

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:
Maureen Potter / 01352 702322
maureen.potter@flintshire.gov.uk

At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Gladys Healey, Patrick Heesom a Arnold Woolley

Aelodau Cyfetholedig:

Jonathan Duggan-Keen, Phillipa Earlam, Jacqueline Guest, Mark Morgan a Gill Murgatroyd

26 Hydref 2021

Annwyl Gynghorydd

HYSBYSIAD O GYFARFOD ANGHYSBELL
PWYLLGOR SAFONAU
DYDD LLUN, 1 TACHWEDD, 2021 AM 6.30 PM

Sylwer y cynhelir sesiwn hyfforddiant ar Rôl y Pwyllgor Safonau cyn cychwyn y cyfarfod o 6.00pm i 6.30pm.

Yn gywir

Robert Robins
Rheolwr Gwasanaethau Democraidd

Nodwch: Bydd y cyfarfod hwn yn cael ei gynnal o bell. Bydd yn gyfarfod ar y cyd gyda phob Cyngor Tref a Chymuned yn Sir y Fflint ac mae croeso iddynt anfon cynrychiolwyr. Bydd y Cadeirydd yn annog cynrychiolwyr i gymryd rhan yn y cyfarfod, ac yn eu croesawu i siarad os ydynt yn dymuno.

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 Democraidd 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 6 Medi 2021.

EITEMAU ER PENDERFYNIAD

4 GODDEFEBAU (Tudalennau 9 - 12)

Pwrpas: I Derbyn ceisiadau am oddefebau gan y Cynghorydd Clive Carver a Mrs Pauline Carver.

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.

5 ADOLYGIAD PENN O'R FFRAMWAITH SAFONAU MOESEGOL (Tudalennau 13 - 20)

Pwrpas: Rhannu'r adroddiad a baratowyd gan Richard Penn yn dilyn ei adolygiad o'r Fframwaith Safonau Moesegol ac ymateb LIC (os yw ar gael)

6 SESIWN FRIFFIO CYN Y CYFARFOD FFORWM SAFONAU (Tudalennau 21 - 24)

Pwrpas: Rhoi gwybod i Aelodau am raglen arfaethedig y Gynhadledd.

EITEMAU ER GWYBODAETH

7 EITEMAU A GODWYD GAN Y CYNGHORAU TREF A CHYMUNED

Pwrpas: I drafod unrhyw faterion moesol neu waith y Pwyllgor Safonau a godwyd gan y Cyngorau Tref a Chymuned.

- (a) Pŵer cymhwysedd cyffredinol o dan y Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 a sut mae'n berthnasol i gynghorau tref a chymuned (cyflwyniad ar lafar)

8 TROSOLWG O GWYNIION MOESEGOL (Tudalennau 25 - 36)

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

9 LLYTHYR BLYNYDDOL OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU (OGCC) (Tudalennau 37 - 50)

Pwrpas: I rhannu Llythyr Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru (OGCC) ar gyfer 2020/21

10 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 51 - 52)

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

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>

Eitem ar gyfer y Rhaglen 3

STANDARDS COMMITTEE **6 SEPTEMBER 2021**

Minutes of the remote attendance meeting of the Standards Committee of Flintshire County Council held on Monday, 6 September 2021

PRESENT: Julia Hughes (Chair)

Councillors: Gladys Healey, Patrick Heesom and Arnold Woolley

Co-opted members: Jonathan Duggan-Keen, Jacqui Guest, Mark Morgan and Gill Murgatroyd

APOLOGIES: Phillipa Earlam and Deputy Monitoring Officer

ALSO PRESENT: David Davies attended as an observer

IN ATTENDANCE: Monitoring Officer and Democratic Services Officer

11. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

12. MINUTES

The minutes of the meeting held on 5 July 2021 were approved, as moved by Mark Morgan and seconded by Councillor Gladys Healey.

RESOLVED:

That the minutes be approved as a correct record.

13. DISPENSATIONS

None.

14. FINDINGS FROM INDEPENDENT MEMBER VISITS TO COMMITTEE MEETINGS

The Monitoring Officer presented the report which summarised the findings from visits undertaken by the Independent Members of the Committee to Council meetings earlier in the year.

