

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: Teresa Carberry, Ian Hodge a Antony Wren

Aelodau Cyfetholedig:

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

Dydd Mawrth, 28 Mai 2024

Annwyl Gynghorydd

RHYBUDD O GYFARFOD RHITHIOL **PWYLLGOR SAFONAU** **DYDD LLUN, 3YDD MEHEFIN, 2024 AM 6.30 PM**

Bydd y sesiwn gyflwyno ar gyfer aelodau o'r Pwyllgor Safonau i groesawu cynrychiolwyr newydd Cyngorau Tref a Chymuned 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 4 Mawrth 2024.

EITEMAU ER PENDERFYNIAD

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.

5 ADRODDIAD BLYNYDDOL DRAFFT (Tudalennau 13 - 26)

Pwrpas: Cymeradwyo Adroddiad Blynyddol drafft y Pwyllgor.

6 HYSBYSIAD O BENDERFYNIAD PANEL DYFARNU CYMRU (Tudalennau 27 - 50)

Pwrpas: I dderbyn canlyniad y gwrandawriad a gynhaliwyd ar 26 Ebrill mewn perthynas â'r Cynghorydd Bernie Attridge.

7 ADOLYGU PROTOCOL AELODAU / SWYDDOGION (Tudalennau 51 - 74)

Pwrpas: Ystyried y newidiadau a argymhellwyd gan y Pwyllgor Safonau i'r Protocol Aelodau/Swyddogion fel rhan o adolygiad parhaus o'r Cyfansoddiad.

8 ADOLYGU SAFONAU SIR Y FFLINT (Tudalennau 75 - 84)

Pwrpas: Adolygu'r safonau ymddygiad disgwylidig a nodir yn Safonau Sir y Fflint / y Weithdrefn Ddatrys Leol.

9 PRESENOLDEB AELODAU ANNIBYNNOL YMWELIADAU Â CHYFARFODYDD Y CYNGOR

Pwrpas: Derbyn adroddiadau llafar gan Aelodau Annibynnol y Pwyllgor am eu hymweliadau i'r cyfarfodydd canlynol:

- Pwyllgor Trosolwg a Chraffu Gofal Cymdeithasol ac Iechyd – 18.01.24 (Mark Morgan)
- Pwyllgor Newid yn yr Hinsawdd – 19.03.24 (Gill Murgatroyd)

EITEMAU ER GWYBODAETH

10 TROSOLWG O GWYNIION MOESEGOL (Tudalennau 85 - 98)

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

11 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 99 - 104)

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

4TH MARCH 2024

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4th March 2024

PRESENT: Julia Hughes (Chair)

Councillor: Teresa Carberry Antony Wren

Co-opted member: David Wynn Davies, Mark Morgan, Gill Murgatroyd and Jacqueline Guest

ALSO PRESENT: Councillor Mared Eastwood (as an observer)

APOLOGIES: Councillor Andrew Parkhurst

IN ATTENDANCE: Chief Officer (Governance) / Monitoring Officer and Democratic Services Officer.

The Monitoring Officer referred to the apology from Councillor Parkhurst and explained that for most committees elected Councillors were able to send a substitute under the Political Balance Rules. Unfortunately for this committee substitutions were not permitted.

63. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

64. MINUTES

8 January 2024

The minutes of the meeting held on 8 January 2024 were presented for approval.

The minutes were approved as an accurate record as moved by Mark Morgan and seconded by Gill Murgatroyd.

Matters arising

Page 5

The Chair asked if the Monitoring Officer was able to provide an update on the number of Town & Community Councils who had signed up to the Civility and Respect Pledge. In response the Monitoring Officer confirmed that 18 out of the 34 Councils had confirmed that they had accepted the pledge. The Chair asked if an update could be provided at the next meeting to see if the level had increased.

Page 6

The Chair asked for an update on the vacancy for the Town & Community Council Councillor representative.

In response the Monitoring Officer confirmed that Town & Community Councils had been asked to nominate candidates and an outline of the voting process was provided which had a deadline set for the 1st of March 2024. It was confirmed that 6 candidates had been nominated with 20 Town and Community Councils responding with their first and second choices. Once the results had been analysed the appointment would be reported to the County Council meeting on the 16th of April. If that appointment was approved, then training would be arranged for that individual. It was confirmed that this opportunity would be used to provide catch up training for existing members of the committee who had missed the last training session.

Page 8

The Chair referred to the two resolutions on page 8 and asked for an update.

The Monitoring Officer confirmed that the Governance and Audit Committee had its own Forward Work Programme and was due to consider the Confidential Whistleblowing Procedure at its March meeting.

Referring to the feedback report to Higher Kinnerton Community Council the Monitoring Officer confirmed that he had spoken with the Clerk.

Page 9

The Chair referred to the key points and asked if the feedback from the visits had been shared with Chairs and Members. The Monitoring Officer apologised saying that the email had been prepared and that would be sent out shortly.

Page 10

The Chair referred to the resolution for item 56 and asked for an update.

The Monitoring Officer confirmed that information on this would be circulated in the email to Chairs and Members. It was explained that the training programme had two aspects, respect and equality, and that discussions were ongoing with the trainer to arrange 5 training sessions which would enable all Councillors to attend. The Monitoring Officer had also spoken with Audit Wales to ascertain if they were able to provide some advice regarding their recent visit to a nearby council. There could be examples of lessons learned on unproductive and productive styles of behaviour which could be useful.

It was explained that the request for training came from a Group Leader and that following a meeting of the Constitution & Democratic Services Committee a better understanding of the request had been obtained. Following this meeting the Ombudsman was asked for clarification around the freedom of speech which was afforded to Members of Parliament and Members of the Senedd but was not however afforded to local Councillors. The Chair asked if an update could be given when the response was received.

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

Accuracy

5 February 2024

The minutes of the meeting held on 5 February 2024 were presented for approval.

The minutes were approved as an accurate record as moved by Councillor Teresa Carberry and seconded by David Davies.

RESOLVED

That the minutes of the 8 January and 5 February 2024 be approved as an accurate record.

65. DISPENSATIONS

There were no applications for dispensation.

66. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS

The report was introduced by the Monitoring Officer who explained that the Council spent over £200m per year through its various contracts. A large number of rules were in place involving contracts which ensured that the contractors were able to perform the tasks, were value for money, were transparent with clear audit trails and that nothing was said or done to undermine those important principles. The Monitoring Officer then referred to the recent changes in the Employees' Code of Conduct which required employees to observe the Contract Procedure Rules. There was however no obligation on Members with regard to this. This Protocol supplements the Members' Code of Conduct to describe how Members should act so as not to undermine these processes. The Monitoring Officer provided examples of the questions which were raised around contracts which were awarded by Westminster during the Pandemic and this Protocol was key to avoiding such questions and instances occurring in Flintshire. This Protocol had been reviewed a number of years ago and was now being reviewed under the

rolling review programme but the Monitoring Officer felt that the Protocol was still pertinent and up to date.

Gill Murgatroyd referred to paragraph 2.2 and wondered if the protective characteristics would need updating as there were now 9 but this paragraph only included 6. This was agreed by committee.

The recommendation within the report was moved by Jacqueline Guest and seconded by Councillor Antony Wren.

RESOLVED:

That the Committee, having reviewed the Protocol for Members in their Dealings with Contractors and Other Third Parties and agreed that it subject to the small amendment that it remained up to date and pertinent.

67 ROLLING REVIEW OF THE MEMBERS CODE OF CONDUCT

The Monitoring Officer presented the report saying that the Members' Code of Conduct was renewed annually and had recently been reviewed following recommendations within the Penn Report. An overview of the changes was provided together with information on the requirement for Members to refuse any gifts or hospitality which also included a requirement to register anything which had been accepted over a specified value. The value was currently £10 and Richard Penn was seeking approval from local authorities to harmonise the amount to £25 across Wales. It was explained that this recommendation was discussed at the January meeting of the Constitution and Democratic Services Committee. At that meeting Members declined to endorse the move to increase the amount from £10 to £25 which was mainly because of public perception. The current situation was that there were two conflicting views and the Monitoring Officer commented that he had brought this back to seek the committee's views prior to it being presented to the April meeting of County Council.

Councillor Wren felt that this should be standardisation across Wales and be presented to County Council for a decision to be made.

David Davies commented that he would like the Authority to be consistent with other local authorities in Wales. He sought clarification on the aggregate amount of £100. The Monitoring Officer confirmed that this covered a member who received a number of small gifts from the same source so it was agreed that the threshold of £100 be included.

The Committee all agreed to support consistency across Wales and that this be presented to County Council for approval. The Monitoring Officer confirmed that this could be taken to the 16 April meeting.

The Monitoring Officer then referred to the Code which was updated recently following the Penn Review saying that Welsh Government (WG) had consulted with Local Authorities to establish if legislation was required to enact the changes proposed by Richard Penn. WG had concluded that legislation was required but that it would not proceed during this Senedd term which meant that changes to the Code could not take place until the next term in 2026. It would also depend on when this found legislative time with the order not only dependent upon when it was drafted but also had to include political priorities.

The Chair commented that apart from the voluntary changes, that the remaining changes would take some time.

The recommendation was moved by David Davies and seconded by Mark Morgan

RESOLVED:

That the Committee having reviewed the Code of Conduct ask that Council consider the difference in views of this Committee on the level of gifts and hospitality and that notwithstanding the views of the Constitution and Democratic Services Committee that it should be standardised with other Authorities in Wales

68 REPORT FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS

The Chair introduced the report and explained that Independent Members had agreed a rota for attending and observing formal meetings of the County Council for 2023/24, which were similar to the arrangement undertaken for Town and Community Council meetings. She invited the Independent Members to present their reports on the visits which had taken place, as follows:

- County Council (Hybrid Meeting) – 23.01.24 (Julia Hughes)
- County Council (Hybrid Meeting) – 20.02.24 (Gill Murgatroyd)
- Licensing Committee – 21.02.24 (Gill Murgatroyd)

In response to questions raised by Gill Murgatroyd, the Monitoring Officer commented that Chairs normally addressed Councillors and Officers by their names. At full Council meetings however it was more difficult because of the layout of the Chamber but it was explained that the Chair had the support from Officers to ensure the meetings were positive and worked well. With regard to the Declarations of Interest point it was explained that these were declared prior to the start of the meeting and an outline of the process for dealing with them was given.

Councillor Teresa Carberry spoke as Chair of the Education Youth & Culture Overview & Scrutiny Committee and commented on the invaluable support that she received from the Facilitator.

The following key points were raised from the visits:

- That Members kept their cameras on especially when voting was taking place and that this was reinforced.
- That the names and roles of the officers should be confirmed when inviting them to speak but it was appreciated that Full Council was a difficult meeting to Chair.
- That Members clearly stated the item that their declarations of interest related to and how that interest arose.

The Monitoring Officer agreed to include this feedback in the email to all Members.

The recommendation with the report was moved by Councillor Teresa Carberry and seconded by Councillor Antony Wren

RESOLVED:

That the Committee noted the verbal feedback to be shared with all Members

69. REPORT FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCIL MEETINGS

To receive verbal reports from independent members of the Committee on their visits to the following councils:

- Buckley Town Council (re-visit) – 23.01.24 (Mark Morgan)

The Committee agreed that no feedback was necessary as the meeting was very professionally managed with no concerns arising.

RESOLVED:

That positive feedback be provided to Buckley Town Council.

70. FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEE

In presenting the report the Chair provided background information on the creation of the All Wales Forum. She then referred to the meeting which took place on 29th January and followed a recommendation from the Penn Review. The Chairs of Standards Committees across Wales attended with Monitoring Officers attending on a rota basis. She confirmed that the minutes from this meeting would be circulated to all committee members.

The Chair highlighting the following points which she felt would be of interest to committee.

- The Forum welcomed a new panel Adviser, Justine Cass, the Deputy Monitoring Officer, Torfaen County Borough Council
- Consultation following the Penn Review with any changes made following the next term of the Senedd.
- Presentation and discussion with Michelle Morris, the Public Services Ombudsman for Wales
- Presentation on Corporate Joint Committees (CJCs) by Iwan G.D. Evans the Monitoring Officer for Gwynedd County Council and Corporate Joint Committee in North Wales.
- Resourcing of Standards Committees
- Local Protocols
- Group Leaders sitting on Standards Committees.
- Gifts and Hospitality
- Guidance on the use of Social Media – guidance provided by the WLGA. A suite of 24 Cyber Security Training Modules had been used by the National Park.
- Civility & Respect Pledge
- Chair training was provided by the Forum on the 12 February 2024
- Standards Committees requiring DBS Checks

It was explained that anything that the Forum put forward would be referred back to individual Standards Committees for ratification.

David Davies asked if this was a face to face or online meeting commenting that face-to-face meetings enabled Chairs to network with other Chairs. The Chair confirmed that they were held remotely and agreed with the comments made. It would be difficult to move to face to face because of the scale and organisation required for everyone to attend one venue as well as the costs.

The Chair then referred to the National Standards Conference which would likely be a remote meeting and asked the Chief Officer (Governance) to obtain an update for the committee.

RESOLVED:

That the feedback from the National Forum for Standards Committees be noted.

71. FORWARD WORK PROGRAMME

The Chair asked Committee if they had any topics which they would like to be included on the Forward Work Programme.

Jacqueline Guest asked if her re-visit Bagillt Community Council and attendance at the Audit & Governance Committee and Planning Committee could be included for the next meeting.

Mark Morgan wondered if consideration should be given to the comments made around Group Leaders sitting on Standards Committees as Councillor Andrew Parkhurst was a Group Leader. The Monitoring Officer confirmed that the informal meetings between Group Leaders and the Committee would be held during March and April which would provide an opportunity for this to be discussed. It could then be included on the Forward Work Programme if necessary for the May meeting with discussions held with Councillor Parkhurst in the meantime.

The Chair explained that the one-to-one meeting which were held with Group Leaders enabled an overview of the actions which they had taken during the previous year to be discussed. This also provided clarification that they were undertaking their duty as Group Leader to ensure that their members adhered to the Code of Conduct and had good professional behaviour.

The Chair commented that the draft Annual Report was scheduled for the June committee meeting. The Monitoring Officer confirmed that if this was agreed then it could be presented to either the July or September meeting of Full Council.

The Chair explained the reasons why the Review of the Member Officer Protocol had been moved forward to June.

The recommendation with the report was moved by Gill Murgatroyd and seconded by Mark Morgan

RESOLVED:

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

72. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.00pm and ended at 8.29pm)

.....
Chair

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 3 June 2024
Report Subject	Draft Annual Report
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Committee must publish an annual report each year which must include (amongst other things):

- 1) A description of its work
- 2) Any notices it has received from the Adjudication Panel for Wales
- 3) Any cases referred to it for a hearing by the Public Services Ombudsman for Wales
- 4) Its opinion on whether group leaders have complied with their duty to promote good behaviour; and
- 5) Any recommendations to the Council on the functions of the committee

The draft annual report is attached for comment and approval.

