

Public Document Pack

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



To: Edward Michael Hughes (Chairman)

CS/NG

Councillors: David Cox, Hilary McGuill and
Arnold Woolley

3 February 2015

Co-opted Members

Robert Dewey, Jonathan Duggan-Keen, Phillipa
Ann Earlam and Kenneth Harry Molyneux

Nicola Gittins 01352 702345
nicola.gittins@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 9TH FEBRUARY, 2015** at **6.30 PM** to consider the following items.

Please note that a training session for the Standards Committee members will be held from 6.00pm until 6.30pm.

Yours faithfully

Democracy & Governance Manager

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

3 **MINUTES** (Pages 3 - 8)

To confirm as a correct record the minutes of the meeting held on 8 December 2014.

4 **DISPENSATIONS** (Pages 9 - 10)

To consider the enclosed application for dispensation and any other requests that are received before the meeting.

5 **PUBLIC SERVICE OMBUDSMAN ANNUAL LETTER 2013/14** (Pages 11 - 30)

To follow up on consideration on the Public Services Ombudsman's annual letter pursuant to the committee's decision at its 3 November meeting.

6 **FORWARD WORK PROGRAMME** (Pages 31 - 32)

For the Committee to consider topics to be included on the attached Forward Work Programme.

FOR INFORMATION ONLY - PROTOCOL ON THE USE OF IT BY MEMBERS

For members of the Standards Committee to receive, for information only, a copy of the Protocol on the use of IT by Members, as agreed at the meeting on 8 December (minute number 42(d)).

STANDARDS COMMITTEE **8 DECEMBER 2014**

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 8 December 2014

PRESENT: Mr. Edward Michael Hughes (Chairman)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

IN ATTENDANCE:

Chief Officer (Governance), Democracy & Governance Manager and Committee Officer

38. ADDITIONAL ITEM

The Chairman advised that an urgent item would be considered following Agenda Item 5.

39. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

40. MINUTES

The minutes of the meeting of the Committee held on 3 November 2014 were submitted.

Matters Arising

Minute number 33: Public Services Ombudsman's Annual Letter 2013/14 - the Democracy & Governance Manager advised that it had not been possible to report to this meeting pursuant to resolution (c) as information was awaited from the Chief Officer (Planning & Environment).

RESOLVED:

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

41. DISPENSATIONS

Copies of a dispensation request from Councillor Christine Jones had previously been circulated to the Committee, in relation to planning application 052887. As the application concerned an area to the rear of her house and accessed over her land, she had not requested dispensation to vote but to make written and oral communications to officers, and to speak for five minutes when it was considered at the Planning Committee meeting.

In providing background to the application, the Democracy & Governance Manager explained that Councillor Jones would in any event be entitled to speak on the item for three minutes, similar to the rights of members of the public. He said that Councillor Jones would be required to leave the room after speaking on the item and went on to give an example of a similar request previously considered by the Committee where written but not oral communications had not been granted, together with speaking for five minutes.

Councillor Hilary McGuill proposed that dispensation be granted only for written communications to officers, as Councillor Jones' land was directly affected by the application and noting her entitlement to speak on the item for three minutes. Following similar comments from other members, the Committee agreed that this decision was appropriate in the circumstances.

As suggested by the Chief Officer (Governance), it was agreed that a time limit of 12 months be imposed on the dispensation granted and that it would apply to any other planning application which, in the Monitoring Officer's opinion, was of a similar nature.

RESOLVED:

That Councillor Christine Jones be granted dispensation under paragraphs (c) and (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 for a period of 12 months (ending 8 December 2015) to:

- Contact officers in writing on planning application 052887 or any application which, in the Monitoring Officer's opinion, was of a similar nature. Councillor Jones would be entitled to remain in the room to speak for three minutes on the item before withdrawing from the room (and thus not vote) after doing so.