Whilst there was positive feedback on the conduct and chairing of meetings, four observations were made to improve clarity and understanding for those viewing the meetings online. Most suggestions had been implemented with some involving ongoing actions. The Committee was asked to endorse the findings prior to sharing with Chairs of Committees.

Gill Murgatroyd suggested that, where possible, Independent or Co-opted Members could be labelled accordingly when participating in remote attendance meetings to distinguish them from Councillors.

Mark Morgan proposed that the findings be shared with Committee Chairs and Group Leaders. He was seconded by Councillor Arnold Woolley.

RESOLVED:

That the findings be formally shared with the Chairs of the Committees and Group Leaders.

15. REVIEW OF THE ETHICAL STANDARDS FRAMEWORK

The Monitoring Officer presented an update on the Review of the Ethical Standards Framework being undertaken by Richard Penn on behalf of the Welsh Government (WG), as reported at the previous meeting.

Following the consultation period, a series of recommendations had been submitted to WG for consideration and response in the Autumn. Any legislation required as a result of the review would be passed before the end of this local government term. The report and response from WG would be scheduled on the Committee's forward work programme once it was published.

The recommendation in the report was moved and seconded by Councillors Arnold Woolley and Gladys Healey.

RESOLVED:

That the Committee notes the report and awaits the outcome of the review.

16. PAN WALES STANDARDS CONFERENCE

The Monitoring Officer presented a report on preparations for the Pan Wales Standards Conference due to take place virtually in late October/ November 2021. Once the date was confirmed, representatives from the Committee would be invited to take part.

The recommendation was moved by Councillor Arnold Woolley and seconded by Jonathan Duggan-Keen.

RESOLVED:

That the Committee notes the preparations for the conference.

17. FEEDBACK FROM THE ETHICAL LIAISON MEETING

The Monitoring Officer presented a report giving feedback from the second ethical liaison meeting held in August.

The meeting had been well received and a range of actions had been agreed to support the forthcoming duty on Group Leaders to help promote good conduct by elected Members. Group Leaders had agreed to further meetings and would be asked to endorse a draft syllabus of actions to be introduced for the Member induction process following the elections in May 2022.

The Chair, Vice-Chair (Mark Morgan) and Councillor Patrick Heesom - who had all been in attendance - spoke in support of the value of ethical liaison meetings.

The recommendation was moved by Mark Morgan and seconded by Councillor Gladys Healey.

RESOLVED:

That the Committee welcomes the outcomes of the ethical liaison meeting and agrees to hold a third meeting in the new calendar year.

18. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme for consideration where the following changes were suggested:

- If available, the Penn Review of the Ethical Standards Framework to be included on the agenda of the joint meeting with Town/Community Council representatives on 1 November 2021.
- The meeting in January 2022 to include an item on agenda items for the next Ethical Liaison meeting.
- The item on Independent Member visits to Council meetings to be moved from January to July 2022 to start planning the process with a view to recommencing visits in September 2022.

The changes were moved by Gill Murgatroyd and seconded by Councillor Gladys Healey.

RESOLVED:

That the Forward Work Programme, as amended, be approved.

19. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 6.45pm and ended at 7.45pm)

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Chair

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4
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>	Clive Stanley CARVER
Address <i>Your home address.</i>	<i>'Carelia'</i> 8 Overlea Drive Hawarden Deeside CH5 3HS
Name of Council <i>Of which Council are you a member?</i>	<i>Hawarden Community Council</i> (Also FCC)
Ward <i>The ward you represent.</i>	<i>Hawarden</i>
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	<i>The proposal to close Vickers Close Play Area and for it to become a Dog Agility Site. Hawarden Community Council are to have a working group of Members to process residents' consultation responses in order to recommend to HCC the way forward. Without a Dispensation, local Hawarden Residents views will very likely not be represented.</i>
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"/> <i>To write to or speak with officers;</i> <input checked="" type="checkbox"/> <i>To write to, speak and/or answer questions at Council/Committee meetings;</i> <input checked="" type="checkbox"/> <i>To remain in the room during any debate;</i> <input checked="" type="checkbox"/> <i>To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)</i> <i>HCC Meeting</i>
Relevant Paragraph under which Dispensation is requested (See overleaf)	<i>(c) (e) (i) (j)</i>
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"> • <i>How does your interest arise? Will the business under discussion affect your well-being, your financial position, your family, etc?</i> • <i>What other roles or memberships do you hold that give rise to an interest?</i> • <i>Will you benefit personally from the business under discussion or is your interest purely from public service?</i> 	<i>I live at 8 Overlea Drive Hawarden, the junction from Overlea Drive into Vickers Close follows number 10 Overlea Drive. Thus I live a couple of hundred yards from the site entrance. Should the change go ahead, there will be severe parking issues since some councillors have campaigned for this over a wider area than that for the current use as a Play Area. Since 2 or 3 cars poorly parked can prevent Streetscene vehicles gaining access, overflow parking will be in Overlea Drive where I live.</i>
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	<i>At HCC I Chair the Lighting Committee (At FCC I Chair the Corporate Resources Overview & Scrutiny Committee)</i>

