public attending;
- Following the requirements of the Code of Conduct when declaring interests at meetings including explaining the nature of the interest, how it has arisen and what steps you will take in respect of it (e.g. to leave the room if it is a prejudicial interest) and that a request for any such declarations is made by the Chair at the beginning of the meeting prior to considering any substantive business

Councillor Patrick Heesom sought additional information from the independent members on the procedures followed for consideration of planning applications during their visits to Town and Community Council meetings. He commented on the need to ensure that Town and Community Council views were appropriately expressed during meetings.

Councillor Paul Johnson commented on the cost of setting up a website and felt that this was a significant expense for small Councils. He asked if the agendas and minutes of Town and Community Councils could be held on a central website provided by the Authority which could give access to the general public. The Chair referred to the requirements of the Local Democracy Act 2013. Councillor Johnson expressed the view that professional technical support was needed to assist Town and Community Councils to set up and maintain a website.

Ken Molyneux asked that the Committee be informed in advance when Town and Community Councils would provide feedback at a meeting on the visits undertaken by independent members.

The Chair suggested that the number of verbal reports from independent members on their visits to Town and Community Councils be increased at future meetings of the Committee.

RESOLVED:

That the verbal reports be received and the above feedback be given to the four Town and Community Councils.

58. FORWARD WORK PROGRAMME

The current Forward Work Programme was received.

The Deputy Monitoring Officer explained that the outcome of consultation with Trade Union colleagues on the Officers' Code of Conduct was still awaited and was not expected to be available to report to the next meeting.

Following a suggestion from Phillipa Earlam it was agreed that an update on Community Asset Transfers be included on the Forward Work Programme for consideration by the Committee at a future meeting.

In response to a question from Julia Hughes, the Deputy Monitoring Officer agreed to make enquiries to determine if the quarterly casebook by the Ombudsman had been released for public view.

RESOLVED:

That subject to the above amendment the Forward Work Programme be noted.

59. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.35 pm)

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Chairman

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 th March 2019
Report Subject	Public Services Ombudsman for Wales (PSOW) Casebook Issue 18 (July – September 2018)
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Public Services 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 (APW) for adjudication by a tribunal.

The PSOW summarises those 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. This edition covers July to September 2018.

This edition highlights that ten complaints were investigated by the PSOW during this time of which there were four findings of no evidence of breach, four findings of no action necessary, one referral to the relevant Monitoring Officer for consideration by the relevant Standards Committee and one referral to the APW for adjudication by a tribunal.

RECOMMENDATIONS

1	To note the findings of those complaints that were investigated by the PSOW during July to September 2018, as summarised in issue 18 of the Casebook.
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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">(a) that there is no evidence that there has been a breach of the authority's Code of Conduct;(b) that no action needs to be taken in respect of the matters that were subject to the investigation;(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 APW for adjudication by a tribunal (this is usually only the more serious cases)
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. This edition (issue 18) covers July to September 2018.</p>
1.04	<p>The summary of the findings in this edition of the Casebook, in respect of the 4 possible findings are as follows:-</p> <p><u>No evidence of breach</u></p> <p><u>Saltney Town Council – Disclosure and registration of interests</u></p>
1.05	<p>The PSOW investigated a complaint that a Councillor (“the Councillor”) may have breached the Code by participating in, and voting on, a decision to award a grant to a charitable organisation of which she was Chair. The PSOW concluded that the Councillor's position as Chair of the organisation was likely to have given rise to a personal and prejudicial interest and as such the Councillor should not have taken part unless an exemption applied, or she had received a dispensation from the relevant Standards Committee. The investigation found that the Councillor had recognised this and had considered applying for a dispensation. However, she was advised by a County Council Officer that this was not necessary as an exemption at paragraph 12(2) (a) (ii) of the Code applied and she could therefore participate. This exemption applies when the item of business relates to another public body or body exercising functions of a public nature in which the Member holds a position of general control or</p>

