

# Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

Sharon Thomas / 01352 702324

sharon.b.thomas@flintshire.gov.uk

At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Teresa Carberry, Andrew Parkhurst ac Antony Wren

**Aelodau Cyfetholedig:**

David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd ac Ian Papworth

27 Mehefin 2023

Annwyl Gynghorydd

**RHYBUDD O GYFARFOD RHITHIOL**  
**PWYLLGOR SAFONAU**  
**DYDD LLUN, 3YDD GORFFENNAF, 2023 AM 6.30 PM**

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

Yn gywir

Steven Goodrum  
Rheolwr Gwasanaethau Democratiadd

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democrataidd ar 01352 702345.

## R H A G L E N

### 1 YMDDIHEURIADAU

**Pwrpas:** I dderbyn unrhyw ymddiheuriadau.

### 2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

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

### 3 COFNODION (Tudalennau 5 - 12)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 15 Mai 2023.

### 4 GODDEFEBAU

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

Bydd aelodau'r wasg / y cyhoedd yn gallu aros yn y cyfarfod tra bydd cais am ryddhad yn cael ei gyflwyno i'r Pwyllgor a bydd yn gallu dychwelyd i glywed penderfyniad y Pwyllgor. Fodd bynnag, o dan Baragraff 18C Atodlen 12A Deddf Llywodraeth Leol 1972 bydd y Pwyllgor yn gwahardd y wasg a'r cyhoedd o'r cyfarfod tra bydd yn ystyried unrhyw gais am ryddhad.

## EITEMAU ER PENDERFYNIAD

### 5 ADRODDIADAU O YMWELIADAU AELODAU ANNIBYNNOL Â CHYNGHORAU TREF/CYMUNED

**Pwrpas:** Derbyn adroddiadau ar lafar gan Aelodau Annibynnol y Pwyllgor am eu hymweliadau i'r cyngorau canlynol:

- Cyngor Cymuned Brychdyn a Bretton (Mark Morgan - 21.03.23)
- Cyngor Cymuned Sealand (Jacqueline Guest - 17.04.23)
- Cyngor Cymuned Nercwys (Julia Hughes - 26.04.23)
- Cyngor Cymuned Kinnerton Uchaf (Cllr Ian Papworth - 23.05.23)
- Cyngor Tref Bwcle (Mark Morgan - 23.05.23)

### 6 PRESENOLDEB AELODAU ANNIBYNNOL YMWELIADAU Â CHYFARFODYDD PWYLLGOR (Tudalennau 13 - 18)

**Pwrpas:** Bod y Pwyllgor yn cytuno ar rota o ymweliadau mewn Cyfarfodydd Pwyllgor a'r canllawiau ar sut y dylid eu cynnal.

## **EITEMAU ER GWYBODAETH**

### **7 TROSOLWG AR GWYNION MOESEGOL (Tudalennau 19 - 30)**

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

### **8 ADBORTH GAN FFORWM CENEDLAETHOL Y PWYLLGORAU SAFONAU**

**Pwrpas:** Darparu adborth gan Fforwm Cenedlaethol y Pwyllgorau Safonau a gynhaliwyd ar 30ain Mehefin.

### **9 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 31 - 32)**

**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.***

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 3

## STANDARDS COMMITTEE

15 MAY 2023

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 15 May 2023

**PRESENT:** Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

### **CO-OPTED MEMBERS:**

David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd, and Ian Papworth

**ALSO PRESENT:** Councillor Bernie Attridge (as an observer)

### **IN ATTENDANCE:**

Chief Officer (Governance), and Democratic Services Officer

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

There were no declarations of interest..

## 2. **MINUTES**

The minutes of the meeting held on 6 March 2023 were presented for approval.

### Accuracy

Ian Papworth referred to page 6, third paragraph, and queried the sentence: "The Community Association had signed a 27-year lease to run the village hall and issues had arisen around building insurance and management tax". It was agreed that the word "tax" was a typographical error and would be removed from the minutes.

Page 7, 4th paragraph, Gil Murgatroyd to be amended to read: 'Gill Murgatroyd'.

Page 11, 4th paragraph, first sentence be amended to read: "The Chair agreed saying it was important that any items that the Committee wanted to put forward were considered".