Signed: 	Tudalen 9	Date: 7 Oct 2021
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Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended) specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed; or
- (j) it appears to the committee to be otherwise appropriate to grant a dispensation.

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>	Pauline Cheryl CARVER
Address <i>Your home address.</i>	<i>'Carelia'</i> 8 Overlea Drive Hawarden Deeside CH5 3HS
Name of Council <i>Of which Council are you a member?</i>	<i>Hawarden Community Council</i>
Ward <i>The ward you represent.</i>	<i>Hawarden</i>
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	<i>The proposal to close Vickers Close Play Area and for it to become a Dog Agility Site. Hawarden Community Council are to have a working group of Members to process residents' consultation responses in order to recommend to HCC the way forward. Without a Dispensation, local Hawarden Residents views will very likely not be represented.</i>
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"/> <i>To write to or speak with officers;</i> <input checked="" type="checkbox"/> <i>To write to, speak and/or answer questions at Council/Committee meetings;</i> <input checked="" type="checkbox"/> <i>To remain in the room during any debate;</i> <input checked="" type="checkbox"/> <i>To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)</i> <i>HCC Meeting</i>
Relevant Paragraph under which Dispensation is requested (See overleaf)	<i>(c) (e) (i) (j)</i>
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"> • <i>How does your interest arise? Will the business under discussion affect your well-being, your financial position, your family, etc?</i> • <i>What other roles or memberships do you hold that give rise to an interest?</i> • <i>Will you benefit personally from the business under discussion or is your interest purely from public service?</i> 	<i>I live at 8 Overlea Drive Hawarden, the junction from Overlea Drive into Vickers Close follows number 10 Overlea Drive. Thus I live a couple of hundred yards from the site entrance.</i> <i>Should the change go ahead, there will be severe parking issues since some councillors have campaigned for this over a wider area than that for the current use as a Play Area. Since 2 or 3 cars poorly parked can prevent Streetscene vehicles gaining access, overflow parking will be in Overlea Drive where I live.</i>
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	<i>None</i>

Signed: <i>P. L. Evans</i>	Date: 7 OCTOBER 2021
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Tudalen 11

Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended) specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed; or
- (j) it appears to the committee to be otherwise appropriate to grant a dispensation.

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 1 November 2021
Report Subject	Penn Review of the Ethical Standards Framework
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The current ethical standards regime was largely created by the Local Government Act 2000. Whilst minor updates have been made to the code since then the overall framework (training, roles of various people/bodies, enforcement) has remained fundamentally unchanged since then.

Welsh Government commissioned Richard Penn, a former Chief Executive (latterly at Bradford City Council), to review the framework. He consulted widely over the summer and has reported in accordance with his terms of reference. His report has been published by Welsh Government who have committed to considering his findings and undertaking consultation on their implementation.

The findings fall into categories based on whether they would need legislation to implement. Some recommendations need primary legislation (e.g. granting the Adjudication Panel for Wales the power to restrict reporting on sensitive cases), others require secondary legislation (such as updating the code of conduct itself) and some are matters of practice that can be implemented if the relevant parties are willing to do so.

Welsh Government has not yet indicated which findings it proposes to action.