42. SUPPLEMENTARY PROTOCOLS

The Democracy & Governance Manager introduced the report on supplementary protocols which had been referred to by Mr. Peter Keith-Lucas at the Anglesey training day in July 2014. The views of the Committee were sought on any parts of the protocols which could be adopted to improve the existing arrangements in Flintshire.

Planning

It was noted that some changes had already been made to the Council's Planning Code of Practice following earlier consideration of the Planning protocol, as agreed at the meeting in September 2014.

Member/Officer Relations

The Committee compared the Council's existing protocol with that from Mr. Keith-Lucas and agreed that the areas highlighted in paragraph 3.02 of the report should be taken into account as part of the forthcoming review. During the debate, Mrs. Phillips Ann Earlam raised comments on the protocol from

Mr. Keith-Lucas in terms of consistent spelling of the word 'whistleblowing' and removal of the initial word 'appropriate' from section 3.2(e).

Gifts and Hospitality

In relation to the protocol from Mr. Keith-Lucas, Councillor Hilary McGill referred to the need to declare, where necessary, gifts such as flowers. Following discussion, the Committee agreed that the Council did not require a separate protocol for Gifts and Hospitality but felt that all Members should be reminded of the current provisions on this within the Code of Conduct.

IT for Members

The Chief Officer (Governance) responded to queries on internet access through Wi-Fi and insurance liability. A number of points were raised on the protocol from Mr. Keith-Lucas:

- For consistency, to refer to either 'Council' or 'Authority' and not both.
- To change references of 'councillor' to 'member' for consistency which would also then include co-opted members.
- On Section 9 (Confidentiality), to clarify the process for returning equipment back to the Council and responsibility for clearing any data.
- To consider imposing a deadline for the return of IT devices when the Member leaves the Council, eg within 7 or 14 days.
- For paragraph 5(a) to specify the prohibiting of private use which would be unlawful.

During debate on the third point, reference was made to the shared responsibility between Members and the Council, namely that Members would be expected to remove any files that they did not wish others to see before returning the device and to seek assistance if required. For their part, the IT Section would ensure the clearing of returned devices before re-issuing for use by another individual.

As there was no protocol currently in place, the Committee agreed with the suggested approach for a protocol to be developed by the Member iPad project group, incorporating some of the principles from the protocol by Mr. Keith-Lucas. It was also agreed that the finalised protocol would be brought back to the Committee, for information only, at a future date. The Chief Officer (Governance) added that the relevant Cabinet Member would need to be consulted on the proposed protocol.

RESOLVED:

- (a) That no further action be taken in relation to the Planning Protocol;
- (b) That the points raised in paragraph 3.02 of the report be considered as part of the proposed review of Flintshire's Member/Officer Protocol;
- (c) That all Members be reminded of the provisions for declarations of Gifts and Hospitality within the Code of Conduct; and

- (d) That the protocol on the use of IT by Members be pursued as indicated in paragraph 3.04 of the report, taking into consideration the comments raised by the Committee. The final version of the Protocol to be brought back to the Committee at a later date, for information only.

43. URGENT ITEM - GUIDANCE ON THE CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS - PUBLIC INTEREST TEST

The Chairman and Vice-Chairman provided feedback on the recent North Wales Standards Committee meeting which had been attended by the newly appointed Public Services Ombudsman for Wales. They welcomed the Ombudsman's willingness to engage with Authorities and his support for the collaborative approach on standards being taken by North Wales Councils. In noting the success of the training session at Anglesey Council for Clerks of Town and Community Councils, Mr. Robert Dewey suggested that a similar event could be considered by officers at Flintshire.

A communication from the Ombudsman's office was circulated to the Committee, setting out concerns around the volume of low level complaints. Feedback was sought on the proposal to introduce a further public interest, in addition to the two already in place, to determine the most appropriate route for each complaint and reduce the number of trivial complaints being received. The seven factors to be taken into consideration by the Ombudsman when applying the public interest test were set out in the paper.