	<p>management. The PSOW found that the Councillor was therefore acting in good faith on the basis of the advice she had received. He therefore concluded that the evidence did not suggest that she had breached the Code.</p> <p><u>Powys County Council – Promotion of equality and respect</u></p>
1.06	<p>A complaint was received about a behaviour of a Member (“the Councillor”), during a shortlisting meeting to discuss the applications for a new Head teacher post. An investigation was commenced to consider whether the Councillor had breached parts of the Code which concern respect and consideration, bullying and harassment, and disrepute. The PSOW determined that there was no evidence to suggest that the Councillor breached the Code and therefore no action needed to be taken.</p> <p><u>Manorbier Community Council – Promotion of equality and respect Case</u></p>
1.07	<p>The PSOW received a complaint that a Councillor (“the Councillor”) was verbally abusive and bullying to a member of the public during a Community Council meeting. An investigation was commenced to consider whether the Councillor had breached parts of the Code which concern to treating others with respect and consideration, bullying and harassment, and disrepute. Five witnesses were interviewed and the consensus was that the Councillor did not say or do anything during the meeting that gave them undue concern. The PSOW determined there was no evidence to suggest that the Councillor had breached the Code.</p> <p><u>Abertillery & Llanhilleth Community Council – Promotion of equality and respect</u></p>
1.08	<p>The PSOW investigated a complaint that a Councillor (“the Councillor”) may have breached the Code by disclosing confidential human resources and financial information.</p>
1.09	<p>Having considered the information available to him, the PSOW concluded that there was no evidence to suggest that the Councillor had improperly shared any information and, that there was no evidence that a breach of the Code had occurred.</p> <p><u>No action necessary</u></p> <p><u>Sully and Lavernock Community Council – Promotion of equality and respect</u></p>
1.10	<p>The PSOW received a complaint that a Member (“the Member”) of Sully and Lavernock Community Council (“the Council”) had breached the Code of Conduct by sending an email to his fellow Councillors which was disrespectful and offensive about another Councillor.</p>
1.11	<p>The Member was interviewed, as were the Councillor who was subject of the email and two other Members of the Council. At interview, the Member acknowledged that he should not have sent the email and that it was inappropriate. The Member expressed regret for his actions and said that he would not act in that way again. In mitigation, the Member said that</p>

	relationships within the Council were currently difficult, and he had received a number of critical emails from the Councillor concerned. The Member said that he had not intended to copy the email to all the Members of the Council, but had done so by accident, when replying to a previous email.
1.12	<p>The PSOW concluded that it was likely that the Member had breached paragraphs 4(a) and 4(b) of the Code, which require that Members should carry out their duties with due regard to equalities issues and must show respect and consideration to others. However, in view of the mitigating factors, the Member's contrition and his promise not to act in that way again, the PSOW concluded that it would not be in the public interest to refer the matter to the Standards Committee.</p> <p><u>Carmarthenshire County Council – Promotion of equality and respect</u></p>
1.13	<p>The PSOW received a complaint that a former Member of Carmarthenshire County Council ("the Councillor") had brought the office of a Member of the Council into disrepute as a result of behaviour which failed to show respect and consideration for others. The complaint related to the Councillor's behaviour towards the Council's Chief Executive and her conduct towards Officers of the Council on 2 December 2016. The investigation considered whether the Councillor may have breached paragraphs 4(b), 6(1) (a) and 7(a) of the Code.</p>
1.14	<p>As the Councillor was not re-elected at the May 2017 election, the PSOW considered that the matters were not sufficiently serious for it to be in the public interest to pursue further. The PSOW found that no action needed to be taken in respect of the matters investigated.</p> <p><u>Clyro Community Council – Disclosure and registration of interests</u></p>
1.15	<p>The PSOW investigated a complaint that a Councillor ("the Councillor") may have breached the Code by participating in a discussion and voting on a local planning application without declaring an interest. In addition, the PSOW investigated whether the Councillor had a closed mind when he attended two Community Council meetings in September and October 2017.</p>
1.16	<p>Having considered all the information available to him, the PSOW concluded that there was no evidence that the Councillor had a personal interest in the planning application and it therefore followed that he did not have a prejudicial interest. In addition, the Ombudsman concluded that the Councillor was predisposed and not predetermined when he attended the initial meeting and voted. The PSOW did not consider that there was sufficient evidence to support a contention that the Councillor had predetermined his position at the second meeting. There was no evidence that a breach of the Code of Conduct had occurred.</p> <p><u>Llay Community Council – Objectivity and propriety</u></p>
1.17	<p>The PSOW received a complaint that during a meeting of Llay Community Council a Member ("the Member") had breached the Code. It was alleged that the Member's behaviour had been disrespectful and, that he had</p>