RECOMMENDATIONS

1	That the annual report is approved.
---	-------------------------------------

REPORT DETAILS

1.00	EXPLAINING THE DRAFT ANNUAL REPORT
1.01	Section 63 of the Local Government and Elections (Wales) Act 2021 requires the committee to produce an annual report and to have regard to guidance issued by ministers when doing so.
1.02	The statutory guidance provides that the annual report must:

	<p>(1) describe how the Committee's functions have been discharged during the financial year.</p> <p>(2) In particular, the report must include a summary of—</p> <p>(a) what has been done to discharge the general and specific functions conferred on the Committee [to promote and maintain high standards of conduct by the Members and co-opted Members of the authority and Town and Community Councils, and to assist Members and co-opted Members of the authority to observe the authority's Code of Conduct.</p> <p>(b) reports and recommendations made or referred to the Committee [by the Ombudsman]</p> <p>(c) action taken by the Committee following its consideration of such reports and recommendations</p> <p>(d) notices given to the Committee [by the Adjudication Panel for Wales following a hearing];</p> <p>(3) An annual report by a standards Committee of a County Council ... must include the Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties under section 52A(1) during the financial year.</p> <p>The Committee may also include recommendations to the authority about any matter in respect of which the Committee has functions.</p> <p>The report must be considered by Full Council within 3 months of it being referred to it.</p>
1.03	The draft annual report is attached at Appendix 1. It follows the same format as last year's report and describes the work of the committee during the municipal year 2023/24.

2.00	RESOURCE IMPLICATIONS
2.01	The annual report can be produced and distributed within the existing resources of the council.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Group Leaders have been asked for their own assessment of compliance with the duty to promote good behaviour by Members of their group.

4.00	RISK MANAGEMENT
4.01	Properly assessing levels of compliance with the group leaders' duty is important not least because group leaders in breach of their duty might be regarded as bringing their office into disrepute. The Committee has agreed a process to enable it to undertake the task. Feedback from group leaders last year was positive so the same process has been followed this year.

5.00	APPENDICES
5.01	Appendix 1 – draft annual report.

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	None.

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2023 - 2024

Foreword

Welcome to the annual report of Flintshire County Council's Standards Committee for the financial year 2023/2024.

This is the second annual report of the Standards Committee, and it is also the second year of this council term. As such the main focus for the committee has been to review how the code is being applied in practice at meetings of the County, Community and Town councils. We have observed each in turn, highlighted areas of good practice and made recommendations where we think that it would help to improve compliance with the code.

The Committee supports this work by reviewing the findings of the Public Services Ombudsman for Wales and the Adjudication Panel for Wales to identify where lessons can be learnt that might help to prevent councillors transgressing the code.

As always, we continue to review the codes and protocols within the County Council's constitution to ensure that the "rules" by which councillors operate set clear expectations as to what is and is not acceptable behaviour.

We have also sadly lost a member of the committee who needed to stand down due to ill health. We thank him for his efforts, wish him well for his recovery and look forward to working with his replacement in the next municipal year.

I hope that you find the work of the committee, and this report, interesting. Should you wish to learn more about the work of the committee, to participate in its meetings or even wish to become a member when a vacancy next arises, please go to Flintshire County Council's website using the link (www.flintshire.gov.uk).

Signed

Julia Hughes, Chair
Flintshire County Council Standards Committee

Make Up of the Committee	
<p>The members of the committee are listed in the table below. The committee consists of 3 types of members as follows:</p> <ol style="list-style-type: none"> 1. Independent Members – these are recruited by advertisement (a process called co-option) and have no current or prior links with the council other than being on the committee. There are 5 of these so that they form the majority of members on the committee. They serve a maximum of two terms of varying length up to a maximum of 10 years; 2. Town & Community Council – the committee is the Standards Committee for all town and community councils within Flintshire. Those councillors select one of their number in an informal election to represent their perspective on the committee. That representative serves for the whole council term; and 3. County Councillors – there are 3 county councillors on the committee. They serve for the whole term of the council. <p>The majority of members are therefore not elected but are recruited from members of the public as per the requirements of legislation in Wales. A meeting of the committee can only proceed if at least half of those in the meeting are Independent Members.</p>	
Name	Type of Member
Julia Hughes	Independent Member and chair
Mark Morgan	Independent Member and vice chair
David Davies	Independent Member
Jacqueline Guest	Independent Member
Gill Murgatroyd	Independent Member
Ian Papworth	Town & Community Council representative (stood down in February 2024 and replaced by Ros Griffiths from April 2024)
Teresa Carberry	County Councillor
Andrew Parkhurst	County Councillor
Antony Wren	County Councillor

	Work of the Committee
	The committee typically meets every other month. Meetings are scheduled in the intervening months to consider any urgent requests for a dispensation, and these meetings are cancelled if no such requests have been received.
	<p>During 2023/2024 the committee met on the dates listed below.</p> <p>15th May 2023 3rd July 2023 4th September 2023 6th November 2023 (joint meeting with Town & Community Councils) 4th December 2023 8th January 2024 5th February 2024 4th March 2024</p>
	<p>The work of the committee falls into several broad categories:</p> <ol style="list-style-type: none"> 1) Proactive review of rules and procedures in the council's constitution to ensure that they: <ol style="list-style-type: none"> a. Facilitate or encourage ethical behaviour; and b. remain pertinent and up to date 2) Considering requests for dispensation i.e., requests for the prohibition on participation when a councillor has a personal and prejudicial interest to be relaxed. This happens in a range of circumstances such where a council might otherwise be inquorate or where a ward might be unrepresented if the councillor were unable to speak; 3) Reports to increase subject awareness such as reporting on the number and type of complaints made about community, county or town councillors under the code, or reports from the Public Services Ombudsman for Wales on their findings; 4) Reports on the thresholds and levels of sanctions and areas of good practice. This helps to inform us whether local policy changes are required or additional training needed; 5) Reports from Independent Members, who have observed meetings at the county council or town and community councils, on levels of compliance with the code. The committee then gives feedback on good practice and recommendations; 6) Reports on the working of the committee such as preparation for and the outcome of ethical liaison meetings , preparing or approving the annual report or setting its own forward work programme. These meetings are a strategic approach to the role of the committee as a proactive one and not just reactive to complaints.
	This year the visits planned to Town and Community Councils and additional attendance post feedback at an Ethical Liaison Meeting in

	<p>October to meetings of Cabinet, Council and Committees at the County Council; have formed a major plank of the committee's work programme. The committee has received feedback from these observations at each of its main meetings and has followed them up with written advice to clerks/councillors.</p> <p>By and large the Committee has been impressed at the visits by the hard work and dedication of councillors at all levels, and by the commitment of clerks and chairs who keep order during sometimes passionate debates. The Committee has been concerned on occasion to see some meetings where it is clear that the code is not being followed and it has followed up these with specific advice and a re-visit to see whether improvements have taken place. The committee feel that as the year has progressed, they have seen a general improvement in behaviours post feedback provided via clerks and in particular post the additional visits arising from the concerns raised at the Ethical Liaison Meeting.</p>
	<p>The Committee received a referral from the Public Services Ombudsman in relation to an alleged breach of the code of conduct by a town councillor. The Committee undertook the initial consideration of the complaint and made preparations for a hearing to take place. These preparations were interrupted by the retirement of the town and community council representative and the hearing will take place in the 2024/2025 municipal year.</p>
	<p>The committee is aware that a county councillor has been referred to the Adjudication Panel for Wales. The hearing for that councillor was, at the time of publication, expected to be held during the municipal year 2024/2025 and thus outside the reporting period for this report. In due course, the Committee will expect to receive notification of the outcome of that case. It will consider that notification and decide whether it needs to take any action or make any recommendations to the County Council.</p>
	<p>The Committee's annual meeting with town and community councils took place in November 2023. The Committee heard about the Society of Local Council Clerks' civility and respect pledge which seeks to reduce bullying, harassment, and intimidation. Signatories to the pledge commit to "treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles". The Committee endorses the aims of the pledge and so promoted it to all town and community councils, encouraging them to sign up.</p>

	<p>There are 34 town and community councils within in Flintshire and to date 20 councils have agreed to sign the pledge.</p>
	<p>In addition to formal committee meetings the chair & vice chair attend:</p> <ol style="list-style-type: none"> 1) Ethical liaison meetings – these are informal meetings with the chair & vice chair of council, the Leader and group leaders to discuss issues of current concern amongst county councillors, and to support group leaders in complying with the group leaders’ duty; 2) National Forum for Standards Committee Chairs – this is a network for sharing best practice between all the chairs of all the Standards Committees in Wales (including the 3 national park authorities and 3 fire & rescue authorities). This has replaced the North and mid Wales Forum. There is secretariat support from the WLGA. Only the chair attends these meetings, vice chairs are not on the membership list but can substitute for chairs if they are unable to attend as per the terms of reference 2022 <p>There were two meetings of this new forum during the period of this report.</p> <p>June 2023</p> <p>January 2024</p> <p>Additionally, chairing meetings training February 2024 and training is planned on the process on conducting hearings which will be held on 23/04/24</p>
	<p>Training</p>
	<p>Having provided a comprehensive programme of training during 2022/2023 this year the focus has been on supplementing that knowledge by observing/commenting on meetings (see above). For new councillors who are co-opted or elected via by elections a recording of the training sessions is available.</p> <p>Plus, the Committee worked with group leaders to design a programme of support for them on how to implement the duty to promote ethical behaviour (see below). This includes comprehensive training for all councillors on behaviours as well as skills training for group leaders.</p> <p>The Committee also continues to provide updates for councillors based on reviewing the findings of the Ombudsman and Adjudication Panel for Wales. These cases where other councillors have failed to follow the code, can show how the code is being applied in practice and thus highlight behaviours that should be avoided.</p> <p>In order to maintain its own skills and knowledge, the committee undertakes a training session before every meeting. This year the focus</p>

	<p>has been on the councillors' code of conduct, looking at each provision in a high level of technical detail.</p>
	<p>The Penn Review</p>
	<p>The Committee has now considered all the recommendations from the Penn Review that can be adopted without the need for legislation. The Committee has recommended several voluntary changes to the code of conduct to reflect recommendations in the Penn Review. These have all been adopted.</p>
	<p>Compliance with the Group Leader's Duty</p>
	<p>As part of its annual report, the committee is required to report on the extent to which it believes that group leaders have complied with their duty to promote ethical behaviour.</p> <p>Section 62 Local Government and Elections Act 2021 (inserting a new section 52A into the Local Government Act 2000) states “(1) A leader of a political group consisting of members of a county council or county borough council in Wales— (a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and (b) must co-operate with the council's Standards Committee (and any sub-Committee of the Committee) in the exercise of the Standards Committee's functions. (2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.”</p>
	<p>The Committee has met with each group leader and considered a self-assessment report prepared by them on their actions to promote good behaviour. During the year there were a number of changes of group leader and, where appropriate, the Committee has spoken to the outgoing as well as the current group leader.</p> <p>In discussing this duty with group leaders, they requested a programme of training for themselves on how to establish a good culture and how to persuade group members to follow that culture. In addition, they requested training for all councillors on respectful communication. Having witnessed a number of committee and full council meetings we feel that the training is important to help reinforce respectful behaviours and so we have agreed with group leaders that this training will be mandatory.</p>

	<p>The committee were satisfied that group leaders have co-operated with the council's Standards Committee in exercising its functions. On the whole, the committee were satisfied that group leaders took reasonable steps to promote and maintain high standards of conduct by the members of the group.</p> <p>Concerns existed in relation to one group leader in that the self-assessment and verbal representations to the committee in an attempt to evidence efforts, coupled with some behaviours observed within meetings, fell short of what was expected. The group leader was replaced by his deputy group leaders in January of this year. The committee, in speaking to one of the deputy group leaders, established that concerns raised at the Ethical Liaison meeting in October were not disseminated within the group and could therefore not have been effectively addressed. Indeed, it is suggested that standards committee feedback has not been disseminated within the relevant group for an extended time-period. The committee, however, recognises that since change in group leader the promotion of standards and conduct within that group has improved.</p> <p>Due to the role of the Committee in assessing the compliance of group leaders with their statutory duty, the Committee has become concerned about a potential conflict of interest should a group leader be a member of the Committee. The Committee feels that group leaders should not be a member of the committee. Whilst there is no such bar within the regulations on the make-up of the committee, those regulations pre-date the introduction of the group leaders' duty. The Committee is prepared to monitor the situation for the time being pending any developments that might take place at a national level.</p>
	<p>Recommendations for action</p>
	<p>Last year the Committee made 2 recommendations for action:</p> <ol style="list-style-type: none"> 1) that clerks be reminded of the ability to seek dispensations. The Monitoring Officer wrote to all clerks reminding them of the Committee's ability to grant dispensation and also provided training on what was involved in granting a dispensation at the joint meeting in November. 2) that training is provided on how to balance the obligation to treat people with respect and the freedom of political expression. An outline of the training content was agreed with Group Leaders and a comprehensive programme of training is due to take place in May 2024
	<p>This year the Committee recommends that:</p>

- | | |
|--|---|
| | <ul style="list-style-type: none">• That standards committee feedback becomes a standing agenda item at all group meetings (picking up on good practice captured within self-assessments);• That an open offer is circulated from the Standards Committee for any member to discuss concerns with us and seek support / guidance; and• That town and community clerks are again reminded of the opportunity for their councillors to apply for a dispensation (in appropriate cases). |
|--|---|

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6



STANDARDS COMMITTEE

Date of Meeting	Monday, 3 June 2024
Report Subject	Notification of the Decision of the Adjudication Panel for Wales
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

Councillor Attridge was referred to the Adjudication Panel for Wales by the Public Services Ombudsman for Wales (case reference 2022/01509). Cllr Attridge admitted all the allegations and the case tribunal convened to consider the case “on the papers” on 26th April 2024.

The decision report of the case tribunal is attached. Councillor Attridge was found to have committed a number of breaches of the code and was suspended for four months. In light of Cllr Attridge’s actions and findings within the decision report it is recommended that steps be considered to protect officers and to provide advice on safeguarding practice. Training for all councillors has already been provided (see separate report) on respectful communication in response to the Committee’s recommendation in its first annual report.

RECOMMENDATIONS

1	That the Monitoring Officer speaks with those affected and group leaders about whether any special arrangements to protect staff from Cllr Attridge’s behaviour are required.
2	To provide Cllr Attridge with advice on safeguarding practice.