RECOMMENDATIONS

1	That the findings of the report are reviewed by the Committee in preparation for any formal consultation by Welsh Government.
2	That the Monitoring Officer should explore whether a national forum for Independent Members can be established.
3	That the Committee considers whether to receive training on holding hearings now and again when a hearing is due to take place.

REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF THE ETHICAL FRAMEWORK
1.01	<p>The current ethical framework consists of the code of conduct for Councillors plus the wider machinery that is necessary to ensure it works in practice and is enforced. It includes the work of the monitoring officer, this Committee, the Ombudsman and Adjudication Panel for Wales. It was introduced by the Local Government Act 2000. There have been minor changes over the years (e.g. small changes were made to the code in 2016) but the fundamental structure has remained the same in Wales. The system in England was changed substantially by the Localism Act 2011.</p>
	<p>Welsh Government commissioned Richard Penn, a former chief executive, to conduct a review of the whole framework to include:</p> <ul style="list-style-type: none"> • an audit of the Codes of Conduct adopted by authorities; • an analysis of the effectiveness of the framework in fostering high standards of conduct in local government and public confidence in those arrangements; • whether the framework is still fit for purpose; • the role of Standards Committees; • an analysis of the arrangements and protocols in place to support members and staff; • consideration of the current sanctions and whether they are still appropriate.
	<p>Richard Penn consulted widely over the spring/summer. In publishing the findings Welsh Government issued a written statement, which concludes</p> <p>“The final Report which has been published today, concludes the current arrangements are fit for purpose but recommends some changes to the Framework, including the Model Code of Conduct. I will be considering the recommendations to amend the Model Code of Conduct in the short term. Any legislative change will be subject to a technical consultation.</p> <p>Action to address other recommendations will be taken forward in partnership with key stakeholders in the medium to longer term.”</p>
2.00	THE FINDINGS IN THE REPORT
	<p>The overall finding of the report was that the framework is fit for purpose and does not need major alteration. The report states</p> <p>“...some minor adjustments and amendments to the current framework ... could result in a lower number of low level complaints [being] made and the need for formal investigations being significantly reduced.”</p>
	<p>The report is broken down into headings (below). Some of the findings are statements, and other are recommendations. The recommendations for action further break down into matters of good practice which can be implemented locally, and those that will require legislation (a Bill or statutory instrument). The lead in times for both types of legislation can be long but Bills can take years to be passed. I have summarised the findings and indicated the type below with commentary where I have strong views.</p>

Type of Finding and need for legislation etc.	Finding	Commentary
Statement	<p>An audit of the Codes of Conduct adopted by all the required authorities against the Model Code to identify any local variances</p> <p>Only 1 County Council has adopted the Model Code of Conduct without significant variations or additions. Over a half have adopted a local resolution procedure, and over one half also have a mandatory training requirement.</p>	
Statement	<p>An analysis of the effectiveness of the framework in fostering high standards of conduct in local government in Wales and public confidence in those arrangements</p> <p>The framework generally, and the requirements of the Code of Conduct in particular, has been instrumental in fostering the high standards of conduct that are evident in local government in Wales. There are concerns about the continuing and recently increasing volume of complaints about the conduct of members of Community Councils. Richard Penn believes that mandatory training on the Code for all members and the greater use of local resolution procedures should result in a reduction of the number of the low level complaints and thus the need for formal investigations.</p>	<p>Mandatory training is a good idea but the extent to which it will reduce complaints under the code is moot. Most complaints are about failure to treat someone with respect or bullying and such behaviour is rarely caused by a lack of understanding, nor solved by greater understanding, of the code.</p>
Statement	<p>Consideration of whether the framework is still fit for purpose, including whether the ten principles of conduct are still relevant and whether the Model Code of Conduct needs updating. This will include identification of areas where improvements could/should be made to the current arrangements</p> <p>The consensus is that the current framework is fit for purpose and works well in practice. The ten principles of conduct are seen as relevant and the Code of Conduct is seen as appropriate and not in need of major revision.</p>	