Subject to the above amendments, the minutes were approved as an accurate record as moved by Mark Morgan and seconded by Councillor Andrew Parkhurst.

### Matters arising

Referring to page 11, item 57, Forward Work Programme, Gill Murgatroyd asked if there was any initial feedback to report on the results of the survey on newsletters. The Chief Officer advised that there was no information to share at this meeting but it had been agreed that the item on the Results on the Survey of

Newsletters be scheduled for the next meeting of the Committee to be held on 3 July 2023.

**RESOLVED:**

That subject to the amendments as stated above, the minutes were approved as an accurate record.

**3. DISPENSATIONS**

There were no applications for dispensation.

**4. ROLLING REVIEW OF THE EMPLOYEES CODE OF CONDUCT**

The Monitoring Officer presented a report on the Rolling Review of the Employees Code of Conduct. He advised that as part of the rolling review of the Constitution, the Committee had to consider whether the Employees Code of Conduct needed amendment to keep it up to date. The Monitoring Officer explained that at the meeting held in January the Committee had made some minor suggested amendments to the Employee's Code. The Committee had also wanted to understand how other Councils sought to balance an employee's right to freedom of expression with the reasonable expectation that the employee would not unjustly criticise the employer in public in a way that eroded the necessary relationship of trust and confidence. Options on how this might be achieved were set out in the report.

The Committee supported the example of the relevant provision in Wrexham County Borough Council's social media policy which was set out in section 1.04 of the report.

Referring to section 1.04 and the paragraph: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary or other appropriate action in line with Council policies and could lead to dismissal", Gill Murgatroyd suggested that the wording be amended to read: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings in line with Council policies and could lead to dismissal". She also suggested that more clarification was required around the wording "in line with Council policies" and proposed that the sentence be further amended to read: "The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings which may lead to dismissal". This was agreed by the Committee.

The Monitoring Officer responded to the concerns and points raised by Ian Papworth concerning provision to address the matter of whistleblowing and the issue of conflict of wording between different policies. During discussion the Monitoring Officer suggested that the wording be amended to make clear that the prohibition on criticism was not intended to prevent employees making a protected disclosure.

Councillor Andrew Parkhurst referred to section 1.04 of the report and questioned the use of the recommendation: "Don't identify yourself as a Council

employee within a social network” regarding the implications for an employee standing for election to Flintshire County Council. Councillor Parkhurst also referred to section 15.2 in the draft which was appended to the report and suggested that the sentence “This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities” should be included. In his response the Monitoring Officer referred to sections 15.1 and 15.2 in the proposed amendments to the Employees Code of Conduct which was appended to the report and said the wording in both these sections would be applicable in conjunction with the wording used by Wrexham County Borough Council.

Councillor Parkhurst suggested that the wording in the example from Wrexham County Borough Council with reference to social media could be broadened to include media other than social media.

David Davies referred to the sentence in section 1.04 which read: “You should not say anything about colleagues, your managers, or your workplace which is defamatory, untrue or offensive” and suggested that the words ‘Elected Members’ be included prior to the word ‘colleagues’. This was agreed by the Committee.

Gill Murgatroyd referred to page 17 of the report, section 2.2, and suggested that the last sentence should be amended to read: “Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary proceedings”. This was agreed by the Committee.

The Chair referred to page 24 of the report, section 9.4, and commenting on the current £10 limit set for the offer of hospitality suggested that it be increased to £25 to reflect the rise in costs and this was agreed by the Committee

The proposed amendments as detailed above to the Employees Code of Conduct to manage unjust public criticism by employees were moved by Ian Papworth and seconded by Jacqueline Guest. When put to the vote this was carried.

#### **RESOLVED:**

That the proposed amendments as detailed above to the Employees Code of Conduct be approved.

#### **5. RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON IMPLEMENTING THE PENN REVIEW**

The Monitoring Officer presented the report and provided background information. He referred to the recent workshop, which all members were invited to attend, to discuss the consultation and said the views expressed at that meeting had been combined with those of the Committee to prepare a draft response to the consultation. The draft response to the Welsh Government consultation on implementing the Penn review was appended to the report for approval.

Ian Papworth referred to the response to Question 3 in the draft response concerning anonymity of witnesses. He commented that there was no restriction on

the defendant not publicising the identify of the witnesses. The Monitoring Officer explained that the Adjudication Panel had powers to protect the anonymity of witnesses.