REPORT DETAILS

1.00	EXPLAINING THE DECISION OF THE CASE TRIBUNAL
-------------	---

1.01	The Public Services Ombudsman for Wales (PSOW) referred a case in respect of Cllr Attridge (reference 2022/01509) to the Adjudication for Wales (APW). The APW appointed a case tribunal to consider the allegations, which it did “on the papers” (i.e. without anyone appearing in person before it) on 26 th April 2024.
1.02	The decision notice and the decision report are attached at Appendix 1 and 2 respectively.
1.03	<p>The factual basis of the allegations against Cllr Attridge, which were all admitted by him, are that he</p> <ol style="list-style-type: none"> 1) exchanged sexualised messages with a vulnerable resident and asked her for sex; 2) requested information about an issue raised with him by the resident and then bullied a housing manager who refused to provide that information; 3) tried to intervene to prevent the Monitoring Officer from reporting these events; 4) shared confidential information with the resident in relation to a former tenant.
1.04	<p>The case tribunal considered the allegations and evidence. They decided that he</p> <ol style="list-style-type: none"> 1) failed to show respect to the resident, the housing manager and the monitoring officer (paragraph 4(b)); 2) he bullied the housing officer but not the resident or monitoring officer (paragraph 4(c)); 3) he did not seek to compromise the impartiality of the housing manager (paragraph 4(d)); 4) he shared confidential information (paragraph 5(a)); 5) he brought his office into disrepute (paragraph 6(1)a); 6) by seeking sex from the resident, he tried to obtain an improper advantage for himself (paragraph 7(a)); 7) he did not have and therefore did not fail to disclose a personal or personal and prejudicial interest (paragraphs 11 and 14).
1.05	<p>The case tribunal considered an apology given by Cllr Attridge and the mitigation advanced by him in relation to his mental state at the time of the actions including medical evidence in that regard. They outlined the following aggravating and mitigating features:</p> <p>“6.2.6 The Tribunal considered that the following aggravating factors applied;</p> <ol style="list-style-type: none"> (i) That the Respondent had lengthy experience as a councillor and had held positions of seniority; (ii) That his conduct was reckless; (iii) That he had sought to abuse a position of trust which he had garnered with Ms M, a position in which there was a significant imbalance of power; (iv) That he had initially sought to blame the Monitoring Officer for having brought about or contributed to the complaint, albeit that he was not seeking to blame others for the actions which were the subject of the complaint; (v) That he appeared to have taken some steps to disadvantage Family X, albeit not a particularly strong or concerted manner;

	<p>(vi) That he appeared to lack an understanding, at least initially, in relation to all elements of his wrongdoing. He certainly failed to show contrition at the outset, as perhaps best exhibited through his Facebook post [264].</p> <p>6.2.7 The Tribunal considered that the following mitigating factors applied;</p> <p>(i) The Respondent's physical and, particularly, his mental ill-health. Whilst those matters did not excuse his conduct, it provided some context and explanation for it;</p> <p>(ii) His past record of good service;</p> <p>(iii) The fact that he cooperated with the Ombudsman in relation to the investigation and has now shown contrition, recognition, and regret;</p> <p>(iv) Whilst it could not be said that the Respondent's conduct was truly isolated (particularly in relation to his communications with Ms M), neither could it be said that he had behaved wilfully and/or had ignored advice or warnings by continuing in a particular vein."</p>
1.06	The case tribunal suspended Cllr Attridge with immediate effect for four months from the county council and Connah's Quay town council.
1.07	Councillor Attridge has since sent written apologies to the resident (via officers), to the housing manager and the monitoring officer.
1.08	The case tribunal is the properly appointed body to reach decisions and did so on the basis of evidence that is before it which is not available to others. However, it is fair to say that the widespread reaction is that the decision is too lenient. The Committee has no powers to alter the decision nor to request a review.
1.09	<p>The Committee's role at this point is to decide whether action is needed in response to the findings. I have broken down the findings below with commentary or suggested actions against each:</p> <p>Disrespect to the resident and seeking an improper advantage - the message exchange with the resident was a rare event and allegations of councillors seeking sexual favours from residents are extremely uncommon. The facts have met with widespread revulsion, and it is clear that his actions are seen as transgressive. Would the committee wish to see something included within the code of conduct for councillors prohibiting seeking sexual favours from residents or is such an injunction "self-evident"?</p> <p>Disrespect to and bullying of officers – behaviour that might be deemed disrespectful to and/or bullying of officers is inevitably more common because councillors will, and are permitted, to challenge officer decisions. Even where well intentioned, such challenges may not always be received in the spirit that was intended. Training has already been provided to councillors on respectful communication in response to the recommendation in the Committee's first annual report. There will be further training (to be delivered jointly to members and officers) in relation to the respective roles of officers/councillors and on how the professional/political interface should function. I have spoken with the officer concerned and will discuss the issue with the Chief Officer Team. Currently, I think the following should be put in place</p> <p>1) Training on safeguarding practice;</p>

	<p>2) A discussion with Cllr Attridge about how his behaviour was wrong and how it should be amended in future;</p> <p>3) A reminder to employees of the processes open to them if they feel they are being spoken to inappropriately; and</p> <p>4) An offer of support to anyone who has been affected by the issues raised in the decision report.</p> <p>Breach of confidence - is a matter that can be simply reiterated to members though it is already widely understood by most/all.</p>
--	---

2.00	RESOURCE IMPLICATIONS
2.01	The further training mentioned in paragraph 1.09 is being provided free of charge and so there are no resource implications to the recommendations.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All councillors have seen the decision report and it has been reported to the group leaders.

4.00	RISK MANAGEMENT
4.01	The recommended actions will hopefully mitigate the risk of such behaviour being repeated in future. However, the actions of Cllr Attridge and the attendant publicity have created a risk of difficulties for other (especially male) councillors who now feel that their work with vulnerable people will be made more difficult as a result.

5.00	APPENDICES
5.01	Appendix 1 – decision notice Appendix 2 – decision report

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The evidence in relation to the PSOW's investigation is confidential under the Local Government Act 2000. The only available information is the public notice of decision and decision report</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702411 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Adjudication Panel for Wales – the tribunal (a form of specialist court that has less formal rules and proceedings) appointed to hold hearings of alleged breaches of the code.</p> <p>Case Tribunal – the specific panel of 3 members of the APW who are appointed to consider a specific case. They are chaired by a lawyer and also include an elected councillor.</p>

Mae'r dudalen hon yn wag yn bwrpasol

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/004/2023-024/CT

RESPONDENT: Councillor Bernie Attridge

RELEVANT AUTHORITIES: Flintshire County Council
Connah's Quay Town Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. In a letter dated 11 December 2023 with an enclosed Report, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales in relation to allegations made against Councillor Attridge.
3. The allegations were that he had breached the Authorities' Code of Conduct by attempting to develop a relationship with someone who, whilst not in his ward, had wanted help with a family member's housing problem. Once he had indicated that he was attempting to help, his messages to the individual became sexually explicit as he hoped for reciprocation. When he did not get the help and cooperation that he had hoped for from Housing Officers, he became rude and threatening and subsequently adopted a similar approach to the Monitoring Officer when the issues came to light.
3. A Case Tribunal was convened on 26 April 2024 to consider the case on the basis of written submissions.
4. The Tribunal unanimously decided that Councillor Attridge had failed to comply with the Code of Conduct as alleged in paragraph 3 above.
4. The Case Tribunal unanimously decided that it was therefore appropriate to **suspend** Councillor Attridge from acting as a member of the authorities for a period of **4 months**.
5. The Authorities and its Standards Committee is notified accordingly.
6. The Respondent has the right to seek the leave of the High Court to appeal the above decision.
7. The Case Tribunal made no recommendations to the Authorities.



Signed..... Date...26 April 2024.....

Mr J Livesey
Chairperson of the Case Tribunal

Mr HE Jones JP
Panel Member

Mrs S McRobie
Panel Member

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/004/2023-024/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE
CODE OF CONDUCT**

RESPONDENT: Councillor Bernie Attridge

RELEVANT AUTHORITIES: Flintshire County Council
Connah's Quay Town Council

1. INTRODUCTION

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 For the reasons set out in paragraphs 1.4 and 1.5 of the Listing Direction of 26 February 2024, the Case Tribunal determined its adjudication by way of written representations at a meeting held on a 26 April 2024. The meeting was not open to the public.

1.3 Unless otherwise stated, page references below are to the electronic page numbers of the Final Bundle, comprising the Ombudsman's bundle and report, and have been cited in square brackets.

Restrictions to factual details reported

1.4 Although no applications had been made by the Respondent or the Ombudsman, the Tribunal has not named two members of the public within this Report and has further limited the detail provided by the Respondent in respect of some of the evidence which he alleged caused some of his behaviour.

1.5 In relation to the names of the two individuals (Ms M and Mr B), a local family who were housed by the Flintshire County Council (Family X) and the detail of the Respondent's childhood experiences, it was not in the interests of justice for such evidence to have been provided in such a public document; *"It would be in the interests of justice to protect a party to proceedings from painful and humiliating disclosure of personal information .. where there was no public interest in its being publicised"* (A-v-BBC [2015] AC 588. Such an approach also sought to ensure

protection of the ECHR Article 8 rights of Ms M, Mr B and/or the Respondent.

- 1.6 The Tribunal recognised the need for open justice, but the evidence was not important and/or necessary to an understanding of the decision reached in this case (see, further, paragraph 3 of the *Presidential Guidance* of September 2020).

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

- 2.1.1 In a letter dated 11 December 2023, the Adjudication Panel for Wales received a referral from the Public Service Ombudsman for Wales ('the Ombudsman') in relation to allegations made against the Respondent. The allegations were that he had breached the Authorities' Code of Conduct by attempting to develop a relationship with someone who, whilst not in his ward, had wanted help with a family member's housing problem. Once he had indicated that he was attempting to help, his messages to the individual became sexually explicit as he hoped for reciprocation. When he did not get the help and cooperation that he had hoped for from Housing Officers, he became rude and threatening and subsequently adopted a similar approach to the Monitoring Officer when the issues came to light.

2.2 The Councillor's Written Response to the Reference

- 2.2.1 Cllr Attridge provided a written response to the Ombudsman's Report on 4 January 2024 [539-555]. He added further information by email on 16 January [589-590].
- 2.2.2 He was given the opportunity to make any further representations in writing to the Case Tribunal by 28 March 2024 (see paragraph 1.3 of the Listing Direction [3]). He then supplied some medical evidence [597-599].

3. FINDINGS OF FACT

- 3.1 Having considered the documentary evidence, the Case Tribunal found the following material facts on the balance of probabilities. This was not a difficult task as the evidence was largely contained within emails. The Tribunal approached its task by addressing the main factual areas which underpinned the allegations of breach of the Code of Conduct
- 3.2 In addition to the sources of the Respondent's account referred to in paragraph 2.2.1 above, the Ombudsman's investigation included the taking of witness statements from the following witnesses;
- Mr Owens, Monitoring Officer [270-273];
 - Ms M [288-290];
 - Ms Griffiths, Service Manager [294-296];

- Mr Cockerton, CEO [308-9].

- 3.3 The Respondent has been a member of the County Council since 2004 and is the current Leader of the Independent Group. He has been a Member of the Town Council for approximately 30 years.
- 3.4 He received Code of Conduct training and agreed to abide by it in 2017 [178-9] and May 2022 [178-9].
- 3.5 The Respondent had known a local resident, Ms M for many years. She did not, however, regard him as a 'friend' and did not recall ever having met him in person. Mr B, another local resident, was a mutual friend of them both. By 2021, Ms M had moved out of the Respondent's ward and he was not then her local councillor.
- 3.6 Between 14 July 2021 and 9 May 2022, Ms M and the Respondent exchanged a number of messages on Facebook Messenger. During some of the initial exchanges, he made a number of sexualised comments to her, whilst discussing her relationship with Mr B (for example, "*bet misses getting in your knickers*"). Those exchanges, particularly around birthdays and health, reflected a level of significant familiarity and friendship.
- 3.7 On 19 March 2021, Ms M asked the Respondent in another message if he could assist her granddaughter in obtaining a council property [122]. He supplied his email address and asked her to email him directly [122]. There followed an exchange with the granddaughter directly in which he repeatedly indicated that he was trying to assist her [140-2].
- 3.8 Meanwhile and following on from a further exchange with Ms M in April, the Respondent raised a question about another family's housing situation with two Housing Officers on 26 April. He asked for information about Family X, a family whose circumstances had previously been covered in unfavourable press reports [298]; they had held a tenancy at a council property in Bryn Road, Connah's Quay until March 2012 when Mrs X and her family were evicted. The Council cancelled a £15,168 recharge (related to the property) in 2011, as it was considered not to have been properly raised. It wrote off a rent arrears debt of £1,686 after the eviction. As an evicted tenant Mrs X would have been unable to go on the Council's waiting list for 24 months, which was the policy in place at the time. Mrs X died in 2016.
- 3.9 The Respondent then messaged Ms M later that day (the 26th) and told her that Family X owed the Council a "*30k recharge*" in respect of their previous Council property at Bryn Road [118]. As far as the Tribunal could discern, that information was not publicly available. He then sent a further email to the two Housing Officers, and asked if the family had paid the Council "*the 20k plus recharge for the Bryn Road FCC council house they trashed?*" [298].

- 3.10 On 27 April, the Service Manager explained to the Respondent that she could not share details about Family X with him unless he was enquiring on their behalf [303]. He then asserted that he had been treated like “*a naughty school boy getting shouted at for asking a difficult question*” and that the answer might have been different if it had been given after 6 May (the date of the local government elections) [297].
- 3.11 During a further Facebook Messenger exchange in early May, the Respondent sent a series of sexualised messages to Ms M. “*I bet he would love to lick your pussy if he could*” (referring to Mr B) [129], “*So when did you get your pussy eaten last? x*” [128], “*So when are you going to let me eat you out then?*” [127] and “*you got me feeling all horny now...*”, to which she replied “*you have a Wife xx*” [130]).
- 3.12 Ms M disclosed the Respondent’s exchanges to Council officers and confirmed that she wished to pursue a complaint. According to the Monitoring Officer, Mr Owens, the complaint surfaced through Ms M’s Social Worker. She was in receipt of support from social services since she had been identified as a vulnerable adult.
- 3.13 The Council held a safeguarding strategy meeting with North Wales Police in May in accordance with the Wales Safeguarding Procedures 2019. The Police discussed the matter with Ms M and her support workers the following day and advised that the threshold for criminal prosecution had not been met. A safeguarding review meeting was held on 20 May at which it was concluded that there was a safeguarding risk, and it was resolved that senior Council officers would meet the Respondent and that, if Ms M wished to make a complaint, the Monitoring Officer would assist her. Mr Owens met her on 23 May. Although distressed, she indicated that she wished to pursue her complaint.
- 3.14 Mr Cockerton, the Chief Executive, then advised the Respondent about the nature of the allegations and that the Monitoring Officer would be supporting Ms M with making a complaint to my office. The Monitoring Officer met the Respondent the same day of the steps he should take to protect himself, his reputation and that of his Group and the Council. Mr Owens then assisted Ms M in completing the complaints process to the Ombudsman in June.
- 3.15 The complaint was submitted on 8 June [60-67]. On 13 July, the Respondent was informed of the intended investigation by the Ombudsman [184-187]. Later that day and on 14 July, in emails to Mr Owens, he asserted that individuals, including council officers ‘had it in for him’ and that Mr Owens had been the author of the complaint. He asked that he did not to contact him again [276]. On 14 July too, he raised a formal complaint to the Chief Executive about Mr Owens’ conduct; that he was being bullied and treated differently from other members [318]. He was pressed by Mr Cockerton to supply evidence but, later that month, he withdrew the complaint [314]. In a later email to the Chief Executive on 3

January 2023, however, he further alleged that Mr Owens had ‘grassed him up’ and was “*doing all he can to ruin my career*” [346].

- 3.16 The Respondent also commented upon Ms M’s actions in public (on Facebook) in July 2022, although she was not named [264]. He also wrote about continuing to challenge officers where he considered that he was right to do so;

“Nothing worse than you bending over backwards over 25 years helping families in Connahs Quay and across Flintshire, for them to try and shaft you when you cannot help them with a Housing issue.... So before you decide to try and shaft me think of all the times I have been able to help you or a family member sometimes I have gone above and beyond for you, that is because I have the Quay running through my veins.”

4. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

5.1 The Code of Conduct

- 5.1.1 The relevant parts of the Code of Conduct were as follows;

Paragraph 4 (b), (c) and (d);

“You must-

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person;

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.”

Paragraph 5 (a);

“You must not-

(a) Disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without express consent of a person authorised to give such consent, or unless required by law to do so;”

Paragraph 6 (1)(a);

“(1) You must –

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;”

Paragraph 7 (a);

“You must not –

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other

person, an advantage or create or avoid for yourself, or any other person, a disadvantage;”

Paragraph 11 (2)(a);

“Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication;”

Paragraph 14 (1)(d);

“Subject to sub-paragraphs (2), (2A) (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority’s standards committee —

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business;”

5.2 The Ombudsman’s Report

5.2.1 It was contended that the following breaches of the Code of Conduct had occurred [48-55];

(i) Paragraph 4 (b), (c) and (d);

It was alleged that, during the Respondent’s exchanges with Ms M about her granddaughter’s housing issues, he held himself out as a councillor and, in his subsequent sexualised messages, he demonstrated a lack of consideration or respect for her. Further, given that she had reminded him of his marital situation, she appeared to have been an unwilling participant and his conduct therefore amounted to harassment.

It was further alleged that the Respondent’s communications with the Housing Officers and the Monitoring had been unduly threatening, intimidating, disrespectful and personal and, consequently, in breach of these paragraphs also.

(ii) Paragraph 5 (a);

It was asserted that the information which the Respondent shared with Ms M about Family X’s housing situation (that they owed a “30k re charge” [118]) was confidential. There was no indication that such information was in the public domain and/or that Ms M was in any way entitled to it. It was financial

information related to someone else's tenancy and ought to have been regarded as confidential.

(iii) Paragraph 6 (1)(a);

The Ombudsman's case was that the exchanges with Ms M could reasonably have been regarded as having brought his office a as a councillor and/or the Authorities into disrepute. Similar allegations were made in respect of his communications with the Housing Officers and, subsequently, the Monitoring Officer.

(iv) Paragraph 7 (a);

It was alleged that the over sexualised exchanges with Ms M after she had requested help with her granddaughter's housing situation appeared to have been an attempt by the Respondent to have obtained an advantage by way of a potential sexual relationship with Ms M in return.

(v) Paragraphs 11 (2)(a) and 14 (1)(d);

These allegations concerned the representations that the Respondent made to the Housing Officers on Ms M's granddaughter's behalf whilst failing to declare the interest that he had in Ms M and/or a potential relationship with her.

5.3 The Respondent's position

5.3.1 In relation to the confidentiality which might have attached to the information which he gave to Ms M about Family X's, on 1 September 2022, the Respondent initially produced press reports and had sought to argue that the information was not "*private and confidential*" [224-230].

5.3.2 He also sent a further email on that day in which he said that the "*sexualised comments I made to [Ms M] were inappropriate and totally out of character*" [220]. He went on to attribute his conduct to childhood trauma (see, further, below).

5.3.2 It was relevant to note what the Respondent had said when interviewed on 3 May 2023 as part of the Ombudsman's investigation [359-427]. Amongst his responses;

- He wholly accepted that his communications with Ms M had been wrong. He said that he had "*wanted a woman*" ([372] and [378]) but he "*knew it was wrong*" and "*should not have*" communicated as he had [372]. He accepted that "*It was disgusting. I shouldn't have. I shouldn't have said it*" [384]. In retrospect, he said that he was 'horrified' [385] and he

'absolutely' accepted that it was a safeguarding issue [406]. All of that said, he did not consider that his actions had amounted to bullying and/or harassment [418];

- He, however, continued to deny the alleged confidentiality of the information relating to Family X which was shared with Ms M, asserting that it had been "*in the public domain*" ([370], [381], [390] and [420]);
- He also 'absolutely' agreed that his communications with the Housing Officers might have been seen to contain a 'veiled threat' as to how they might have acted differently post-election. He had added that "*in the heat of the moment*" as he was fighting the election. He accepted that he should not have sent it (the email) ([398] and [419]). His reference to having been treated like a 'naughty school boy' stemmed from the frustration of being on the back benches [400]. He said that he tended to blow up "*like a bottle of pop*" and then go back to apologise [408];
- He described having a poor relationship with the Monitoring Officer, Mr Owens, since he lost the Deputy Leadership [403]. He complained that he had been poorly treated and "*betrayed*" by him ever since [410-1]. He specifically referred to an occasion when Mr Owens had reported him to North Wales Police. He did not initially recognise the suggestion that he had personalised Mr Owens's involvement in the matter but he did accept that the reference in his email to officers 'having it in for him' [276] had been a reference to him [410] and, later on in the interview, he accepted that he had failed to recognise his statutory role when he had assisted Ms M [411]. He did not accept, however, that his complaint to Mr Cockerton could have been seen as bullying ([412] and [416]);
- He considered that he had no personal prejudicial interests to declare [417];
- He attributed much his conduct in relation to Ms M to the psychological consequences of events which had occurred during his childhood (considered in more detail below) ([367] and [384]).

5.3.3 In the Respondent's initial Reply to the Ombudsman's Reference on 4 January 2024, he stated that he accepted the findings in broad terms and without qualification [542].

5.4 The Case Tribunal's Decision

5.4.1 On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there were failures to comply with the relevant authorities' code of conduct as follows:

- (i) Paragraph 4 (b), (c) and (d);

The Tribunal had little difficulty in concluding that, through his interactions with Ms M, the Respondent had failed to show respect and consideration for her and was in **breach of paragraph 4 (b)** of the Code of Conduct.

In relation to the allegation under paragraph 4 (c) (bullying or harassment), through much of the conversation, Ms M had appeared to be a willing participant; at one point, she seemed to have given encouragement ('im always horny' [127]) and, even when she had reminded him of his marital status, the message had concluded with two written kisses [130].

The type of conduct covered by paragraph 4 (c) was repeated behaviour which caused upset and/or annoyance (harassment) or was offensive, intimidating, malicious, insulting or humiliating behaviour, often directed at a weaker person or someone over whom the perpetrator had actual or perceived influence (bullying (see the definition provided in the *Guidance from the Public Services Ombudsman for Wales in relation to the Code of Conduct*, August 2016 ('the Ombudsman's Guidance'))).

Although the Respondent's conduct in the exchanges was reprehensible, the Tribunal did not conclude that it ought properly to have been characterised as bullying and/or harassment. Those were strong words which implied a level and character of conduct which was not evident within the messages. According, there was **no breach of paragraph 4 (c)** of the Code of Conduct.

In respect of the Respondent's interaction with the housing officers, appropriate challenges to the manner in which non-elected senior public servants do their job are protected by Article 10. The right to freedom of expression was not, however, without limit. Article 10 (2) provided for restrictions when necessary in a democratic society, for the protection of the reputation and rights of others. In *Heesom-v-Public Services Ombudsman for Wales* [2014] EWGC 1504 (Admin), it was determined that it was a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, an adverse effect upon good administration. Officers should not therefore be subject to unwarranted comments which may be reputationally damaging or that hamper their ability to

carry out their duties or undermine public confidence in the administration.

Cases of this nature often required a tribunal to separate a respondent's firmly held, if misplaced, concerns about the running of council affairs and their right to express them, from an excessive and personal attack on one or more of its officers. As the *Ombudsman's Guidance* indicated, members are, however, always expected '*to afford colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives*'.

The particular email of concern was the Respondent's of 27 April [297] in which he complained that he had been treated like a 'naughty schoolboy' and suggested that the response to him might have been different if he was to have asked the question after the election. The recipient, Ms Griffiths, described the communication as 'pointed' and that it made her feel 'threatened' and 'disrespected' and that his response 'was challenging my professionalism and that my integrity was being called into question' [293-6].

The Tribunal considered that the Respondent had not shown respect and consideration for the Officer and he had therefore committed a **breach of paragraph 4 (b)** of the Code of Conduct. The email could also be properly defined as bullying or harassment; the Respondent accepted in interview that it contained a 'veiled threat', particularly with reference to the elections. It was intimidatory and there was therefore a **breach of paragraph 4 (c)** also.

As to the further allegation under paragraph 4 (d), despite its contents, the Tribunal was not convinced that the email had compromised, or is likely to have compromised, Ms Griffiths' impartiality. Although we accepted that the *Ombudsman's Guidance* suggested that the wording of the paragraph could include an *attempt* to compromise, that seemed to be too liberal an interpretation of the wording of the paragraph. A wholly fruitless attempt, which might never have been likely to have compromised impartiality, would be covered if that were the case. There was no suggestion that Ms Griffiths was ever going to have acceded to the Respondent's request. Her reply was firm [297], was based upon the CEO's advice [300] and her subsequent email of 28 April indicated that there had been little doubt as to how she was going to have treated the request [300]. Accordingly, there was **no breach of paragraph 4 (d)** of the Code of Conduct.

It was further alleged that the Respondent's interactions with the Monitoring Officer had put him in breach of paragraph 4 (b) of the Code of Conduct.

The Respondent had accused Mr Owens of 'having it in for him' [297] and subsequently complained to the CEO of differential treatment [318], an allegation which he then withdrew, only later to allege that Mr Owens had 'grassed him up' and was attempting to 'ruin his career' [346].

Apart from the first email, of course, the comments about the Monitoring Officer were not directed to Mr Owens personally. That which was, was far from the most serious email of its kind that the Tribunal had seen. It was, nevertheless, disrespectful and there was, just, a **breach of paragraph 4 (b)** of the Code of Conduct in that respect too.

(ii) Paragraph 5 (a);

This allegation concerned the information which was shared with Ms M about Family X's housing situation. The Tribunal could see nothing within the information produced by the Respondent and/or elsewhere in the Hearing Bundle which descended to the detail given to Ms M by him. It was reasonable, therefore, to conclude that the Respondent had come by that information in his role as a councillor and there was no suggestion that he had the relevant housing department's authority to release it and/or that he was required by law to do so. Accordingly, he was in **breach of paragraph 5 (a)** of the Code of Conduct.

(iii) Paragraph 6 (1)(a);

The Tribunal was satisfied that the Respondent's interactions with Ms M could have brought his office or the authorities into disrepute. The level of disgust and revulsion shown by the Respondent himself in interview and elsewhere was, perhaps, sufficient to suggest how a member of the public might receive his conduct. It constituted a **breach of paragraph 6 (1)(a)** of the Code of Conduct.

(iv) Paragraph 7 (a);

Once the Respondent had offered to assist Ms M with her granddaughter's housing issue, the nature of his messaging became more sexualised and the messages strongly indicated that he was courting some sort of sexual relationship or favour in return. In interview, he accepted that he had 'wanted a woman' [372] and the power imbalance demonstrated that he had therefore attempted to use his position as a councillor improperly

in order to obtain an improper personal advantage. He therefore acted in **breach of paragraph 7 (a)** of the Code of Conduct.

- (v) Paragraphs 11 (2)(a) and 14 (1)(d);

These allegations were a little more nuanced and, having considered them at length, the Tribunal did not consider that they were made out and/or added anything to the nature of the case overall.

It was suggested that, when the Respondent had forwarded Ms M's granddaughter's emails to the Housing Officers, he did not declare the personal interest that he had in Ms M at the time.

We did not see how the Respondent necessarily had a 'personal interest' in the housing matter being resolved in Ms M's granddaughter's favour, as that term was defined in paragraph 10 of the Code of Conduct. It was a strained interpretation of the facts to say that a favourable a decision upon the granddaughter's housing matter 'might have been regarded as affecting his well-being or a person with whom he had a close personal association' (paragraph 10 (2)(c)(i)). Could it really have been said an expectation of a closer relationship with Ms M constituted part of his 'well-being'? We thought not. He certainly did not have a 'close personal association' with Ms M, who was the one whose well-being was to have been improved had he succeeded. That phrase was defined to include "*people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives*" in the *Ombudsman's Guidance*. Ms M's granddaughter did not fall within the category described in paragraph 10 (2)(c)(ii).

In the absence of a personal interest, the Respondent did not have a prejudicial interest and there were **no breaches of paragraphs 11 (2)(a) and 14 (1)(d)** of the Code of Conduct.

That was not to say that what the Respondent did was not wrong. It was. The wrongdoing was reflected in other breaches of the Code, considered above.

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Respondent's Submissions

- 6.1.1 In communications with the Ombudsman and the Panel, the Respondent repeatedly referred to the effects of childhood trauma as a motivation for his conduct, trauma for which he had sought counselling.
- 6.1.2 On 16 January 2024, the Respondent set out further details in relation to his physical and mental health; a period of hospitalisation, resulting

in abdominal surgery and permanent disability and psychological effects of a boundary commission change and a significant traumatic childhood event [589]. He stated that *“the breaches of my code of conduct was a direct result of my nervous breakdown and trigger and the lowest point of my life.”*

6.1.3 He concluded the email as follows;

“I am sorry to everyone who I have put through this process but I am confident through the therapy and professional help I’ve received and am still receiving will help me with my childhood trauma and give me strength when able to help others and encourage them to speak out earlier than I did. Being a county councillor has been my full time job for nearly 16 years as I’ve held many senior positions at FCC and I am so worried that this could lead to disqualification of which I am begging the panel not to consider as the Council is my life I wake up everyday wanting to make a difference to peoples lives.”

6.1.4 By a letter dated 25 March 2024, Dan Phillips, an Advanced Clinical Practitioner, Psychotherapist and Clinical Supervisor, confirmed that the Respondent was being treated by the East Flintshire Psychological Trauma Service, and had been since December 2022 [597]. The letter confirmed that some of his symptoms included high levels of anxiety, problems regulating mood and his executive function. Extracts from his medical records further corroborated his account [598-9].

6.2 Case Tribunal’s Decision

6.2.1 The Case Tribunal considered all the facts of the case and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales under s. 75 (10) of the Local Government Act 2000. It also considered the Nolan Committee’s Principles for Public Life from which the National Assembly for Wales’ core principles were derived. Those principles set standards of conduct and behaviour which were expected of councillors in the Respondent’s position and which included honesty, integrity, respect and openness, all of which had been brought into focus here.

6.2.2 The Case Tribunal considered the case against the Respondent to have been over-charged. There were, in essence, two main allegations which concerned, first, the Respondent’s interactions with Ms M and, secondly, his further interactions with Council officers. The Tribunal wondered whether 1 or 2 breaches in respect of each factual scenario might have been a more pragmatic approach to the case overall. Certainly, when it came to sanction, the Tribunal focused upon the conduct and wrongdoing, not the number of allegations.

6.2.3 First, the Case Tribunal had to assess the seriousness of the breaches and their consequences. It started by considering whether it could take no action or impose a partial suspension but, in the case of the former,

it considered the conduct had been too serious and, in the case of the latter, there was no particular aspect of the Respondent's conduct which made a partial suspension appropriate. At the other end of the scale, the Tribunal did not consider that the case was sufficiently serious to justify a disqualification. In that regard, it paid particular attention to paragraph 39.13 of the Sanctions Guidance.