Type of Finding and need for legislation etc.	Finding	Commentary
Recommendation needing a statutory instrument (i – viii) or a Bill (ix)	<p>The report proposes a number of amendments to the Code:</p> <ul style="list-style-type: none"> i. Specify the threshold for declarations of any gift, hospitality, material benefit or advantage to ensure consistency across Wales. ii. There is agreement that the Code should not require Councillors to disclose their home address iii. Define a 'person' either in the 2000 Local Government Act or in the Code. iv. Paragraph 4a of the Code (to have due regard to equality of opportunity for all people) should be extended to include all nine protected characteristics under the Equality Act 2010. v. The guidance on social media published by the WLGA and the Public Services Ombudsman should be formalised by appropriate amendments to the Code vi. 6(1)(b) of the Code of Conduct should be amended to make it an obligation of the member to report their own criminal behaviour as well as that of others (as at present) vii. Make training on the Code of Conduct mandatory for all members of by including a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004 viii. Increase the use of local resolution of complaints by requiring that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman, in order to speed up the complaints process and ensure that the Ombudsman's resources are devoted to the investigation of serious complaints. ix. Extend the Public Services Ombudsman for Wales' power to refer complaints back for local resolution 	<p>Most proposed changes to the code seem sensible. The suggestion that all complaints should be considered for local resolution first has potentially major resource implications for monitoring officers. Flintshire receives few complaints about its own councillors each year but experience shows there are 10 to 15 complaints about Town and Community Councillors per annum. The Council is not resourced to manage that number of complaints.</p>

Type of Finding and need for legislation etc.	Finding	Commentary
<p>Recommendation needing statutory instrument (x – xvi) and a Bill (xvii)</p>	<p>Changes to the powers and processes of the Adjudication Panel for Wales</p> <p>The report recommends introducing</p> <ul style="list-style-type: none"> x. Restricted reporting orders - to control the reporting by the press about any case. xi. Anonymity of witnesses - an express power to order anonymity for witnesses in sensitive cases would be useful for both Case and Appeal Tribunals to ensure that there is legal underpinning. xii. Disclosure – to put the recent practice direction on a legal basis xiii. Appeal Tribunal procedure – remove the requirement on Standards Committees to consider the decision of the APW on the Appeal if it is different to the original decision xiv. Case Tribunal procedure – updates to make the Case Tribunal Procedure more efficient and fairer to witnesses xv. Permission to appeal procedure - minor amendments to make the process more “balanced and sensible” xvi. Sentencing powers – to give the panel the power to impose more varied sanctions as was the case with the former Adjudication Panel for England xvii. Interim Case Tribunals - the threshold for meeting the legislative requirements for an interim referral is considered to be too high. The proposal is to introduce a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners’ Tribunal. 	<p>These seem sensible and reflect some changes requested by this Committee in the past</p>

Type of Finding and need for legislation etc.	Finding	Commentary
Recommendation for local adoption	<p>Consideration of the role of Standards Committees, including their role in relation to Town and Community Councils and whether the establishment of sub-committees has had any impact on the process of supporting Community Councils and dealing with complaints.</p> <p>xviii. The Chair of the Standards Committee should play a leadership role, along with the Chief Executive, the Monitoring Officer and the Leaders of political groups in promoting high standards of conduct across the Council.</p> <p>xix. There is a need for training of members of Standards Committee, not only on the Model Code of Conduct but also on how to hold Hearings</p> <p>xx. There should be an all-Wales Forum for Independent Chairs of Standards Committees and the re-establishment of the annual Conference for Independent Chairs and Independent members of Standards Committees</p> <p>xxi. The Public Services Ombudsman for Wales accepts the need for more reference back to Standards Committees when he declines to investigate complaints. Standards Committees would need to have additional powers to require necessary training of members and the power to require a member to make an apology to the complainant.</p> <p>xxii. There is serious concern about the extent of bullying, lack of respect or otherwise generally disruptive behaviour by some members at meetings of Town and Community Councils. The report suggests that this is an issue that might be mitigated by mandatory training.</p>	<p>The Chair of the Committee already contributes to the ethical leadership of the Council.</p> <p>Does the Committee want training on hearings now and when it must hold one?</p> <p>The all Wales Standards Conference was postponed due to Covid and is due to take place this year. That would seem an appropriate venue in which to discuss the suggestion for an all Wales Standards Forum though we could make preliminary enquiries through the Monitoring Officers' network.</p> <p>See comments above about local resolution and mandatory training</p>