Gill Murgatroyd commented that Q8 had not yet been completed. Following discussion it was agreed that the answer to Q8 would be 'Yes'.

The recommendation in the report was moved by David Davies and seconded by Councillor Teresa Carberry.

**RESOLVED:**

That the draft response to the Welsh Government consultation on implementing the Penn review be agreed.

**6. DRAFT ANNUAL REPORT**

The Monitoring Officer presented the report to approve the Committee's first draft of the Annual Report. He explained that the Local Government and Elections (Wales) Act 2021 introduced a duty on Standards Committees to produce an annual report and specified some of the content that must be included. The first draft annual report was appended for approval.

During discussion it was agreed that the first sentence of paragraph 5, page 66, be amended to remove the words 'county council'.

The Chair referred to the heading The Penn Review on page 68 and said there was a need to insert when the findings were published in July 2021. She also drew attention to the recommendation at the end of Page 69, and suggested that the wording of the recommendation be amended to also include that Clerks be reminded about the process to seek dispensations.

The Chair drew attention to the requirement in the Annual Report to include the Committee's assessment of the extent to which leaders of political groups on the Council had complied with their duties under section 52A(1) during the financial year. The Chair gave an overview of the Committee's assessment of the compliance of Group Leaders with the duty to promote good behaviour by their group Members based on reports from the Group Leaders themselves, as per the agreed process. She asked members to confirm if they were satisfied that Group Leaders had complied with their duty. When put to the vote this was agreed. Following further discussion around the outcomes of the process the Chair proposed that the Committee recommends to the County Council the following two areas of training: social media and dispensations. The proposal was moved by Gill Murgatroyd and seconded by Mark Morgan and when put to the vote was agreed.

**RESOLVED:**

- (a) That subject to the above amendments the draft annual report be approved; and



- (b) That the Committee recommends to the County Council the following two areas of training: social media and dispensations

## **7. ITEMS FOR THE FORUM**

The Chair provided background information and asked members if they had any suggestions for items they would like to be discussed at the National Standards Forum in June.2023.

The Chair suggested the following items:

- feedback on the Group Leaders duties as reported in the Annual Report
- feedback on the outcome of the Welsh Government consultation on the Penn Review

### **RESOLVED:**

That the above items be put forward for inclusion on the agenda for the next meeting of the National Standards Forum in June 2023.

## **8. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS**

The Chair provided background information and invited the Independent Members to provide verbal reports on the following visits which had been undertaken recently:

David Davies provided verbal feedback on his attendance at the meeting of Llanasa Community Council held on 26 January 2023.

Ian Papworth gave verbal feedback on his attendance at the meeting of Hope Community Council held on 1 March 2023. He also provided verbal feedback on his attendance at the meeting of Leeswood & Pontblyddyn Community Council held on 7 March 2023.

Jacqueline Guest provided verbal feedback on her attendance at the meeting of Bagillt Community Council held on 8 March 2023. Following the feedback Gill Murgatroyd proposed that specific feedback be provided to Bagillt Community Council to discuss the concerns raised by the Independent Member on her visit. The proposal was seconded by David Davies and when put to the vote was agreed by the Committee.

The Independent Members agreed that the visits had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members noted that as a matter of good practice, 'Declarations of Interest' was an item on all agendas.

The following points were raised which were to be fed back to support Town and Community Councils in their procedures:

- It is the role of the Chair to conduct meetings in a way that makes poor behaviour less likely and to tackle any poor behaviour that does arise. The

Chair needs to retain high levels of self-control in order to be able to fulfil that responsibility. Where a Chairperson feels strongly about a matter, they need to plan how they intend to deal with the issues without losing that self-control and/or manifesting poor behaviour themselves.

- Councillors are reminded that meetings are public and should be conducted in a professional manner lest they undermine public confidence in the running of that Council. It is the nature of politics that Councillors may not share the same views and diversity of perspective is a strength of local democracy not a weakness. Councillors should therefore not accuse others of being negligent for not sharing the same view. Councillors should not be lampooned, ridiculed or scorned for holding a different opinion.