	<p>disclosed confidential information. It was also alleged that the Member had used his position to confer a disadvantage on a local resident and failed to declare an interest in the matter. Finally, it was alleged that the Member had brought his office of Member into disrepute. Information was sought from the Council and interviews were undertaken with witnesses to the meeting and the Member. The investigation found that, the Member had made representation to the Council on this matter on behalf of his constituent. There was no evidence to suggest that the Member had used his position to secure disadvantage for the Member of the public or, that he had an interest in this matter. The investigation also found that, whilst the Member did disclose information during the meeting, it was not of a confidential nature.</p>
1.18	<p>The PSOW did, however, have some concern about the personal comments the Member made about a member of the public while addressing the Council. The comments did not add any value to the Council's consideration of the matter and were neither appropriate nor necessary. However, the PSOW found that no action needed to be taken in respect of the matters investigated.</p> <p><u>Ceredigion County Council – Disclosure and registration of interests</u></p>
1.19	<p>The complainant alleged that an elected Member of the Council (“the Councillor”) had breached the Code when he attended a meeting that a Council Officer had advised him not to attend. He also complained about the Councillor’s conduct towards specific persons at the meeting.</p>
1.20	<p>The PSOW investigated the complaint on the basis that the Councillor may have breached paragraphs 8(a), 4(b), 4(c) and 6(1)(a) of the Code relating to showing respect, bullying behaviour, disrepute and having regard to advice provided by a Council officer.</p>
1.21	<p>The PSOW did not find any evidence that the Councillor had been advised not to attend the meeting by a Council Officer, or that the manner in which he spoke to most of the meeting attendees exceeded the boundaries of professional conduct.</p>
1.22	<p>However, the PSOW did find that the Councillor’s robust manner had an effect on one individual at the meeting and that the Councillor should have amended his behaviour towards him specifically as he had previously met him and described him as ‘nervous’. Whilst the Councillor was reminded to modify his behaviour for his audience, the PSOW concluded that, on balance, it was not in the public interest to refer the matter to a Standards Committee or the APW and, therefore, no further action should be taken.</p> <p><u>Referred to Standards Committee</u></p> <p><u>Neyland Town Council – Disclosure and registration of interests</u></p>
1.23	<p>The PSOW received a complaint that a Member of Neyland Town Council (“the Councillor”) may have used his position improperly by trying to stop a project that the Town Council had already agreed to support. It was alleged that the Councillor had a business interest in the matter. The PSOW obtained relevant information about the matter and interviewed</p>

	witnesses. The Councillor provided his comments on the complaint at the outset of the investigation but did not respond to a request to be interviewed.
1.24	The PSOW found that there was evidence to suggest that the Councillor may have breached the Code and referred the matter for consideration by the Council's Standards Committee.
1.25	The Standards Committee concluded that the Councillor had breached the Code.
1.26	Accordingly, the Committee decided that the Councillor should be censured. <u>Referred to APW</u> <u>Monmouthshire County Council</u>
1.27	The PSOW received a complaint that a Councillor ("the Councillor) had sent emails to the complainant, when acting in his capacity as a Member of the Council, which the complainant considered contained comments which failed to show respect and consideration for Members of the LGBT community.
1.28	The PSOW considered that the comments made were egregious and there was no reason to use such language to obtain the information he required, about the way the Council used its funds or even to express his view. The PSOW found that the comments made and the language used may amount to a failure to show respect and consideration for others and that there was evidence suggestive of a breach of paragraph 4(b) of the Code of Conduct.
1.29	The Ombudsman referred the matter to the APW for adjudication by tribunal.
1.30	The Tribunal concluded that the Councillor had breached the Code. Accordingly, the Tribunal decided that the Councillor should be suspended from the Council for a period of two months.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>https://www.ombudsman.wales/wp-content/uploads/2019/01/Code-of-Conduct-Casebook-Eng-Issue-18-October-2018-F.pdf</p> <p>Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>APW – 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 of Conduct.</p> <p>LGBT – The Lesbian, Gay, Bisexual and Transgender community.</p> <p>PSOW - 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 of Conduct.</p>

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2018/19

Date of Meeting	Topic	Notes/Decision/Action
1 July 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
3 June 2019	<ul style="list-style-type: none"> • Training • Dispensations • Members' Code of Conduct • Town and Community Council Visits by Independent Members 	
29 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman 	
1 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
4 March 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	

Tudalen 15

Eitem ar gyfer y Rhaflen 7

	<ul style="list-style-type: none"> • PSOW Code of Conduct Casebook 	Report by Matt Georgiou
4 February 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman • Councillor Training 2018 	Report by Gareth Owens Verbal report by Matt Georgiou
7 January 2019	<ul style="list-style-type: none"> • Training • Dispensations • Officers Code of Conduct • Planning Code of Practice • Town and Community Council Visits by Independent Members 	Report by Gareth Owens Report by Matt Georgiou
3 December 2018	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	Report by Matt Georgiou
12 November 2018	<ul style="list-style-type: none"> • Training • Dispensations • Response from WG to a request for increased sanctions • Revised Social media Guidance by WLGA • Town and Community Council Visits by Independent Members • Overview of Ethical Complaints • Annual Report of the APW 2016/2017 	Verbal report Report by Matt Georgiou Verbal update by Ken Molyneux Report Verbal update by Matt Georgiou

1 October 2018	<ul style="list-style-type: none"> • Training • Dispensations • Standards Conference September 2018 • APW Sanctions Guidance • Public Services Ombudsman's Annual Report for 2017/18 • The Public Services Ombudsman for Wales Case Book • 	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
3 September 2018	Meeting Cancelled	
<p>To be scheduled –</p> <p>Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Annual Report of the Adjudication Panel for Wales. Item to consider the frequency of reporting on the Overview of Ethical Complaints.</p> <p><u>For future meetings after November:</u></p> <p>Code of Conduct complaints in Flintshire.</p>		

Mae'r dudalen hon yn wag yn bwrpasol