Type of Finding and need for legislation etc.	Finding	Commentary
	<p>xxiii. An analysis of the arrangements and protocols in place within authorities to support members and staff in preventing the need for issues to a) arise in the first place and b) be escalated beyond local resolution. This will include areas such as clear communication and signposting, training and awareness and the approach to addressing concerns</p> <p>xxiv. No view was expressed on whether the current sanctions open to Standards Committees are still appropriate</p> <p>xxv. Accessibility of the ethical standards framework - the report believes that the lack of publicity about the ethical standards framework constrains use of the process, especially if the person wishing to complain if they do not have internet access, or have difficulty in accessing information because of various disabilities, or because they belong to a 'hard to reach group', or because of language problems.</p>	<p>I believe that officers or members understand the process to be followed if a member breaches the code.</p> <p>I also receive complaints from members of the public notwithstanding the largely on line nature of information about member behaviour. Introducing paper leaflets seems outmoded and unnecessarily resource hungry.</p>

3.00	RESOURCE IMPLICATIONS
3.01	The report itself has no implications. I have commented above where the recommendations would have resource implication for the Council.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Report authors to display transparency and identify consultations.
4.00	RISK MANAGEMENT
4.01	Report authors to list key risks and mitigation measures. Risk paragraph to include anti-poverty, environment and equalities issues.
5.00	APPENDICES
5.01	Hyperlinks are marked within the report to key documents.
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	Technical terms are defined within the report at the point where they first used.

Eitem ar gyfer y Rhaglen 6



STANDARDS COMMITTEE

Date of Meeting	Monday, 1 November 2021
Report Subject	Standards Forum Pre-Briefing
Report Author	Gareth Owens Chief Officer (Governance)

EXECUTIVE SUMMARY

The Mid and North Wales Standards Forum (“the Standards Forum”) meets to enable the Chairs and Vice Chairs of Standards Committees to share good practice and learn from each other. It provides a support network to Independent Members who might otherwise be more isolated due to their position as co-opted members on Committees, some of which meet relatively infrequently.

The next meeting is due to take place in November and should be hosted by Gwynedd County Council. The delayed biennial Standards Conference is also due to take place in November and may displace the planned meeting of the Forum. If the meeting does proceed then the Committee will need to suggest items for the agenda.

RECOMMENDATIONS

1	That the Committee suggests items for the agenda of the next meeting of the Standards Forum.
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REPORT DETAILS

1.00	EXPLAINING THE STANDARDS FORUM
1.01	The Mid and North Wales Standards Forum (“the Standards Forum”) meets to enable the Chairs and Vice Chairs of Standards Committees to share good practice and learn from each other. It provides a support network to Independent Members who might otherwise be more isolated due to their position as co-opted members on Committees, some of which meet relatively infrequently.
1.02	The member Councils take turns to host the Standards Forum. By convention the meeting is attended by the Chair and Vice Chair with only the Monitoring Officer from the host authority being present. Gwynedd County Council have volunteered to host the next meeting. It is due to be held in November though the planned biennial Standards Conference may delay this.
1.03	The purpose of the forum is to support Independent Members who, by reason of being co-opted, may not have an extended network amongst other Councils. As a body set up to support its membership each Standards Committee suggests items for discussion and inclusion on the agenda.
1.04	The Penn Review will be a significant item for discussion even after the Standards Conference as authorities compare notes on their proposed response to its findings. Another possible item for discussion will be training and induction plans following the forthcoming elections. Many Councils also struggle with social media and how to manage disruptive or poor behaviour (within the safeguards for freedom of expression).
1.05	The Committee is asked to consider any areas where it thinks that hearing views/practice from other Councils might benefit its work.

2.00	RESOURCE IMPLICATIONS
2.01	None directly arising from this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	This report is itself consulting the Committee for its views.

4.00	RISK MANAGEMENT
4.01	The Standards Forum can help to ensure that Independent Members and Standards Committees do not operate in isolation. The Committee is of course free to address any issue that is within its terms of reference in the

	manner that it sees fit and should not feel constrained by whether another Council has not encountered an issue or has tackled it in a different manner.
4.02	The Monitoring Officer will advise if there are any equalities implication arising from topics that are suggested for the agenda of the next Standards Forum meeting.