The Committee intended that the feedback be useful and acknowledged the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

**RESOLVED:**

- (a) That the verbal reports be received and feedback be given to Town and Community Councils; and
- (b) That specific feedback be provided to Bagillt Community Council on the visit by an Independent Member on 8 March 2023.

**9. FORWARD WORK PROGRAMME**

The Chair presented the Forward Work Programme for consideration.

Gill Murgatroyd commented on the potential to undertake further visits to observe meetings of the County Council. It was agreed that an item on 'visit schedules for County Council meetings' would be included on the Forward Work Programme for the meeting of the Committee to be held on 4 September 2023.

The Chair advised that an item on the Annual Report 2023-2024 would need to be considered in 2024. It was agreed that an item on the draft Annual Report would be scheduled onto the Programme for the meeting to be held on 3 June 2024.

The Chair questioned the item on 'Introductions' scheduled on the Programme for the meeting of the Committee to be held on 8 January 2024. The Monitoring Officer agreed to look into this.

The Chair asked that an item on the Public Services Ombudsman for Wales (PSOW) findings be included on the 2023/24 Programme. She also asked that an item on the Welsh Government decision following consultation on implementing the Penn Review be listed for consideration at a meeting of the Committee in the future.

Gill Murgatroyd suggested that feedback on the meetings of the National Standards Forum be scheduled on the 2023/24 Programme. It was agreed that an item on 'feedback on meetings of the National Standards Forum' be scheduled for the meetings of the Committee to be held on 4 September 2023 and 8 January 2024.

The Chair advised that the following items would also need to be scheduled onto the Forward Work Programme:

- feedback from Ethical Liaison meetings
- feedback from independent Member visits to Town and Community Councils
- feedback from independent Member attendance at meetings of the County Council (to be confirmed)

The following recommendation was moved by Councillor Andrew Parkhurst and seconded by Councillor Antony Wren

**RESOLVED:**

That subject to the above amendments the Forward Work Programme be approved.

**10. MEMBERS OF THE PRESS IN ATTENDANCE**

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

(The meeting started at 6.30pm and ended at 8.40 pm)

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Chair

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 3 <sup>rd</sup> July 2023
<b>Report Subject</b>	Independent Member attendance at Committee Meetings
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

Independent Members of the Committee have previously attended meetings of Council, Cabinet and Committees at the County Council in the same way that they had attended Town and Community Council meetings. The last series of visits took place during the course of 2021. At the last meeting of the Standards Committee it was suggested that the Committee should consider an item at a future meeting on setting up a second round of visits.

In attending such meetings the following simple guidelines are suggested for how they are conducted for the sake of courtesy and transparency:

- 1) that there should be a published rota of attendance by Independent Members of the Committee;
- 2) that the Chair of each Committee meeting should be told specifically who will attend their meeting;
- 3) that the attendee should not speak at the meeting unless invited to do so by the chair of the Committee, and if invited to do so should only explain the nature and purpose of the programme of attendance if invited to do so;
- 4) that the attendee should decline to give specific advice on matters under the code such as declaring interests, and should refer any such requests to the monitoring officer or deputy monitoring officer instead;
- 5) that Independent Members will not remain in attendance during the consideration of any confidential reports.

### RECOMMENDATIONS

1	That the Committee agrees a rota of attendance and the guidelines for how they should be undertaken.
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## REPORT DETAILS