- 6.2.4 The Tribunal considered that the Respondent's conduct merited a suspension. It then considered the aggravating and mitigating circumstances and whether that affected the level of sanction or, if not, to what extent it indicated a particular level of suspension.
- 6.2.5 The Tribunal was informed that the Respondent had no prior record of misconduct with the Ombudsman or the relevant Monitoring Officer.
- 6.2.6 The Tribunal considered that the following aggravating factors applied;
- (i) That the Respondent had lengthy experience as a councillor and had held positions of seniority;
 - (ii) That his conduct was reckless;
 - (iii) That he had sought to abuse a position of trust which he had garnered with Ms M, a position in which there was a significant imbalance of power;
 - (iv) That he had initially sought to blame the Monitoring Officer for having brought about or contributed to the complaint, albeit that he was not seeking to blame others for the actions which were the subject of the complaint;
 - (v) That he appeared to have taken some steps to disadvantage Family X, albeit not a particularly strong or concerted manner;
 - (vi) That he appeared to lack an understanding, at least initially, in relation to all elements of his wrongdoing. He certainly failed to show contrition at the outset, as perhaps best exhibited through his Facebook post [264].
- 6.2.7 The Tribunal considered that the following mitigating factors applied;
- (i) The Respondent's physical and, particularly, his mental ill-health. Whilst those matters did not excuse his conduct, it provided some context and explanation for it;
 - (ii) His past record of good service;
 - (iii) The fact that he cooperated with the Ombudsman in relation to the investigation and has now shown contrition, recognition, and regret;
 - (iv) Whilst it could not be said that the Respondent's conduct was truly isolated (particularly in relation to his communications with Ms M), neither could it be said that he had behaved wilfully and/or had ignored advice or warnings by continuing in a particular vein.
- 6.2.8 The Case Tribunal unanimously concluded that the appropriate sanction in all of the circumstances was for the Respondent to be

suspended for a period of 4 months from acting as a member of the relevant authorities or, if shorter, the remainder of his term of office.

6.2.9 The authorities and their Standards Committees are notified accordingly.

6.2.10 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

7. CASE TRIBUNAL RECOMMENDATIONS

7.1 The Tribunal considered whether it ought to make a recommendation that the Respondent specifically apologise to Ms M and the officers for his conduct but, having considered the Sanctions Guidance (paragraphs 54 and 55), it concluded that such recommendations ought to have been directed to the authorities and/or their Standards Committees. The Tribunal nevertheless hoped that the Respondent would act upon its desire for him properly make amends for his wrongdoing.



Signed.....

Date...26 April 2024.....

Mr J Livesey
Chairperson of the Case Tribunal

Mr HE Jones JP
Panel Member

Mrs S McRobie, Member
Panel Member

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



STANDARDS COMMITTEE

Date of Meeting	Monday 3 rd June 2024
Report Subject	Review of Member/Officer Protocol
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The Protocol on Member/Officer Relations (informally called the Member/Officer Protocol) explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.

The Protocol is due for review as part of the Committee's rolling programme of looking at each of the codes and protocols in the Constitution. Also, the Council has recently undertaken some training on respectful communication and how to set a good working culture.

RECOMMENDATIONS

1	That the amended protocol be recommended to Council for adoption.
---	---

REPORT DETAILS

1.00	ROLE AND STATUS OF THE MEMBER/OFFICER PROTOCOL
1.01	<p>The Member/Officer protocol is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out:</p> <ul style="list-style-type: none">• the differing roles of members and officers and what they can expect from each other;• further explanation and guidance on appropriate behaviours;• mechanisms for handling concerns or problems within the relationship. <p>An alleged breach of the Protocol cannot be directly enforced in the same way as an alleged breach of the Code of Conduct. However, the document</p>

	will inform any investigation by the Public Services Ombudsman for Wales. It is also closely allied to the Local Resolution Protocol/Flintshire Standard – the interrelationship between the two documents needs to be made more explicit.
1.02	The Protocol is due to be considered as part of the Committee’s rolling programme of reviewing the codes and protocols in the Constitution. As such the Committee needs to consider whether: <ul style="list-style-type: none"> i. the document is still pertinent; ii. changes in other parts of the Constitution impact upon the Protocol; iii. it is up to date generally (i.e. does it reflect current working practices and arrangements within the Council); iv. any other circumstances that might indicate a change is required. These would include the feedback received as part of the recent training for councillors and also the outcome of the recent case tribunal where allegations of bullying officers were admitted.
1.03	The Protocol predates the adoption of the Flintshire Standard. Whilst it does reference the Flintshire Standard, it needs to be updated to show that the Flintshire Standard is the right mechanism for enforcing the expected behaviours in respect of members. As it already correctly refers to the enforcement mechanism for officers no updating is required in that respect.

2.00	RESOURCE IMPLICATIONS
2.01	There are no extra resource requirements as a result of the proposed amendments to the protocol.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Chief Officers and HR have been consulted on proposed amendments to the Protocol. Should the proposed amendments be agreed by the Committee then they will be considered by the Constitution and Democratic Services Committee before being reported to Full Council for adoption.

4.00	RISK MANAGEMENT
4.01	There are minimal risks associated with the issues in this report.

5.00	APPENDICES
5.01	Appendix A – the Protocol on Member/Officer Relations showing tracked changes.

	Appendix B – “clean copy” of the Protocol on Member/Officer Relations
--	---

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Flintshire Standard</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	<p>Public Services Ombudsman for Wales - Public Services Ombudsman for Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.</p>

Mae'r dudalen hon yn wag yn bwrpasol

SECTION 25

25. PROTOCOL ON MEMBER/OFFICER RELATIONS

1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between members and employees.

1.2 This Protocol provides guidance for members (which includes co-opted members) and employees in their working relations with each other. The Protocol covers the more common working situations but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between members in their role as members and employees in their capacity as employees.

2.0 Working Relations

2.1 Members and employees shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Code of Conduct for Councillors and employees with the employees' Code of Conduct.

2.3 The National Conditions of Service for Staff in Local Government provide:
"The public is entitled to demand, of a local government employee, conduct of the highest standard".

2.4 Members and employees must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed (which is normally undertaken by discussion following elections and periodically thereafter). Members and employees must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that employees develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3.0 Roles of Members and Employees

3.1 The respective roles of members and employees can be summarised as follows:-

- Members and employees are servants to the public and they are indispensable to one another.
- Their responsibilities are distinct.
- Members are responsible to the electorate and set policy and direction. They can help to guide implementation of policy (especially Cabinet members) but typically do not get involved in decisions on specific cases.
- Employees are responsible to the Council. An employee's job is to give advice to the Council and to carry -out the Council's work under the direction and control of the Council, the Cabinet and relevant committees. Senior employees will help members to develop policy.

3.2 Members have four main areas of responsibility:-

- ☐ Contributing to determining the policy of the Council and giving it leadership;
- ☐ Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- ☐ Representing the Council in their local areas and externally;
- ☐ Acting as advocates on behalf of their constituents.;

3.3 An employee's role is:-

- To give advice and information to all members on an impartial basis;
- To help members formulate policies; and
- To implement policies determined by the authority, provided the policies are within the law;:-
- To ensure that the Council complies with its legal obligations;
- In all advice, including reports, it is the responsibility of the employee to express his/her own professional advice in an objective manner and make recommendations based on this.

3.4 Through performance appraisal, target setting and day to day management, employees receive guidance and direction from their Line Managers. Members are not authorised to ask employees to undertake specific tasks other than:-

- Through the formal decision-making process (Council, Cabinet, Committees etc);
- To request the provision of consumable resources provided by the Council for the use of members;
- Where staff have been specifically allocated to give support to a member, a group of members, or all members.

4.0 Expectations

4.1 members can expect from employees:-

- a) A commitment to the Council as a whole and not to any political group.
- b) A working partnership.
- c) An understanding of and support for respective roles, workloads and the differing pressures.
- d) Timely response to enquiries and complaints in accordance with the agreed procedure for handling member queries.
- e) Clear, objective advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- g) Awareness of and sensitivity to the political environment.
- h) Respect, courtesy and dignified behaviour appropriate to the occasion.
- i) Training and development in order to carry out their role effectively.
- j) A high level of integrity and confidentiality, appropriate to the situation.
- k) Not to have employees' personal issues raised with them outside the agreed procedures.
- l) That they will not attempt to influence improperly any member to advance employees' personal interests or influence improperly a decision
- m) At all times compliance with the Code of Conduct for employees

n) Support for the role of members as the local representatives of the Council, within any scheme of support for members, which may be approved by the authority.

4.2 Employees can expect from members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workloads and differing pressures.
- c) Leadership and direction.
- d) Respect for their advice and as a person, courtesy and dignified behaviour appropriate to the occasion as set out within the Flintshire Standard.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a member's wishes especially where the member is asking the employee to breach council policy, approved working practices, or the to undertake an action that isn't lawful;
- g) Not to use their position or relationship with employees improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That members will at all times comply with the ~~Council's~~ Code of Conduct for Councillors.
- i) Appropriate scrutiny of decisions that focuses on objective measures of performance and outcomes
- j) Respect for differing working hours and working patterns with appropriate time being allowed for responding to queries and concerns as set out in the agreed procedure
- k) not to have their performance, competence or motives criticised in public (whether in a council meeting or otherwise)

5.0 Courtesy

5.1 Mutual respect between members and employees is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.

5.2 Members and employees should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases members and employees will respect preferred modes of address.

5.3 The behaviours expected are set out in more detail within the Flintshire Standard which also includes a mechanism for informally resolving disputes between members and employees.

6 Employees Giving Advice and Information to Political Groups

6.1 There is ~~now~~ statutory recognition for political groups, ~~and it~~ It is common practice for such groups to give preliminary consideration to matters of Council business in advance of ~~such matters~~ them being considered ~~by the relevant Council decision-making body~~ at Council, Cabinet or Committee. ~~However, though for some committees (such as Planning Committee and Overview and Scrutiny Committees) it is not appropriate to apply a "political whip".~~ Employees may properly be called upon to support and contribute to such deliberations by political groups.

6.2 The support provided by employees can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting, to a presentation to a full political group meeting. Whilst in practice such employee support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all political groups.

6.3 Certain points must, however, be clearly understood by all those participating in this type of process, members and Employees alike. In particular:

- (a) Employee support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of political group business. The observance of this distinction will be assisted if employees are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;
- (b) Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- (c) Similarly, where employees provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

6.4 Special care needs to be exercised whenever employees are involved in providing information and advice to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the ~~National Code of Local Government Conduct~~Code of Conduct for Councillors (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons ~~Officers~~employees may not be able to provide the same level of information and advice as they would to a members only meeting.

6.5 Employees must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

6.6 Any particular cases of difficulty or uncertainty in this area of employee advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7.0 Support Services to members

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to members ~~only in designated areas~~ (including stationery, IT facilities, printing, photo-copying, travel, transport and parking arrangement, etc.) to assist members in discharging their role as members of the Council.

7.3 Support services are provided to ~~the Political Group Leaders~~ by the members' Services Section of the ~~Democracy and Governance Manager Department~~Portfolio. Individual

~~Departments Services~~ may, in addition, provide support services to a Cabinet ~~Member~~member with Portfolio, Lead members, Chairs of Scrutiny Committees and Panel Chairs.

8.0 **Communications and Meetings**

8.1 Members and employees will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or member to another member or to any other third party. This is not intended to restrict the normal sharing of correspondence by employees with each other and their managers in order to respond to and handle that communication.

8.2 Most correspondence between employees or from employees to members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and employees may from time to time raise matters confidentially with each other and such confidences shall be respected.

8.3 It may be necessary or appropriate for an employee to discuss the content of a confidential communication with ~~another~~ member, particularly where political consultation is required before action is taken under employee delegated powers. In these circumstances, the communication should not be copied or shown to another member or the identity of the author revealed without the express permission of that author.

8.4 Official communications on behalf of the Council should ~~normally~~ be sent out over~~in~~ the name of the appropriate employee, rather than ~~over~~in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear over~~in~~ the name of a member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out ~~over~~in the name of a member.

8.5 Members and employees need to meet or speak to discuss Council business. Employees will often keep a written note of such meetings as an aide memoire. Sometimes a more formal note of the discussion will be prepared such as a confirmatory email or minutes. Such record keeping is to be expected and is normally taken to be agreed. Covert recording of meetings or conversations must not take place.

9.0 **Specific member/employee Working Relations**

9.1 Members and employees will not allow a working relationship to become so close or appear to be so close as to bring into question the employee's ability to deal impartially with other members, political groups and other employees. Where a member and an employee have a close relationship (whether familial, social, business, emotional etc) its existence must be declared, through the relevant process for declaring interests, so that appropriate steps can be taken to ensure that the relationship does not

- impinge upon the functioning of the Council or the exercise of council functions
- undermine or circumvent procedural safeguards
- impact upon the Council's reputation

9.2 Members and employees are both required under their respective codes of conduct to declare interests when they have a personal stake in the outcome of a decision. Whilst the systems are not exactly the same, as reflect their different roles, openness is important. Where a member or employee have an interest in a matter that interest must be disclosed when discussing or corresponding on an issue.

9.3 Cabinet members with Portfolios, Lead members and other appropriate members will routinely be consulted by employees, prior to making decisions under delegated powers.

9.34 The Cabinet member and/or the Chair and/or the Vice-Chair of the Committee or Panel will be consulted as a part of the agenda preparation for meetings.

9.54 Employees having delegated decision-making authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for decision. Employees are responsible for the contents of all reports submitted in their name.

9.56 Members must acknowledge that employees within a department are accountable to their Chief Officer. Employees should always be prepared to assist members, but they cannot go beyond the bounds of the authority given to them by their Chief Officer and they must not be asked to do so. Members must also recognise that employees are bound by legislation, professional standards, codes of conduct or professional ethics and they should not be asked to go outside of the bounds set in such codes.

10.0 Involvement of Ward Councillors

10.1 Ward members will be invited to attend any public meeting organised by the Council which relates to issues affecting their ward.

10.2 Ward members must be appraised of local issues affecting their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue affecting their ward.

10.3 It is the responsibility of a member who invites an employee to a public meeting, or who is present at a public meeting to which an employee has been invited by others, to ensure that the employee is treated with appropriate levels of courtesy and respect by those at the meeting.

11.0 Members' Access to Information and to Council Documents

11.1 Members have legal rights to access information and -Council documents that go beyond the rights enjoyed by members of the public. The law relating to member's rights to information is complex and includes common law and statutory rights. ~~The law also changes from time to time with new legislation or new case law~~The Council has agreed procedures for what information will be shared with members. If at any time a member believes access to information or Council documents is being denied contrary to the member's legal rights the issue should be raised with the Monitoring Officer or a member of the Legal Service~~a Senior Officer in the Legal & Democratic Services Department.~~

11.2 Members act on behalf of their residents and will often be privy to personal information about their residents. An employee is to assume that any member acting for a resident within their ward has the consent of that resident to receive personal data about that

resident. This does not apply where members are acting for people who live in other wards or where members are asking for personal data about someone who hasn't asked to be represented by that member.

124.0 Confidentiality of Reports and Correspondence

124.1 All Chief Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as 'exempt information' when the statutory criteria for confidentiality are met. The Chief Executive and the Chief Officer, Governance have an overriding responsibility to determine this compliance.