The Chief Officer (Governance) explained that having been raised at a recent meeting of the All Wales Monitoring Officers' group, feedback was sought urgently, prior to the revision of 'Guidance on the Code of Conduct for Local Authority Members' early in the New Year. He provided explanation on the different routes taken to deal with breaches of the Code of Conduct and the application of public interest tests to eliminate minor issues to avoid wasted resources and public money.

In response to queries, the Chief Officer explained that the Ombudsman had no jurisdiction over complaints made against Town and Community Council services or their Clerks as these were not part of the Members' Code of Conduct.

Mr. Kenneth Molyneux referred to the seventh factor in the paper and felt that consideration of the cost against any likely sanction was irrelevant. Other members spoke in support of this view.

Mr. Robert Dewey said that the additional public interest test would result in the diversion of minor complaints, which would discourage further similar complaints being made to the Ombudsman. The Democracy & Governance Manager favoured adding a reference to whether the complaint could be more appropriately dealt with under a Local Resolution Procedure.

Following further discussion, it was clarified that the Committee disagreed with the seventh bullet point relating to likely sanctions and that an additional criterion suggested by the Democracy & Governance Manager should be suggested.

RESOLVED:

That the Monitoring Officer feedback the comments of the Committee to the Public Services Ombudsman for Wales.

44. FORWARD WORK PROGRAMME

The Democracy & Governance Manager introduced a report on the forward work programme of the Committee and invited suggestions for future items.

As reported earlier in the meeting, it was hoped that a report on resolution (c) of minute 33 would be submitted to the next meeting and that the final protocol on IT for Members would be received for information at a future date.

In response to a suggestion from Mr. Kenneth Molyneux, a future training session would be scheduled to clarify the Social Services complaints process, including the different arrangements in respect of looked after children.

RESOLVED:

That the Forward Work Programme be updated accordingly.

45. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.40 pm)


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Chairman

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..... HOLYWELL..... TOWN/COMMUNITY COUNCIL

**APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE
BY MEMBER OF THE COUNCIL**

Name of Councillor	PETER YORK
Address	TY COCK RAYON RD/BAGILT RD GREENFIELD CHS FER
Ward	HOLYWELL WEST
Nature of Dispensation sought	TO SPEAK AND VOTE ON PLANNING APPLICATION, 052922 - 2 WIND TURBINES
Level of Dispensation sought (i.e. to speak only or to speak and vote)	SPEAK + VOTE.
Relevant Paragraph under which Dispensation is requested (See overleaf)	c - ONE OF ONLY TWO INDEPENDENT ON COUNCIL OF 17. d - e -
Details of the Prejudicial Interest	DOMICILE IN VICINITY OF PROPOSED DEVELOPMENT
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	<u>NOTE</u> REF NICOLA GITCHINGS 21-2-12 RE APPLICATION 049300 <u>GRANTED</u> DISPENSATION TO CHAIR AND SPEAK ON PREVIOUS PROPOSAL ON SIMILAR DEVELOPMENT
Signed: 	Date: 16-12-14.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 9 FEBRUARY 2015**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **PUBLIC SERVICES OMBUDSMAN'S ANNUAL**
 LETTER 2013/14

1.00 PURPOSE OF REPORT

- 1.01 To follow up on consideration on the Public Services Ombudsman's annual letter pursuant to the committee's decision at its 3 November 2014 meeting.

2.00 BACKGROUND

- 2.01 At the committee's meeting on the 3 November 2014 it received a report on the Public Services Ombudsman's annual letter 2013/14. A copy of that report is attached as Appendix 1. The relevant minute of that meeting is attached as Appendix 2.

3.00 CONSIDERATIONS

- 3.01 During consideration of the annual report at the committee's November meeting Members referred to the complaints that were upheld in relation to noise and other nuisance issues and unauthorised development and the common issue of communications with the complainants. The committee resolved that there should be a report back on the procedures put in place following the two complaints.
- 3.02 The Chief Officer for both these areas is the Chief Officer, Planning and Environment, Mr Andrew Farrow, who will be attending the meeting to explain the action taken following these complaints to improve procedures.