1.00	<b>EXPLAINING INDEPENDENT MEMBER ATTENDANCE AT COMMITTEE MEETINGS</b>
1.01	During 2021 Independent Members visited Council, Cabinet and Committee meetings of the county Council in the same way as they have undertaken visits at Town and Community Councils. At the last meeting of the Committee establishing a further round of visits was suggested for the Forward Work Programme.
1.02	The purpose of attendance should be looking to see whether Councillors attending meetings and Committees follow the Members' Code of Conduct, the Flintshire Standard, the Member/Officer Protocol and, at Planning Committee, the Planning Code of Practice. Previously, it was agreed that one Independent Member would attend each meeting aside from Full Council meetings, which it was agreed would be attended by two Independent Members of the Committee.
1.03	In attending such meetings the following simple guidelines were previously agreed for how they are conducted for the sake of courtesy and transparency: 1) that there should be a published rota of attendance by Independent Members of the Committee; 2) that the chair of each Committee meeting should be told specifically who will attend their meeting; 3) that the attendee should not speak at the meeting unless invited to do so by the chair of the Committee, and should only explain the nature and purpose of the programme of attendance if invited to do so; 4) that the attendee should decline to give specific advice on matters under the code such as declaring interests, and should refer any such requests to the monitoring officer or deputy monitoring officer instead; 5) that Independent Members will not remain in attendance during the consideration of any confidential reports.
1.04	Note the final bullet point on the previous guide is at odds to how we have tried to handle visits to Town and Community Councils. For those visits we ask that Independent Members should be allowed to remain for confidential items and I would suggest that this bullet point is changed this time around.
1.05	Since 2021 all meetings must take place either entirely remotely or in hybrid form (i.e. with some people physically present and others on line). At present Full Council, Overview and Scrutiny Committees and Planning Committee take place in hybrid format, and the others meet remotely. Given the matters to be checked it is suggested that remote attendance should be sufficient for the Committee's purposes.
1.06	The list of meetings is attached at Appendix 1 and the calendar of meetings is <a href="#">here</a> . As with the visits to Town and Community Councils it is suggested that Independent Members contact the Democratic Services Team Leader (Committees) and she will draw up a rota of visits.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Preparing a rota can be achieved within available resources.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The chairs of all Committees will be contacted in advance to inform them of the rota and proposed attendees.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Observation of Council meetings or behaviour of Councillors by Independent Members of the Committee will help inform the work of the Committee and may reduce the risk of poor behaviour at the meeting or in the future.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1- list of Council, Cabinet and Committee meetings to be viewed.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol



<b>Committee meeting</b>	<b>Dates of meetings</b>	<b>To be attended by</b>	<b>Date chosen to attend</b>
Cabinet	18 July 19 September 17 October 21 November 19 December		
Climate Change Committee	18 July 6 September 28 November		
Community and Housing Overview and Scrutiny Committee	12 July 13 September 11 October 15 November 13 December		
Constitution and Democratic Services Committee	28 September 8 November		
Corporate Resources Overview and Scrutiny Committee	13 July 14 September 12 October 16 November 14 December		
Education, Youth and Culture Overview and Scrutiny Committee	13 July 14 September 19 October 30 November		
Environment and Economy Overview and Scrutiny Committee	11 July 12 September 10 October 14 November 12 December		
Flintshire County Council	26 September 24 October 23 November 6 December		
Governance and Audit Committee	26 July 27 September 22 November		
Licensing Committee	5 July 4 October		
Planning Committee	19 July 30 August 27 September 25 October		

	22 November 13 December		
Social and Health Care Overview and Scrutiny Committee	20 July 7 September 28 October 7 December		

# Eitem ar gyfer y Rhaglen 7



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 3 <sup>rd</sup> July 2023
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	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 (9 January 2023) 7 complaints have been received none of which were investigated. There are still 5 outstanding.

### RECOMMENDATIONS

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

<b>1.00</b>	<b>NUMBER OF COMPLAINTS</b>
1.01	The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023. Each entry lists: <ul style="list-style-type: none"><li>• the Ombudsman's reference number (year/4 digit reference)</li><li>• the type of Council (Community, County or Town)</li><li>• the complainant (Councillor, officer, public)</li><li>• the provisions which are alleged to have been breached</li><li>• the decision at each of the 3 stages of investigation</li></ul>
1.02	Since the last report 7 complaints have been received – from 22/05046 onwards. These complaints vary in terms of matters alleged and the circumstances of the incident.
1.03	Six of the most recent complaints were not investigated. In relation to 23/00482 it is worth noting that the group leader, at the request of the

	Monitoring Officer, persuaded the member to remove the post, though this did not stop the complainant submitting their complaint.
1.04	There are presently 5 complaints being investigated (3 made in 2022/23 and 1 remaining from 2021/22) along with one recent one. The complaint dating from 2021/22 in respect of bullying a Town Council clerk is nearly 20 months old but is apparently nearing conclusion. The other investigations are still proceeding. The complaints being investigated are on a variety of issues with no common pattern, although 3 relate to the same individual as can be seen from the record.
1.05	This report is correct as at the date of preparation. If we are notified of the outcome of any complaints after this date a verbal update will be provided.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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.
2.02	If any complaint is referred to the Committee for a hearing, then training on how to hold such hearing s will be provided. This will involve external training providers and will be a one-off cost in the region of several thousand pounds.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A - Number of complaints.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

7.00	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Services Ombudsman for Wales</b> – 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.