5.00	APPENDICES
5.01	None.

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	None.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 8



STANDARDS COMMITTEE

Date of Meeting	Monday 1 st November 2021
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 (July 2021) 5 complaints have been received. 4 complaints have been resolved since the last report. There is 1 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 2019/20. 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 5 complaints have been received. These complaints vary in terms of matters alleged and the circumstances of the incident. Of the 4 cases that have been determined, none were been investigated by the PSOW because they failed the 2 stage test.
1.03	As always some complaints are in relation to particular sets of circumstances or events e.g. 3 of the 5 complaints recorded are from

	<p>members of the public who were dissatisfied with a decision made by the Council with which the Councillor in question was involved. The remainder, again, between Councillors who do not get along with each other. Typically, these represent a form of overly personalised politics in Councils where factional politics (whether around political groups or friendship circles) can be said to be a feature. To some extent these can be seen as relationship issues that should neither be the province of the code of conduct nor the PSOW. They should instead be managed through Councillors controlling their own behaviour, through tight control of meetings by the Chair and having a thicker skin when issues do arise. The Monitoring Officer and Deputy Monitoring Officer have worked with a number of Councils to help them identify “flash points” so that mechanisms can be put in place to prevent or manage them in future.</p>
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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	<p>None</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

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.
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Mae'r dudalen hon yn wag yn bwrpasol

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	Allegd 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			
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Eitem ar gyfer y Rhaglen 9



STANDARDS COMMITTEE

Date of Meeting	Monday 1st November 2021
Report Subject	Public Services Ombudsman for Wales (PSOW) Annual Letter
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The PSOW writes an annual letter to all County and County Borough Councils in Wales to set out the number of complaints received, both in respect of service complaints and complaints relating to breaches of the Members' Code of Conduct ("the Code"), for County, County Borough and Town and Community Councils. The letter must be presented to the Council's Cabinet to assist in their scrutiny of the Council's performance and actions related to that are to be reported back to the PSOW by the 15 November 2021.

RECOMMENDATIONS

1	Having had regard to the PSOW's annual letter and having noted that the complaints submitted during 2020/21 either led to findings of no evidence of a breach of the Code, or were discontinued or withdrawn, the Committee concludes that no action is needed.
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REPORT DETAILS

1.00	BACKGROUND
1.01	The letter is attached as Appendix 1 to this report. The Standards Committee is only concerned with the ethical complaints element of the letter with the service complaints being in the remit of the Cabinet and the Overview and Scrutiny Committees of the Council.
1.02	The points to note in respect of the ethical complaints relating to alleged breaches of the Code by County, County Borough and Town and

	Community Councillors are contained at Sections E (in respect of County and County Borough Councillors) and F (in respect of Town and Community Councillors) at page 8 of the letter. The letter also explains that complaints related to breaches of the Code across Wales that were referred to the Standards Committee or the APW are up to 3.4% from 2% in the previous year.
1.03	In respect of Code complaints that were closed during the year relating to Flintshire County Councillors, there was 1 in total for which a finding of no evidence of a breach was made. This compares to 2 in 2019/20 and 0 in 2018/19. These fluctuations are clearly minor.
1.04	In respect of Code complaints that were closed during the year relating to Town and Community Councillors in Flintshire, there were 11 in total, 9 of which led to findings of no evidence of breach, 1 was discontinued and 1 was withdrawn. This compares to 14 in 2019/20 and 18 in 2018/19. Again the numbers are broadly stable.
1.05	The Annual letter also explains that the PSOW has introduced a new publication called Our Findings. This publication replaces the quarterly case books for both cases relating to services and Code of Conduct cases and will be updated regularly. The last Code of Conduct case book covered the whole year for 2020. At the time of writing this report there are currently no additional cases contained in the Our Findings publication.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The letter is reported to the Council's Cabinet.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	Appendix 1 - The Annual Letter from the PSOW for the year 2020/21


6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330

	E-mail: matthew.georgiou@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
7.01	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.