124.2 Once a report has been issued within Part II of the agenda for a meeting and until a Committee decides that it should ~~not~~ be discussed in ~~the absence of the press and~~ public, members and employees must respect the confidentiality of the report and not disclose it to a third party.

142.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that member to consult the Chief Officer, Governance before doing so.

123.0 Access to Council Premises

123.1 All members of the Council shall be entitled to use, and have access to, any Council building or premises, when that building or the premises are open, as follows:

a) anywhere which is open to the public;

b) the Council Chamber and Committee Rooms for the purposes of attending and/or observing scheduled meetings of the Council, its Committees and Sub-Committees, Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.

c) areas set aside for the use of members as a whole (such as the members' Services Suite), as a group (such as group rooms), or as an individual (such as the Leader's office, Chair's parlour etc)

d) any room to which the member has been invited for a meeting by an employee.
the canteen

~~12.2 Subject to the provisions set out below, Members shall also be entitled to have access to any other part of any Council building or premises open to members of the public between 8.00 am and 6.00 pm.~~

~~12.3 In addition, subject to the provisions set out below, Members shall have access to the Chimney Entrance, the Canteen, the Bridge Link and the areas outside the Council Chamber and Committees Rooms between 8.00 am and 6.00 pm.~~

123.042 Such access is to be used for Council purposes and fulfilling the member's role and responsibilities within the Council only. Members, when they are not acting in pursuit of their roles and duties as a member, shall have no greater rights of access to Council buildings and premises than members of the public.

~~12.5 All Members shall also be entitled to access and use the facilities provided for in the Members' Services Suite between the hours of 8.00 am and 6.00 pm during weekdays (excluding bank holidays).~~

~~13.32.6~~ There is a general presumption that members will not require access to Council buildings ~~before 8.00 am or after 6.00 pm~~ outside of the hours 7.30 am to 7.00 pm except for scheduled or public meetings referred to in 14.3.1 above. In exceptional circumstances where a member remains in the building beyond 6.00 pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.

~~13.42.7~~ Where individual political Groups have been allotted rooms for their sole use ("group rooms"), members of that group shall be entitled to have access to the group room set aside for the use of the Group to which he or she belongs subject to any reasonable restrictions which that Group may wish to place upon access from time to time.

~~12.8 Any Committee Chair or Cabinet Member member who has been allocated a room shall also be entitled to access to the room so allocated for the purposes of the consultation responsibilities arising under the Delegation Scheme or for any other business arising from their roles and responsibilities~~

~~12.9 All Membermembers who have been invited to attend meetings elsewhere in County Hall shall be entitled to have access to all corridors, stairwells and other reception areas through which it is necessary to pass to enable them to attend. The same limitation shall apply to Committee Chairs and Cabinet Membermembers under 12.8 above.~~

~~12.10~~ 13.05 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, benefits service (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief employee or a duly authorised employee in exceptional circumstances.

~~12.11~~ 13.06 Subject to 13.01 and 13.05 above, ~~there is a presumption that~~ members will not be entitled to enter other ~~staff only~~ areas in Council buildings so as to preserve the physical security of personal data under GDPR and so as to respect the fact that they are workplaces where employees are expected to be concentrating on their duties. members may enter such areas following express invitation to attend a meeting with an employee, or to arrange a meeting with an employee. ~~authorisation by the relevant Chief Officer~~ employee or someone duly authorised to give such authorisation. When seeking meetings, members will endeavour to make appointments with employees in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time.

~~Staff only areas include individual rooms, open plan areas, management suites, internal reception areas not open to the public.~~

~~12.12~~ 13.07 In situations where members and employees inadvertently meet in the course of their business there should be no expectation on the part of the member that the employee will deal with any issue that the member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.

~~12.13 Any contravention of the above provisions shall be reported to the Council's Monitoring Officer who will in the first instance attempt to resolve the issue appropriately. If he is unable to resolve the issue he will report the matter to the Standards Committee. He~~

~~will also make an annual report to the Standards Committee on the operation of this part of the Protocol.~~

134.0 Criticism of members and employees

~~1314.1~~ As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All members must ensure they discharge their duties as employer fairly and impartially and not do anything to undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.

~~134.2~~ No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome or breach the confidentiality that employees are entitled to expect in relations to such matters.

~~14.3~~ Employees are also required by their code not to criticise the council in a manner which could undermine the duty of mutual trust and confidence. In the case of employees, who are required to be politically neutral, making overtly political comments could, amongst other things, be one way to undermine that mutual trust and confidence.

145.0 Political Group Leaders and the Chief Executive

~~145.1~~ The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.

~~154.2~~ Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

156.0 Issues regarding Working Relations between members and employees

~~156.1~~ Members and employees will seek to resolve any issues arising within their working relations. In the first instance this will be done by the relevant member and employee.

~~165.2~~ Officers will, in the first instance, endeavour ~~Where a member and an employee are unable to resolve any such issue then the:~~

- member's Group Leader; and/or
- employee's line manager and/or Chief Officer

may be involved as a further informal step.

~~16.3~~ If informal methods fail then the Local Resolution Process in the Flintshire Standard may be used. For serious breaches of this protocol that also include breaches of the councillors' code of conduct or employees code then resolution may require/include a referral to the Public Services Ombudsman for Wales (councillors) or disciplinary investigation (employees)

~~165.3~~ The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between members and employees.

176.0 Review

~~167.1~~ This Protocol will be reviewed from time to time ~~and/or in the light of subsequent legislation.~~

Mae'r dudalen hon yn wag yn bwrpasol

SECTION 25

25. PROTOCOL ON MEMBER/OFFICER RELATIONS

1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between members and employees.

1.2 This Protocol provides guidance for members (which includes co-opted members) and employees in their working relations with each other. The Protocol covers the more common working situations but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between members in their role as members and employees in their capacity as employees.

2.0 Working Relations

2.1 Members and employees shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Code of Conduct for Councillors and employees with the employees' Code of Conduct.

2.3 The National Conditions of Service for Staff in Local Government provide:
"The public is entitled to demand, of a local government employee, conduct of the highest standard".

2.4 Members and employees must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed (which is normally undertaken by discussion following elections and periodically thereafter). Members and employees must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that employees develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3.0 Roles of Members and Employees

3.1 The respective roles of members and employees can be summarised as follows:-

- Members and employees are servants to the public and they are indispensable to one another.
- Their responsibilities are distinct.
- Members are responsible to the electorate and set policy and direction. They can help to guide implementation of policy (especially Cabinet members) but typically do not get involved in decisions on specific cases.
- Employees are responsible to the Council. An employee's job is to give advice to the Council and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees. Senior employees will help members to develop policy.

3.2 Members have four main areas of responsibility:-

- Contributing to determining the policy of the Council and giving it leadership;
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- Representing the Council in their local areas and externally;
- Acting as advocates on behalf of their constituents.

3.3 An employee's role is:-

- To give advice and information to all members on an impartial basis;
- To help members formulate policies; and
- To implement policies determined by the authority, provided the policies are within the law;
- To ensure that the Council complies with its legal obligations;
- In all advice, including reports, it is the responsibility of the employee to express his/her own professional advice in an objective manner and make recommendations based on this.

3.4 Through performance appraisal, target setting and day to day management, employees receive guidance and direction from their Line Managers. Members are not authorised to ask employees to undertake specific tasks other than:-

- Through the formal decision-making process (Council, Cabinet, Committees etc);
- To request the provision of consumable resources provided by the Council for the use of members;
- Where staff have been specifically allocated to give support to a member, a group of members, or all members.

4.0 Expectations

4.1 members can expect from employees:-

- a) A commitment to the Council as a whole and not to any political group.
- b) A working partnership.
- c) An understanding of and support for respective roles, workloads and the differing pressures.
- d) Timely response to enquiries and complaints in accordance with the agreed procedure for handling member queries.
- e) Clear, objective advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- g) Awareness of and sensitivity to the political environment.
- h) Respect, courtesy and dignified behaviour appropriate to the occasion.
- i) Training and development in order to carry out their role effectively.
- j) A high level of integrity and confidentiality, appropriate to the situation.
- k) Not to have employees' personal issues raised with them outside the agreed procedures.
- l) That they will not attempt to influence improperly any member to advance employees' personal interests or influence improperly a decision
- m) At all times compliance with the Code of Conduct for employees

n) Support for the role of members as the local representatives of the Council, within any scheme of support for members`, which may be approved by the authority.

4.2 Employees can expect from members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workloads and differing pressures.
- c) Leadership and direction.
- d) Respect for their advice and as a person, courtesy and dignified behaviour appropriate to the occasion as set out within the Flintshire Standard.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a member's wishes especially where the member is asking the employee to breach council policy, approved working practices, or the to undertake an action that isn't lawful;
- g) Not to use their position or relationship with employees improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That members will at all times comply with the Code of Conduct for Councillors.
- i) Appropriate scrutiny of decisions that focuses on objective measures of performance and outcomes
- j) Respect for differing working hours and working patterns with appropriate time being allowed for responding to queries and concerns as set out in the agreed procedure
- k) not to have their performance, competence or motives criticised in public (whether in a council meeting or otherwise)

5.0 Courtesy

5.1 Mutual respect between members and employees is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.

5.2 Members and employees should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases members and employees will respect preferred modes of address.

5.3 The behaviours expected are set out in more detail within the Flintshire Standard which also includes a mechanism for informally resolving disputes between members and employees.

6 Employees Giving Advice and Information to Political Groups

6.1 There is statutory recognition for political groups. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of them being considered at Council, Cabinet or Committee. However, for some committees (such as Planning Committee and Overview and Scrutiny Committees) it is not appropriate to apply a "political whip". Employees may properly be called upon to support and contribute to such deliberations by political groups.

6.2 The support provided by employees can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting, to a

presentation to a full political group meeting. Whilst in practice such employee support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all political groups.

6.3 Certain points must, however, be clearly understood by all those participating in this type of process, members and Employees alike. In particular:

(a) Employee support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of political group business. The observance of this distinction will be assisted if employees are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;

(b) Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) Similarly, where employees provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

6.4 Special care needs to be exercised whenever employees are involved in providing information and advice to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct for Councillors (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons employees may not be able to provide the same level of information and advice as they would to a members only meeting.

6.5 Employees must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

6.6 Any particular cases of difficulty or uncertainty in this area of employee advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7.0 Support Services to members

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to members (including stationery, IT facilities, printing, photocopying, travel, transport and parking arrangement, etc.) to assist members in discharging their role as members of the Council.

7.3 Support services are provided to by the members' Services Section of the Governance Portfolio. Individual Services may, in addition, provide support services to a Cabinet member with Portfolio, Lead members, Chairs of Scrutiny Committees and Panel Chairs.

8.0 Communications and Meetings

8.1 Members and employees will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or member to another member or to any other third party. This is not intended to restrict the normal sharing of correspondence by employees with each other and their managers in order to respond to and handle that communication.

8.2 Most correspondence between employees or from employees to members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and employees may from time to time raise matters confidentially with each other and such confidences shall be respected.

8.3 It may be necessary or appropriate for an employee to discuss the content of a confidential communication with a member, particularly where political consultation is required before action is taken under employee delegated powers. In these circumstances, the communication should not be copied or shown to another member or the identity of the author revealed without the express permission of that author.

8.4 Official communications on behalf of the Council should be sent in the name of the appropriate employee, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear in the name of a member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

8.5 Members and employees need to meet or speak to discuss Council business. Employees will often keep a written note of such meetings as an aide memoire. Sometimes a more formal note of the discussion will be prepared such as a confirmatory email or minutes. Such record keeping is to be expected and is normally taken to be agreed. Covert recording of meetings or conversations must not take place.

9.0 Specific member/employee Working Relations

9.1 Members and employees will not allow a working relationship to become so close or appear to be so close as to bring into question the employee's ability to deal impartially with other members, political groups and other employees. Where a member and an employee have a close relationship (whether familial, social, business, emotional etc) its existence must be declared, through the relevant process for declaring interests, so that appropriate steps can be taken to ensure that the relationship does not

- impinge upon the functioning of the Council or the exercise of council functions
- undermine or circumvent procedural safeguards
- impact upon the Council's reputation

9.2 Members and employees are both required under their respective codes of conduct to declare interests when they have a personal stake in the outcome of a decision. Whilst the systems are not exactly the same, as reflect their different roles, openness is important. Where a member or employee have an interest in a matter that interest must be disclosed when discussing or corresponding on an issue.

9.3 Cabinet members with Portfolios, Lead members and other appropriate members will routinely be consulted by employees, prior to making decisions under delegated powers.

9.4 The Cabinet member and/or the Chair and/or the Vice-Chair of the Committee or Panel will be consulted as a part of the agenda preparation for meetings.

9.5 Employees having delegated decision-making authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for decision. Employees are responsible for the contents of all reports submitted in their name.

9.6 Members must acknowledge that employees within a department are accountable to their Chief Officer. Employees should always be prepared to assist members, but they cannot go beyond the bounds of the authority given to them by their Chief Officer and they must not be asked to do so. Members must also recognise that employees are bound by legislation, professional standards, codes of conduct or professional ethics and they should not be asked to go outside of the bounds set in such codes.

10.0 Involvement of Ward Councillors

10.1 Ward members will be invited to attend any public meeting organised by the Council which relates to issues affecting their ward.

10.2 Ward members must be appraised of local issues affecting their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue affecting their ward.

10.3 It is the responsibility of a member who invites an employee to a public meeting, or who is present at a public meeting to which an employee has been invited by others, to ensure that the employee is treated with appropriate levels of courtesy and respect by those at the meeting.

11.0 Members' Access to Information and to Council Documents

11.1 Members have legal rights to access information and Council documents that go beyond the rights enjoyed by members of the public. The law relating to member's rights to information is complex and includes common law and statutory rights. The Council has agreed procedures for what information will be shared with members. If at any time a member believes access to information or Council documents is being denied contrary to the member's legal rights the issue should be raised with the Monitoring Officer or a member of the Legal Service.

11.2 Members act on behalf of their residents and will often be privy to personal information about their residents. An employee is to assume that any member acting for a resident within their ward has the consent of that resident to receive personal data about that resident. This does not apply where members are acting for people who live in other wards or where members are asking for personal data about someone who hasn't asked to be represented by that member.

12.0 Confidentiality of Reports and Correspondence

12.1 All Chief Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as 'exempt information' when the statutory criteria for

confidentiality are met. The Chief Executive and the Chief Officer, Governance have an overriding responsibility to determine this compliance.

12.2 Once a report has been issued within Part II of the agenda for a meeting and until a Committee decides that it should be discussed in public, members and employees must respect the confidentiality of the report and not disclose it to a third party.

12.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that member to consult the Chief Officer, Governance before doing so.

13.0 Access to Council Premises

13.1 All members of the Council shall be entitled to use, and have access to, any Council building or premises, when that building or the premises are open, as follows:

- a) anywhere which is open to the public;
- b) the Council Chamber and Committee Rooms for the purposes of attending and/or observing scheduled meetings of the Council, its Committees and Sub-Committees, Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.
- c) areas set aside for the use of members as a whole (such as the members' Services Suite), as a group (such as group rooms), or as an individual (such as the Leader's office, Chair's parlour etc)
- d) any room to which the member has been invited for a meeting by an employee.