4.00 RECOMMENDATIONS

- 4.01 For the committee to receive a verbal report on the procedures put in place following the two complaints on unauthorised development and noise and other nuisance issues.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 – Report to the Standards Committee 3 November 2014
Appendix 2 – Relevant minute of the meeting of the 3 November

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

APPENDIX 1

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 3 NOVEMBER 2014**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14**

1.00 PURPOSE OF REPORT

1.01 To receive and note the Annual Letter of the Public Service Ombudsman for Wales, copy attached as Appendix 1.

2.00 BACKGROUND

2.01 The Annual Letter provides a clear and precise breakdown of all complaints received and investigated by the Ombudsman's office during 2013/14 in relation to the Council. These cover both complaints about services provided by the Council and complaints about councillors under the Code of Conduct.

2.02 The number of complaints reduced slightly from 40 to 39 putting Flintshire below the Welsh average adjusted for population distribution.

- The number of complaints taken to investigation fell from 4 to 3.
- The time for responding to complaints has reduced to a maximum of 4-5 weeks whereas in the previous year a quarter of all complaints took over 6 weeks for the Council to respond to.

2.03 I have set out below a table showing the trends for complaints by outcome under the Code of Conduct for the year 2013/14. It is pleasing to note the very small number of complaints.

Stage	Year 2011/12	2012/13	2013/14
Not investigated	9	4	3*
No evidence of breach	0	0	0
No further action	2	0	0
Refer	0	0	0
Withdrawn	0	0	0

*1 still being considered

2.04 During the year three complaints were made under the Local Resolution Procedure and were resolved by the Monitoring Officer or Deputy Monitoring Officer.

3.00 CONSIDERATIONS

3.01 The Committee is asked to note the findings in the Annual Letter.

4.00 RECOMMENDATIONS

4.01 That the Standards Committee makes any recommendations it believes appropriate with regard to the letter.

5.00 FINANCIAL IMPLICATIONS

5.01 None

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Appendix 1 - Annual Letter of the Public Service Ombudsman for Wales

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

Mr Colin Everett
Chief Executive
Flintshire County Council
County Hall
Mold
Flintshire
CH7 6NR

Dear Mr Everett

Annual Letter 2013/14

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Flintshire County Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement'- In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, the figures indicate that neither of the numbers of complaints received or investigated exceeds the local authority averages, and both have decreased in comparison to 2012/13. The largest single area of complaint is again 'Housing' followed by 'Planning and Building Control'. In reference to complaint outcomes, my office has issued three 'upheld' reports against your Council in 2013/14. There have also been an above-average number of quick fixes and voluntary settlements. Finally, I am pleased to note that two-thirds of responses from your Council were received within four weeks of the date they were requested.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely

Professor Margaret Griffiths
Acting Ombudsman

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2013/14. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2013/14, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2013/14 with the average response times for all local authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