Mae'r dudalen hon yn wag yn bwrpasol

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2022/00603	County	A	Public	Failure to declare on register of interest that the Cllr is a Clerk of a T&CC	PSOW did not investigate - no breach of the Code found. Satisfied that the Cllr has made the necessary declaration. This has also been confirmed by the MO.		
2022/01136	County	B	Councillor	Post on Social Media seen as a slur on the Councillor's character. Comments are allegedly contrary to para 6 (bring the Council into disrepute)	Investigation ongoing		
2022/01184	County	B	Town Councillor	Messages sent to complainant that they felt were threatening in nature.	Investigation ongoing		
2022/01509	County	B	Public	Disrepute, bullying, failure to declare interest, disclosure confidential information	Investigation ongoing		
2022/02457	Community 1	C	Public	Alleged breach of the Code of Conduct by allegedly ignoring the policy regarding the election of a Chair/Vice Chair	PSOW did not investigate - the act complained of was the action of the Council not an individual. PSOW willing to consider whether it is a service complaint		
2022/02713	Town 1	D	Public	Alleged in appropriate posts on social media including use of bad language.	PSOW did not investigate. Swearing in the FB post was not directed at any specific person & was an attempt to raise awareness of a community issue. Post was therefore protected political expression		

2022/04701	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - because complaint duplicates another complaint about the same Councillor.		
2022/05038	County	F	Public	Alleged interference with the planning process and putting pressure on the Planning Officer to refuse an application and making false statements	PSOW did not investigate - complaint is unlikely to amount to a breach of the Code. The councillor is entitled to have a view on the application, no evidence they would benefit from this view. No evidence to suggest the comment put any pressure on the Planning Officer.		
2022/04846	County	B	Public	Complainant alleged no formal response was received from any Members to an e mail requesting help. They also alleged the Member reported on social media that Members had been advised by the Legal Team not to respond and Members should not be taking instructions from the Legal Department.	PSOW did not investigate - the evidence is not suggestive of a breach of the Code.		
2022/04748	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - evidence suggested poor behaviour and rudeness towards a member of the public during the meeting. (see complaint reference 2022/04701)		



2022/05046	Community 2	E	Public	It was alleged that when the complainant was invited to speak at the Council meeting, the Member shouted at the complainant and spoke to them in a "disgusting and degrading" manner and made accusations about them in the meeting and acted like a "terrorising bully"	PSOW did not investigate - the alleged remarks can reasonably be said to fall within the realms of freedom of expression, and whilst they may have been unpleasant and may have caused offence to the complainant and others, the evidence does not suggest language or behaviour which is likely to amount to a breach of the Code or to lead to a sanction being imposed.(see complaints 2022/04701 and 2022/04701)		
2022/05644	Town 2	F	Councillor	Self referral - Councillor may have brought his Office or Authority into disrepute as he had received a conditional discharge relating to a public order offence	PSOW did not investigate. At the time of the conduct complained of the member was not acting as a Councillor but as a private individual. While the Code of Conduct applies at all time in respect of whether the member has brought the Council, or the office of member, into disrepute, there is no evidence to suggest that the incident is in any way related to Council business.		

2022/06095	Comm 1	G	Public	It was alleged that the Member broke the code of practice by organising support for a planning application. Evidence was provided that the Member posted on social media their intention to have the planning application called in and the reasons that people should focus on if they intended to make objections	PSOW did not investigate. Complaint unlikely to amount to a breach of the Code. Members are elected to represent their constituents and therefore, they can raise concerns which may affect the area they were elected to represent. No evidence has been presented to suggest the Member had a personal interest or a prejudicial interest. The evidence presented does not indicate that the Member arranged support for or against the application rather than they used social media to respond to queries and to advise constituents on how they could submit any objections which they are entitled to do. Any concerns about the decision taken should be made through the planning process.		
2022/05508	Town 2	H	Public	It was alleged that the Member breached the Code of Conduct by entering into a contractual agreement, without the permission of the Council. It was alleged that this incurred unauthorised expenditure to the Council.	PSOW did not investigate. Entering into a contract without the knowledge of the Council and incurring costs to the Council, if proven, may be suggestive of a breach of the Code of Conduct. However, cost was small and no evidence that the Member sought to personally gain from their actions.		