13.02 Such access is to be used for Council purposes and fulfilling the member's role and responsibilities within the Council only. Members, when they are not acting in pursuit of their roles and duties as a member, have no greater rights of access to Council buildings and premises than members of the public.

13.3 There is a general presumption that members will not require access to Council buildings outside of the hours 7.30 am to 7.00 pm except for scheduled or public meetings referred to in 13.1 above. In exceptional circumstances where a member remains in the building beyond 7.00 pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.

13.4 Where political groups have been allotted rooms for their sole use ("group rooms"), members of that group shall be entitled to have access to the group room subject to any reasonable restrictions which that group may wish to place upon access from time to time.

membermembermember13.05 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, benefits service (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief employee or a duly authorised employee in exceptional circumstances.

13.06 Subject to 13.01 and 13.05 above, members will not be entitled to enter other areas in Council buildings so as to preserve the physical security of personal data under GDPR and so as to respect the fact that they are workplaces where employees are expected to be concentrating on their duties. members may enter such areas following express invitation to attend a meeting with an employee, or to arrange a meeting with an employee. employee When seeking meetings, members will endeavour to make appointments with employees in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time.

13.07 In situations where members and employees inadvertently meet in the course of their business there should be no expectation on the part of the member that the employee will deal with any issue that the member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.

14.0 Criticism of members and employees

14.1 As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All members must ensure they discharge their duties as employer fairly and impartially and not do anything to undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.

14.2 No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome or breach the confidentiality that employees are entitled to expect in relations to such matters.

14.3 Employees are also required by their code not to criticise the council in a manner which could undermine the duty of mutual trust and confidence. In the case of employees, who are required to be politically neutral, making overtly political comments could, amongst other things, be one way to undermine that mutual trust and confidence.

15.0 Political Group Leaders and the Chief Executive

15.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.

15.2 Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

16.0 Issues regarding Working Relations between members and employees

16.1 Members and employees will seek to resolve any issues arising within their working relations. In the first instance this will be done by the relevant member and employee.

16.2 Where a member and an employee are unable to resolve any such issue then the:

- member's Group Leader; and/or

employee's line manager and/or Chief Officer may be involved as a further informal step.

16.3 If informal methods fail then the Local Resolution Process in the Flintshire Standard may be used. For serious breaches of this protocol that also include breaches of the councillors' code of conduct or employees code then resolution may require/include a

referral to the Public Services Ombudsman for Wales (councillors) or disciplinary investigation (employees)

16.3 The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between members and employees.

17.0 Review

17.1 This Protocol will be reviewed from time to time.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 8



STANDARDS COMMITTEE

Date of Meeting	Monday 3 rd June 2024
Report Subject	Review of the Flintshire Standard
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The Council has adopted a Local Resolution Process (LRP) that also includes a statement of the standards of behaviour to which the Council aspires. This is called the Flintshire Standard. The document was created in 2013 and was reviewed in 2019. This review is part of the rolling review of the constitution.

The Flintshire Standard expands on the provision of the councillors' code of conduct which require people to be treated with respect by setting out dos and don'ts. The standard appears to cover all required situations and seemingly works well.

There are a number of external factors which may give rise to suggested amendments. If the committee has no suggested amendments of its own, then it may wish to wait to see whether others have any suggested amendments.

RECOMMENDATIONS

1	To consider whether the Committee wishes to suggest amendments to the Flintshire Standard whilst noting that others may suggest amendments.
---	---

REPORT DETAILS

1.00	BACKGROUND TO THE FLINTSHIRE STANDARD
1.01	In June 2013 the Council adopted a local resolution process, called the Flintshire Standard. The Flintshire Standard sets out how members should behave towards each other and officers. It incorporates a local

	resolution process (LRP) as an alternative to either informal action by the Monitoring Officer or referring complaints about behaviour to the Public Services Ombudsman for Wales (PSOW).
1.02	The provisions of the Code of Conduct, which, whilst possessing the virtue of brevity, do not give practical examples of what is required as part of the obligation to treat others with respect. The Flintshire Standard therefore expands upon the obligations that relate to behaviour towards others with a list of “do’s and don’ts” across a range of situations.
1.03	The Standard also includes a local resolution process (LRP. The LRP is an alternative to the sometimes lengthy, adversarial process of a complaint to the PSOW. It sets out an escalating process of mediation to be followed in an attempt to help repair relationships within the council (member to member or member to officer).
1.04	If the mediatory process breaks down or fails to achieve an outcome, then the complainant is still at liberty to report their complaint to the PSOW. So the process only works to the extent that both parties want to make it work.
Reviewing the Standard	
1.05	The Standard itself is primarily intended to cover behaviour in public (whether in meetings, on social media etc) but encompasses workplace behaviour in private and email exchanges as well. The list appears to cover the breadth of behaviours that might be seen as wrong or inappropriate albeit that some specific acts are not expressly prohibited (e.g. it does not expressly prohibit making amorous or sexual advances though it does prohibit indecent language).
1.06	Since it was last reviewed in 2019 the process has been used five times. Three occasions were member to member complaints and two related to complaints by officers. Four of the five complaints related to public statements to which others had taken offence. The fifth occasion related to comments made by one member about another during internal group discussions within the council. All were resolved satisfactorily.
1.07	The training on respectful communication may highlight examples of where there has been a breakdown in the relationship between members. That training will be followed by a joint member/officer session on how the interface between the political and professional spheres should work. That discussion may highlight examples of where the relationship between members and officers has broken down. These might then give rise to suggestions for how the Standard should be altered.
1.08	The PSOW has recently requested all councils to submit a copy of their LRP for consideration and comparison. The outcome of that comparison won’t be known until later in June (at the earliest). It is possible therefore that the PSOW might suggest changes to be made to the LRP.
1.09	If the committee has no suggested amendments of its own, then it may wish to wait to see whether others have any suggested amendments.

2.00	RESOURCE IMPLICATIONS
2.01	The Flintshire Standard is intentionally quick and simple to operate in its early stages, so that any disputes are quickly resolved. The process is therefore not greatly demanding of time or other resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Any revisions to the document will need to be considered by the Constitution and Democratic Services Committee prior to submission to Full Council for approval.

4.00	RISK MANAGEMENT
4.01	The local resolution process contained within the Flintshire Standard is intended for use on low level complaints concerning the relationship between councillors or councillors and officers. It can be invoked quickly and easily in order to catch issues before significant harm occurs to that relationship and whilst people are more willing to compromise. It is, however, extra statutory and so does not have recourse to the legislative sanctions available following a complaint to the Ombudsman. Its use must always therefore be considered carefully to ensure its suitability in light of the nature of the complaint and the surrounding circumstances.

5.00	APPENDICES
5.01	Appendix 1 – Flintshire Standard

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>There are no accessible background documents.</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	None

THE FLINTSHIRE STANDARD

This document explains the standard of conduct expected from Flintshire County Councillors and co-opted members in dealing with each other and with officers. It should be read in conjunction with the Members' Code of Conduct and the Protocol on Member-Officer Relations. It adds to those documents and does not detract from them.

This standard applies to Councillors whilst they are acting in their official capacity, as defined within the Code of Conduct, including when they are on line or using social media in an official capacity.

In each case behaviour under the Flintshire Standard will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.

Freedom of speech, particularly political expression is important within a democratic society. In exercising the right to free speech and when acting on Council business, the following standards are expected of Flintshire County Council members:-

Behaviour towards others:

- Show respect to each other and officers
- Do not make personal or abusive comments about each other or officers
- Do not accuse each other or officers of lying or falsifying facts or documents
- Do not make malicious allegations against each other or officers
- Do not publish or spread any false information about each other or officers
- Show respect to diversity and equality
- Do not accuse or imply that officers are acting from political motives
- Behave with dignity in meetings
- Show respect to and obey decisions of the Chair
- Make points based on the issue under discussion not personal remarks about others
- Allow others to speak without interruption or heckling
- Not to use indecent language nor make discriminatory remarks or remarks which prejudice any section of society
- Exclude officers from the scope of political remarks

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
 - Explain to anyone seeking assistance that he/she is not the local member
 - Inform the local member, unless it would lead to a breach of confidentiality

- Ensure that officers are treated with respect at public meetings within their ward. Where several Councillors are at the same public meeting all share this obligation equally.

LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR

INTRODUCTION

1. The Flintshire Standard and the Protocol for Member-Officer Relations are important in promoting good co-operation between members and between members and officers within the Council, thereby allowing the council to fulfil its duties effectively and professionally. It is therefore important that any allegations against a member that he/she has breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.
2. It is important that poor behaviour is quickly addressed and matters are handled whilst recollections are fresh. This procedure will therefore only apply to incidents or behaviour occurring in the 90 days prior to a complaint being made in writing to the Monitoring Officer.

STAGE 1 OF THE PROCEDURE

3. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Monitoring Officer. Officers wishing to make a complaint should first consult with their Head of Service. Following receipt of the complaint the Monitoring Officer will act as follows:-
4. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either the Deputy Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.

N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

5. This procedure is only suitable for allegations made by officers or members of Flintshire County Council that a member has breached the Flintshire Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:
 - made by members of the public;
 - which in the opinion of the Monitoring Officer allege a serious breach of the code of conduct; or
 - alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure.

If the complaint is suitable for this procedure then the Deputy Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Monitoring Officer will give advice about what (if anything) can be done.

6. If, following the first stage, the complainant wishes to proceed with the allegation under this procedure, the matter may be referred either:
 - to a conciliation meeting under Stage 2; or
 - to a hearing by the Standards Committee under Stage 3.

STAGE 2 OF THE PROCEDURE

7. At Stage 2 a meeting will be held between:
 - the complainant;
 - the member against whom the complaint is made;
 - the Chief Executive
 - the leader of any relevant political group(s), that is to say the subject member's group leader and, if the complainant is a member, his/her group leader.

If the complainant is an officer, then it will be possible for the complainant to have a colleague or senior officer with him/her. A non-aligned (ungrouped) member may bring another Councillor with him/her.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases.

8. The purpose of this meeting will be to try to resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer, or the Deputy Monitoring Officer, for advice and assistance.

STAGE 3 OF THE PROCEDURE

9. The third Stage is a hearing before the Standards Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.
10. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representation.
11. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
12. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
13. The Committee can come to one of three conclusions, namely :-

- a) That there is no basis to the complaint.
- b) That there is a basis to the complaint but that no further action is required.
- c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS

- 14. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.
- 15. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
- 16. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 10



STANDARDS COMMITTEE

Date of Meeting	Monday 3 rd June 2024
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 (8 January 2024) 16 complaints have been received of which 11 were not investigated and 5 are under investigation. There are still 7 outstanding.

RECOMMENDATIONS

1	That the Committee notes the number and type of complaints.
---	---

REPORT DETAILS

1.00	NUMBER OF COMPLAINTS
1.01	<p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023, 2023/2024 and 2024/2025. Each entry lists:</p> <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	<p>Since the last report:</p> <p>a) 16 new complaints (2023/06712 - 2023/10322) have been received. Complaints 06712 – 07136 and 10251 and 10322 were dismissed and 07129, 07130, 09254, 09367 and 07895 are being investigated.</p>

	<p>b) 1 complaint from 2021 (2021/05656) has been referred for a hearing by this committee.</p> <p>c) 1 complaint from 2022 (2022/01509) was referred for the Adjudication Panel for Wales to convene a case tribunal. The case was heard on 26 April and a separate report is attached with the outcome.</p>
1.03	Complaints 2023/06712 – 2023/07136 are a series of 9 complaints relating to the same incident. Each is slightly different to reflect the different roles played by the various accused members. None were taken forward because the complaint is not particularly precise about what was said and, where it is, the complainant(s) are objecting to a comment that is itself not very precise. Again this highlights that the Ombudsman's office will take a forensic approach when assessing whether to pass a complaint for investigation.
1.04	2023/07129 and 07130 both relate to the same incident and the same councillor who is both a county and a town councillor. These are being investigated and so cannot be discussed. Likewise, 09254, 09367 and 07895 are being investigated and so cannot be discussed.
1.05	This report is correct as at the date of preparation (May 2024). If we are notified of the outcome of any complaints after this date, they will be included in the next quarterly report.

2.00	RESOURCE IMPLICATIONS
2.01	None associated with the complaints recorded in this report.
2.02	As a complaint has been referred to the committee for a hearing, training has been provided.

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	<p>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.</p>

Mae'r dudalen hon yn wag yn bwrpasol

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Gatekeeper	Outcome by stage	
						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)	Complaint investigated	The councillor failed to show respect (para 4b) and could reasonably be regarded as bringing both the council and his office into disrepute (6(1)). The Ombudsman took into account events since the comment on social media was made. The Member publicly apologised for the comment and the apology was accepted. The member subject to the comments said that he suffered no lasting anxiety or loss of reputation and wished to withdraw his complaint. In view of this, the Ombudsman did not consider that it was in the public interest for any further action to be taken. Had the Member not publicly apologised and had the member subject to the comments taken a different view on the matter, further action would have been taken. The Member was reminded of his need to take care when posting on social media.	
2022/01184	County	B	Town Councillor	Messages sent to complainant that they felt were threatening in nature.	Complaint investigated	Breach of code but no action needs to be taken	
2022/01509	County	B	Public	Disrepute, bullying, failure to declare interest, disclosure confidential information	Complaint investigated	Member found to have brought office into disrepute, to have been disrespectful and of bullying. Suspended for 4 months	
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 that 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		
------------	--------	---	--------	---	---------------------	--	--