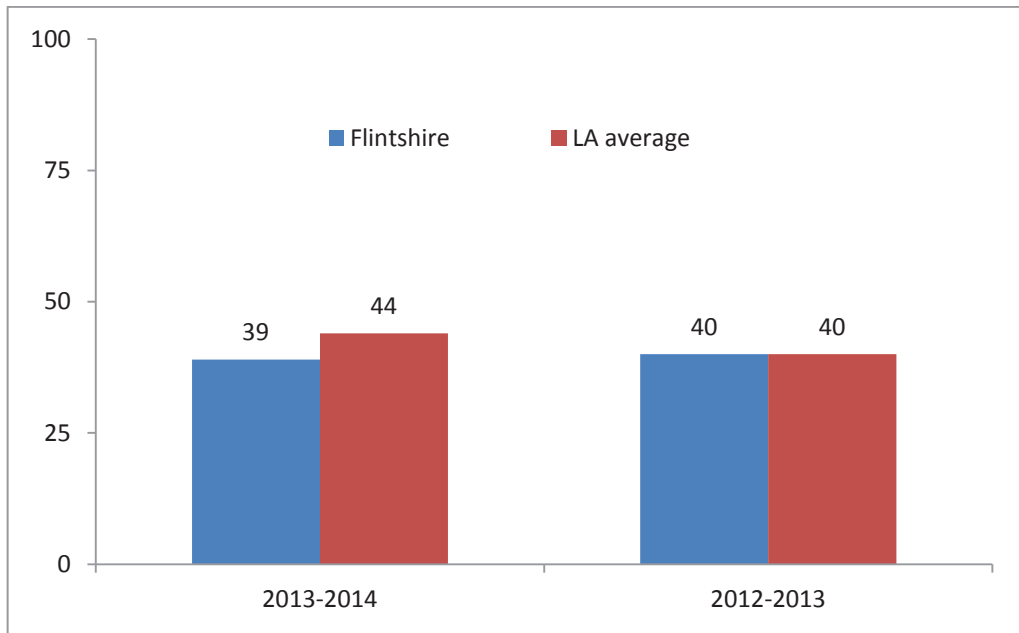
Housing Stock

As with previous exercises, the figures for 2013/14 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution

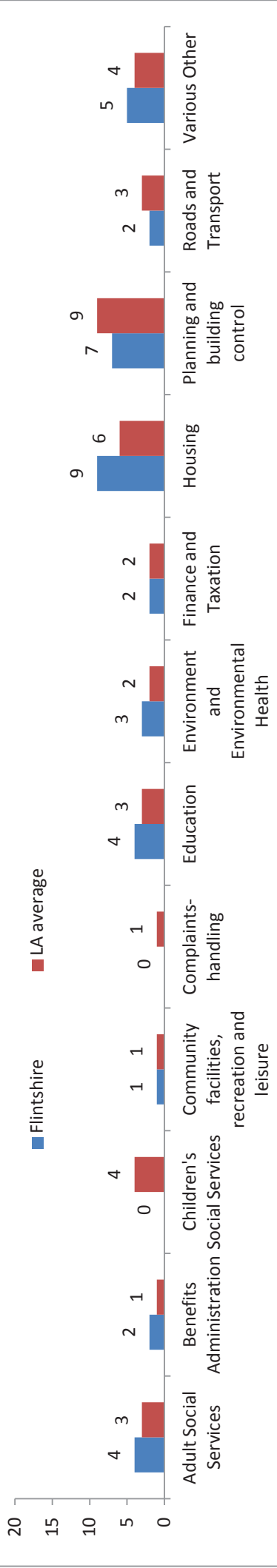


B: Complaints received by my office

Subject	2013/14	2012/13
Adult Social Services	4	3
Benefits Administration	2	0
Children's Social Services	0	3
Community facilities, recreation and leisure	1	0
Education	4	1
Environment and Environmental Health	3	6
Finance and Taxation	2	2
Housing	9	11
Planning and building control	7	6
Roads and Transport	2	2
Various Other	5	6
Total	39	40