2022/07521	Town 2	H	Public	It was alleged that the Member assisted in providing a contract, after obtaining quotes as part of their role on a Working Group. It was alleged that the Member is in a relationship with a person who works at the company, therefore the Member has misused public funds for the benefit of their partner.	PSOW did not investigate. Evidence has not been provided to substantiate key elements of the complaint e.g there was no proof that the councillor and company employee were in a relationship or that he benefitted from her actions.		
2022/08386	Town 3	I	Public	It was alleged that the Member is recording calls and will ultimately use them to expose the behaviour of others. The complainant said the member also recorded a personal call between them when they argued over the behaviour of the Member's dog.	PSOW did not investigate - At the time it is alleged the Member recorded the call with the complainant they were not acting as a Councillor but as a private individual. The PSOW was of the view that the code did not apply and this was a personal discussion about a personal matter. The complainant had indicated that the member has shared recordings they have taken when at Council meetings but no evidence was provided to support this. No evidence was provided to suggest that any recordings have been made for anything other than personal use. Further it is likely that the information is already in the public domain.		

2022/08536	Town 3	J	Public	It is alleged that the Member has brought the Council into disrepute and breached Section 6(1)(a) of the Code of Conduct by appearing in Court over several offences.	Under investigation		
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PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2023/00482	County	A	Public	It was alleged that the Member called the First Minister "Führer" on Facebook and this was a slur comparing the Labour party with the Nazi party. It is alleged that the Member's claim that he simply used the German word for leader was not credible.	<p>PSOW did not investigate. The Member clearly identified himself on Facebook as a Councillor therefore the PSOW was satisfied that the Code of Conduct was engaged.</p> <p>The language used by the Member, calling the First Minister "Führer", is offensive and not language that the Ombudsman would condone. Given the context, the explanation that it was a simple translation of the word "leader" lacks credibility. It is likely that the language used is suggestive of a breach of paragraph 4(b) of the Code of Conduct. An investigation into this matter would not be in the public interest.</p> <p>It is not uncommon for elected members to say things about political opponents which others may consider to be rude or offensive. However, it is not the purpose of the Code to inhibit free speech and the robust expression of political differences.</p>		

Mae'r dudalen hon yn wag yn bwrpasol

**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2023/24**

Date of Meeting	Topic	Notes/Decision/Action
<b>3 June 2024</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Protocol for Members in their dealings with contractors/developers.</li> <li>• Members’ Code of Conduct.</li> <li>• Draft Annual Report 2023-2024</li> <li>• Forward Work Plan</li> </ul>	
<b>4 March 2024</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Forward Work Plan</li> </ul>	
<b>8 January 2024</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Confidential Reporting Procedure</li> <li>• Feedback on Meetings of the National Standards Forum</li> <li>• Feedback from Independent Member Attendance at Meetings of the County Council (To Be Confirmed)</li> <li>• Forward Work Plan</li> </ul>	
<b>6 November 2023</b> Joint meeting with T&CCs	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Items raised by Town and Community Councils</li> <li>• Protocol on Member/Officer Relations</li> </ul>	

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Date of Meeting	Topic	Notes/Decision/Action
	<ul style="list-style-type: none"> <li>• Rolling review of the Members Code of Conduct</li> <li>• Review of the Flintshire Standard</li> <li>• Feedback from Independent Member Attendance at Meetings of the County Council (To Be Confirmed)</li> <li>• Forward Work Plan</li> </ul>	
<b>4 September 2023</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Public Services Ombudsman for Wales (PSOW) Findings</li> <li>• Results of Survey on Councillors Newsletters</li> <li>• Forward Work Plan</li> </ul>	
<b>3 July 2023</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Visit Schedules for County Council Meetings</li> <li>• Feedback from National Standards Forum</li> <li>• Feedback from Independent Member Visits to Town and Community Councils</li> <li>• Forward Work Plan</li> </ul>	Report by Gareth Owens Report by Gareth Owens Verbal Verbal
<b>Reports to be scheduled –</b> Welsh Government decision following consultation on implementing the Penn Review Feedback from Ethical Liaison Meetings		