Mae'r dudalen hon yn wag yn bwrpasol

Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Ian Roberts
Flintshire County Council

By Email only: ian.b.roberts@flintshire.gov.uk

Annual Letter 2020/21

Dear Councillor Roberts

I am pleased to provide you with the Annual letter (2020/21) for Flintshire County Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

cc. Colin Everett, Chief Executive, Flintshire County Council
By Email only: chief.executive@flintshire.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	15	0.21
Bridgend County Borough Council	31	0.21
Caerphilly County Borough Council	46	0.25
Cardiff Council*	96	0.26
Carmarthenshire County Council	27	0.14
Ceredigion County Council	32	0.44
Conwy County Borough Council	32	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	59	0.38
Gwynedd Council	30	0.24
Isle of Anglesey County Council	18	0.26
Merthyr Tydfil County Borough Council	15	0.25
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	19	0.13
Newport City Council	31	0.20
Pembrokeshire County Council	28	0.22
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council	40	0.17
Swansea Council	73	0.30
Torfaen County Borough Council	12	0.13
Vale of Glamorgan Council	39	0.29
Wrexham County Borough Council	43	0.32
Total	776	0.25

* inc 2 Rent Smart Wales

Appendix B - Received by Subject

Flintshire County Council	Complaints Received	% Share
Adult Social Services	0	0%
Benefits Administration	0	0%
Children's Social Services	10	17%
Community Facilities, Recreation and Leisure	0	0%
Complaints Handling	8	14%
Covid19	4	7%
Education	1	2%
Environment and Environmental Health	7	12%
Finance and Taxation	2	3%
Housing	7	12%
Licensing	0	0%
Planning and Building Control	15	25%
Roads and Transport	1	2%
Various Other	4	7%
Total	59	

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Appendix C - Complaint Outcomes
 (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/voluntary settlement*	Discontinued	Other Reports-Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Flintshire County Council	4	35	11	9	0	1	1	1	62
% Share	6%	56%	18%	15%	0%	2%	2%	2%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	2	30	7%
Caerphilly County Borough Council	3	45	7%
Cardiff Council	26	100	26%
Cardiff Council - Rent Smart Wales	0	2	0%
Carmarthenshire County Council	6	29	21%
Ceredigion County Council	4	31	13%
Conwy County Borough Council	5	31	16%
Denbighshire County Council	2	31	6%
Flintshire County Council	11	62	18%
Gwynedd Council	5	27	19%
Isle of Anglesey County Council	1	17	6%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	1	19	5%
Neath Port Talbot Council	1	17	6%
Newport City Council	5	29	17%
Pembrokeshire County Council	3	26	12%
Powys County Council	4	47	9%
Rhondda Cynon Taf County Borough Council	2	43	5%
Swansea Council	9	67	13%
Torfaen County Borough Council	0	11	0%
Vale of Glamorgan Council	5	38	13%
Wrexham County Borough Council	6	48	13%
Total	102	781	13%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Flintshire County Council	0	1	0	0	0	0	1

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Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Broughton & Bretton Community Council	0	1	0	0	0	0	1
Gwaenysgor & Trelawnyd Community Council	0	1	0	0	0	0	1
Gwernaffield and Pantymwyn Community Council	1	1	0	0	0	0	2
Llanfynydd Community Council [Flintshire]	0	0	0	0	0	1	1
Saltney Town Council	0	6	0	0	0	0	6

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

Mae'r dudalen hon yn wag yn bwrpasol

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

Date of Meeting	Topic	Notes/Decision/Action
June 2022	<ul style="list-style-type: none"> • Training • Dispensations • Independent Member Visits to Council Meetings • Forward Work Plan 	
March 2022	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Feedback from Ethical Liaison Meeting • Induction programme for councillors • Forward Work Plan 	
January 2022	<ul style="list-style-type: none"> • Training • Dispensations • Agenda items for the next Ethical Liaison Meeting • Standards forum report back • Forward Work Plan 	
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 	<p>Report by Gareth Owens Report by Gareth Owens Report by Matt Georgiou</p> <p>Report by Gareth Owens Verbal</p>
September 2021	<ul style="list-style-type: none"> • Training • Dispensations 	

	<ul style="list-style-type: none"> • 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 	<p>Report by Gareth Owens</p> <p>Report by Gareth Owens</p> <p>Report by Gareth Owens</p> <p>Report by Gareth Owens</p>
<p>Reports to be scheduled - Survey on the Production of Councillor Newsletters</p>		