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 "Fuhrer" 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.	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. The language used by the Member, calling the First Minister "Fuhrer", 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. 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.		
2023/02636	Town 2	C	Public	It was alleged that the Member was in breach of the requirement not to bully or harass any person by engaging in intimidating behaviour towards a staff member, when they questioned them on whether minutes that had been prepared, accurately reflected a Council meeting and in a separate incident at a meeting where he told them they were not to be trusted.	When assessing matters concerning Council Officers, it is necessary to consider if the allegations are supported by evidence that a member has gone beyond what might be regarded as reasonable challenge. The PSOW assessed the comments the Member is alleged to have made when questioning the meeting minutes and was not persuaded that what the Member is alleged to have said could be considered to have passed the threshold of reasonable challenge. Whilst the Member has made comments which could be considered offensive or rude to the staff member, they were not so serious that, even if a breach of the Code were proven, a sanction would be a proportionate interference with the Member's right to freedom of expression. The Complainant also alleged that the Member told the staff member that she was not to be trusted. The Ombudsman's Guidance to members on the Code states that harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, that may happen once or be part of a pattern of behaviour. Having considered the information provided, the PSOW not persuaded the Member's comment was so serious that it would be likely to amount to a breach of the Code of Conduct.		
2023/01712	County	D	Councillor	It was alleged that the Member behaved inappropriately during Council meetings, by making inappropriate gestures and shouting.	PSOW did not investigate. Evidence was not provided to substantiate the complaint. The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.		
2023/02892	Community 2	E	Councillor	It was alleged that the Member made disrespectful comments towards a member of the public in response to a speech made by the member of the public during a Community Council meeting. It was also alleged that the Member was corrupt, that they were a member of a clique of councillors who voted for each other and did not allow others to put suggestions forward. The Complainant said that they felt unsupported by the Community Council and that nothing was achieved by the Community Council because of the behaviour of the clique of councillors.	PSOW did not investigate. The matters complained about were unlikely to amount to a breach of the Code. It was alleged that the Member accused the member of the public of "waffling about nature" and suggested that they and others who supported them had brought the situation upon themselves. Whilst the Complainant may have been offended by the Member's comments, the PSOW did not consider that the Member's comments were sufficiently offensive, intimidating or insulting to amount to a breach of the Code. In relation to the allegation of corruption, no evidence was provided to substantiate the complaint.		
2023/03339	County	D	Public	It was alleged that the Member failed to declare a personal and prejudicial interest in a planning application that was considered by the Authority's Planning Committee in June 2023, and that they made inappropriate comments during the Planning Committee's consideration of the matter.	PSOW did not investigate. (1) The Complainant said that the Member was friends with the Director of the housing development company ("the Director"), who had submitted the planning application and that their friendship was public knowledge. A series of photographs and screenshots provided in support of the complaint showed that the Member had posted their thanks to the housing development company for its support on various local initiatives and events on more than one occasion. The Director was not named in any of the posts, and the PSOW not persuaded that they demonstrated a close personal relationship between the Member and the Director. The Complainant said that the Member had assisted the Director in marketing homes on behalf of the housing development company. However, the evidence provided in support of the complaint demonstrated that the Member had shared information about a housing scheme by a property management company. The PSOW did not consider that they demonstrated a close personal association between the Member and the Director as it is not uncommon for elected members to share information that may be of interest to their electorate on their social media pages. (2) the PSOW saw no evidence to suggest that it was inappropriate for the Member to second the proposal to approve the planning application. When speaking about the application, the Member referenced the Planning Officer's report and recommendation to approve the application and had considered the objections received from members of the community. It therefore appears that the Member appropriately considered the information available before reaching a decision to vote in favour of the application.		
2023/03774	County	F	Public	It was alleged that the Member had breached the Code of Conduct ("the Code") because they failed to give adequate advice to the complainant about action they should take regarding damage to his car caused by driving over a large pothole. The complainant also indicated they were unhappy that the Member had failed, as an official, to respond to his enquiries.	PSOW did not investigate. The Member did provide advice, as asked, and while the PSOW noted the complainant did not like the response, his follow up email to the Member contained language that could also be considered discourteous. If the Member decided not to respond further, because he had already shared the advice he was given, that is a matter for him, and he was under no obligation to respond further.		
2023/03046	Town 1	G	Public	It is alleged that the Councillor has failed to disclose matters to the relevant authorities despite that being part of their bail conditions, and that they have also broken their bail conditions by approaching their estranged spouse and their property. It is alleged that the Police are aware, and all incidents are due to be heard in court in August 2023.	Under investigation		
2023/00532	Community 1	B	Councillor	Breach of the Code relating to declarations of interest and not declaring a personal and prejudicial interest on a planning application.	Under Investigation		
2023/06712	Community 1	H	Councillor	It was alleged that at a Community Council meeting in November 2023 a member of the Community Council made a statement which was threatening and appeared to be directed at other members and the Member had nodded in agreement. The Complainant also said there appeared to be an association between the Member, a local business which had a retrospective planning application before the Community Council and a private group on social media. The Complainant said the Member had been involved in setting up the Facebook Group which had organised community activities receiving donations for refreshments from the business. The Complainant said that when the retrospective planning application came before the Community Council for discussion in March 2023 no interests were declared, and the Member did not "recurse" [sic] himself despite being a member of Flintshire County Council's Planning Committee.	The PSOW did not investigate because there was no evidence as to the nature of the statement, why the statement appeared to be directed at other councillors nor of the link between the councillor, the FB group and the business. Councillors are able to consider planning applications at both community and county council. This is one of a series of 4 complaints (06712 - 06715) from the same councillor about other members of the community council.		

2023/06713	Community 1	I	Councillor	It was alleged that at a Community Council meeting in November 2023 a member of the Community Council made a statement which was threatening and appeared to be directed at other members and the Member had nodded in agreement. The Complainant also said there appeared to be an association between the Member, a local business which had a retrospective planning application before the Community Council and a private group on social media. The Complainant said the Member had been involved in setting up the Facebook Group which had organised community activities receiving donations for refreshments from the business. The member passed on an invitation from the business to tour its premises. The Complainant said that when the retrospective planning application came before the Community Council for discussion in March 2023 no interests were declared.	The PSOW did not investigate because there was no evidence as to the nature of the statement, why the statement appeared to directed at other councillors nor of the link between the councillor, the FB group and the business. In addition, The information presented suggested that the business approached the Member with an invitation for the Community Council, which he then shared with the Clerk. That approach is not in itself suggestive of a personal interest but, following advice from the Clerk, and other member's responses, the Member subsequently advised the business that the Community Council would decline the invitation. This is one of a series of 4 complaints (06712 - 06715) from the same councillor about other members of the community council.		
2023/06714	Community 1	J	Councillor	It was alleged that at a Community Council meeting in November 2023 a member of the Community Council made a statement which was threatening and appeared to be directed at other members and the Member had nodded in agreement. The Complainant also said there appeared to be an association between the Member, a local business which had a retrospective planning application before the Community Council and a private group on social media. The Complainant said the Member had been involved in setting up the Facebook Group which had organised community activities receiving donations for refreshments from the business. The Complainant said that when the retrospective planning application came before the Community Council for discussion in March 2023 no interests were declared.	The PSOW did not investigate because there was no evidence as to the nature of the statement, why the statement appeared to directed at other councillors nor of the link between the councillor, the FB group and the business. This is one of a series of 4 complaints (06712 - 06715) from the same councillor about other members of the community council.		
2023/06715	Community 1	K	Councillor	It was alleged that at a Community Council meeting in November 2023 a member of the Community Council made a statement which was threatening and appeared to be directed at other members and the Member had nodded in agreement. The Complainant also said there appeared to be an association between the Member, a local business which had a retrospective planning application before the Community Council and a private group on social media. The Complainant said the Member had been involved in setting up the Facebook Group which had organised community activities receiving donations for refreshments from the business. The Complainant said that when the retrospective planning application came before the Community Council for discussion in March 2023 no interests were declared. The Complainant also said the business was aware of private discussions within the Council and he alleged that the member had disclosed confidential information. In addition, the Complainant provided screenshots of a short social media exchange about the Facebook Group's activities which included the Member, the business and other members of the public.	The PSOW did not investigate because there was no evidence as to the nature of the statement, why the statement appeared to directed at other councillors nor of the link between the councillor, the FB group and the business. In addition, With regard to the exchange on FB there was no evidence to suggest what social media platform or group this was on or what capacity the Member was acting in at the time, and the PSOW did not consider that the information presented suggested a close personal association. In respect of the disclosure of private information, no evidence was presented to support this. This is one of a series of 4 complaints (06712 - 06715) from the same councillor about other members of the community council.		
2023/07069	Community 1	I	Councillor	It was alleged that the Member made a statement at a Community Council meeting in November 2023 which was designed to intimidate, threaten and stifle debate. The Complainant said the statement was aimed at her, and if the Member had a legitimate reason to question the integrity of a Member, they should do this through the appropriate procedure. The Complainant also said the Member had misled her and the Clerk about his reason for not attending a Local Resolution meeting about the matter and his behaviour lacked respect.	PSOW did not investigate. Evidence had not been provided to substantiate the complaint, Whilst the Complainant said the statement appeared to be aimed at her, no evidence was presented to support this or to indicate what the statement was about. The PSOW thought the statement could be reasonably said to fall within the realms of freedom of expression . This is one of a series of four complaints (07069 - 07072) from the same councillor. The complaints relate to the same meeting as complaints 06712 - 06715.		
2023/07070	Community 1	H	Councillor	It was alleged that at a Community Council meeting in November 2023, the Accused Member declared an interest in a Policing item and another Member then made a statement which was designed to intimidate, threaten and stifle debate. The Complainant said the statement was aimed at her, and if the Accused Member had a legitimate reason to question the integrity of a member, they should do this through the appropriate procedure. The Complainant also said she had agreed to seek Local Resolution but had had no communication as to why the Accused Member did not wish to engage in the process, and his behaviour lacked respect.	PSOW did not investigate. Evidence had not been provided to substantiate the complaint, Whilst the Complainant said the statement appeared to be aimed at her, no evidence was presented to support this or to indicate what the statement was about. The PSOW thought the statement could be reasonably said to fall within the realms of freedom of expression . This is one of a series of four complaints (07069 - 07072) from the same councillor. The complaints relate to the same meeting as complaints 06712 - 06715.		
2023/07071	Community 1	K	Councillor	see 2023/07070	PSOW did not investigate. Evidence had not been provided to substantiate the complaint, Whilst the Complainant said the statement appeared to be aimed at her, no evidence was presented to support this or to indicate what the statement was about. The PSOW thought the statement could be reasonably said to fall within the realms of freedom of expression . This is one of a series of four complaints (07069 - 07072) from the same councillor. The complaints relate to the same meeting as complaints 06712 - 06715.		
2023/07072	Community 1	J	Councillor	see 2023/07070	PSOW did not investigate. Evidence had not been provided to substantiate the complaint, Whilst the Complainant said the statement appeared to be aimed at her, no evidence was presented to support this or to indicate what the statement was about. The PSOW thought the statement could be reasonably said to fall within the realms of freedom of expression . This is one of a series of four complaints (07069 - 07072) from the same councillor. The complaints relate to the same meeting as complaints 06712 - 06715.		
2023/07136	Community 1	I	Councillor	It was alleged that at a community council meeting in November 2023, the Member showed bullying and threatening behaviour to members of the Community Council and breached the Code of Conduct ("the Code"). The Complainant said that if the Member had a legitimate complaint about any member of the Community Council, he should have raised it outside of the meeting using the complaints procedure. The Complainant also said that the Member made no attempt to agree to a meeting via the Local Resolution policy.	PSOW did not investigate - whilst the Complainant said the Member had shown bullying and threatening behaviour to members of the Community Council, the context and nature of the behaviour, what was said, to whom and when was not provided, The PSOW considered the available draft minutes of the meeting, and it is recorded that in relation to a policing matter, the Member said comments had been made on social media against himself and he had sought legal advice, however no details or explanation of what he was referring to were given. The PSOW did not consider the nature of the Member's recorded comments to be unreasonable. The comments referred to could be reasonably said to fall within the realms of freedom of expression and whilst they may have caused offence to the Complainant or others, the PSOW did not consider they are extreme or that the Member's conduct could amount to a breach of the Code. The Ombudsman generally regards this sort of behaviour in a council meeting as a matter for the Chair of that meeting to address. This complaint is made by a 3rd councillor and relates to the same meeting as complaints 06712 - 06715.		

2023/07129	County	L	Public	During Storm Babet the councillor abused his power to secure sandbags for his family when no one else was given sandbags.	Under investigation		
2023/07130	Town 3	L	Public	as above	Under investigation		
2023/09254	Town 4	M	Public	It is alleged that the Councillor has breached the code of conduct and abused his position as a councillor.	Under investigation		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2023/09367	County	A	Councillor	Alleged breaches of paragraphs 6(1)a (disrepute), 7a (securing improper advantage for self or others) and 9(b) (avoid accepting gifts +/- hospitality that appear to place one under improper obligation)	Under investigation		
2023/07895	County	B	Officer	Alleged breaches of paragraphs 4(b) respect, 6(1)a disrepute, 8(a) decision making on the merits and 11 + 14 disclosure of interests	Under investigation		
2023/10251	County	C	Public	It was alleged that the Member used aggressive and threatening language when corresponding with the Complainant's legal representative about a planning application. It was also alleged that the Member took 8 months to respond to a query, and shared confidential information.	The member's response lacked courtesy but wasn't disrespectful. No evidence was provided by the complainant to support the alleged breach of confidence.		
2023/10322	County	D	Public	The Complainant said the Member: Refused to meet to discuss the application even though they are his constituent, Presented false information to a Community Council meeting about the planning application and used a mocking and condescending tone in discussing it, tried to sway the opinion of the Council's Planning Committee during a site visit about the planning application and spoke against the planning application at a council meeting and claimed he had been unable to view the site.	A member is entitled to choose whether or not to meet a resident. There comments at the Planning Committee were reasonable. No evidence was supplied by the complainant in relation to the other allegations and so they were not considered		

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
3 June 2024	<ul style="list-style-type: none"> • Introduction to Cllr Ros Griffiths • Dispensations • Overview of Ethical Complaints • Draft Annual Report 2023-2024 • Review of the Flintshire Standard • Review of Member/Officer Protocol • Notification of the Decision of the Adjudication Panel for Wales • Forward Work Plan 	<p>Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens</p>
4 March 2024	<ul style="list-style-type: none"> • Training • Dispensations • Feedback on Meetings of the National Standards Forum • Feedback from Independent Member Attendance at Meetings of the County Council • Feedback on Independent Member Visits to Town and Community Councils • Review of Protocol for Meeting Contractors • Rolling Review of the Members' Code of Conduct • Forward Work Plan 	<p>Verbal Verbal Verbal Report by Gareth Owens Report by Gareth Owens</p>
8 January 2024	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Confidential Whistleblowing Procedure • Feedback from Independent Member Attendance at Meetings of the County Council 	

Tudalen 99

Eitem ar gyfer y Rhaflen 11

	<ul style="list-style-type: none"> • Forward Work Plan 	
6 November 2023 Joint meeting with T&CCs	<ul style="list-style-type: none"> • Training • Dispensations • Items raised by Town and Community Councils • Rolling review of the Members Code of Conduct • Suggested items for the National Forum for Chairs of Standards Committees • Feedback from the Ethical Liaison Meeting with Group Leaders • Summary of Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan 	Verbal Report by Gareth Owens Verbal Report by Gareth Owens Verbal
4 September 2023	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Public Services Ombudsman for Wales (PSOW) Findings • Results of Survey on Councillors Newsletters • Agenda items for the next Ethical Liaison Meeting • Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan 	Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Verbal
3 July 2023	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Visit Schedules for County Council Meetings • Feedback from National Standards Forum • Feedback from Independent Member Visits to Town and Community Councils 	Report by Gareth Owens Report by Gareth Owens Verbal Verbal

	<ul style="list-style-type: none">• Forward Work Plan	
Reports to be scheduled – Welsh Government decision following consultation on implementing the Penn Review National Standards Conference		

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2024/25

Tudalen 103

Date of Meeting	Topic	Notes/Decision/Action
June 2025	<ul style="list-style-type: none"> • Training • Dispensations • Forward Work Plan 	
April 2025	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Forward Work Plan 	
March 2025	<ul style="list-style-type: none"> • Training • Dispensations • Forward Work Plan 	
January 2025	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Planning Code of Practice • Forward Work Plan 	
November 2024 Joint meeting with T&CCs	<ul style="list-style-type: none"> • Training • Dispensations • Items raised by Town and Community Councils • Protocol on the Production of Councillor newsletters • Forward Work Plan 	
September 2024	<ul style="list-style-type: none"> • Training • Dispensations 	

	<ul style="list-style-type: none">• Overview of Ethical Complaints• Forward Work Plan	
Reports to be scheduled -		