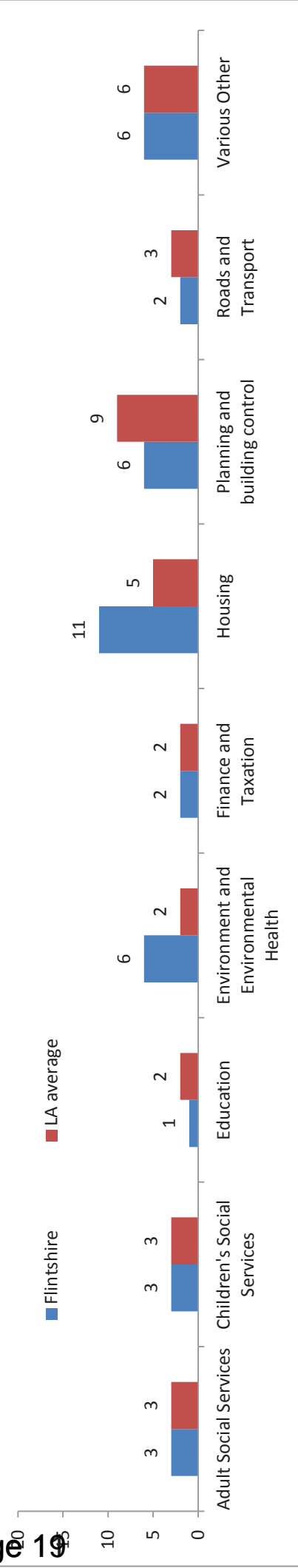
C: Comparison of complaints by subject category with LA average

2013/14



2012/13

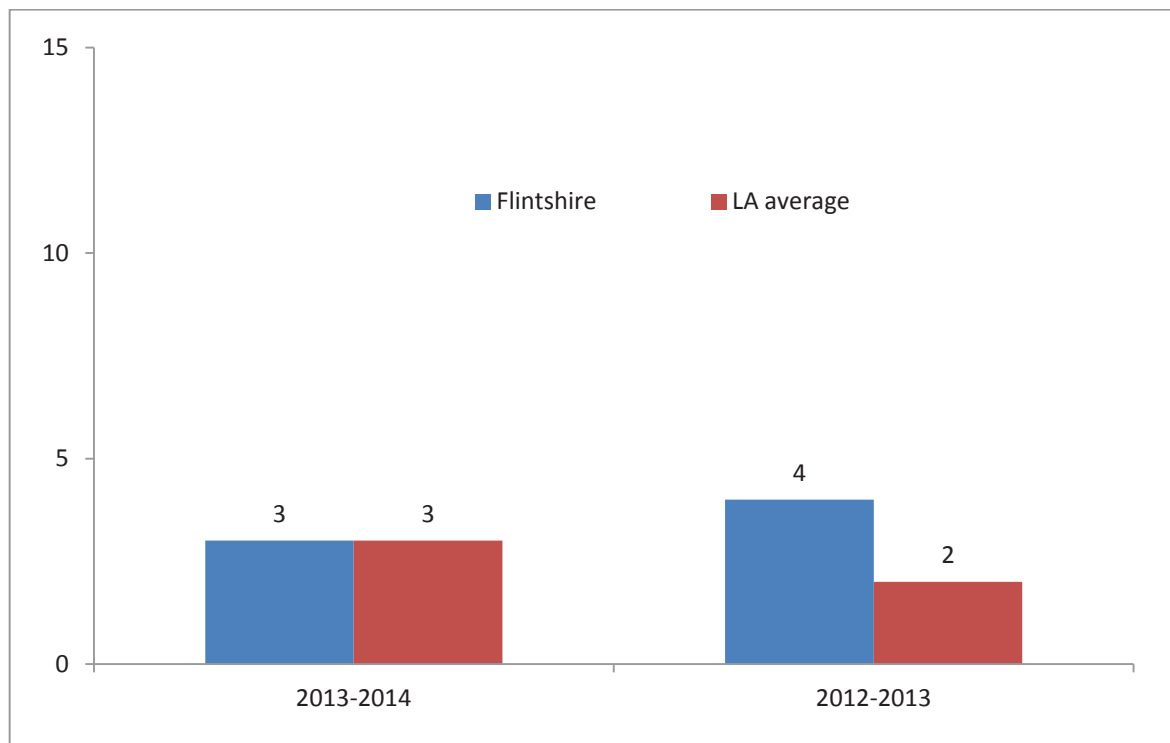
Page 19



D: Complaints taken into investigation by my office

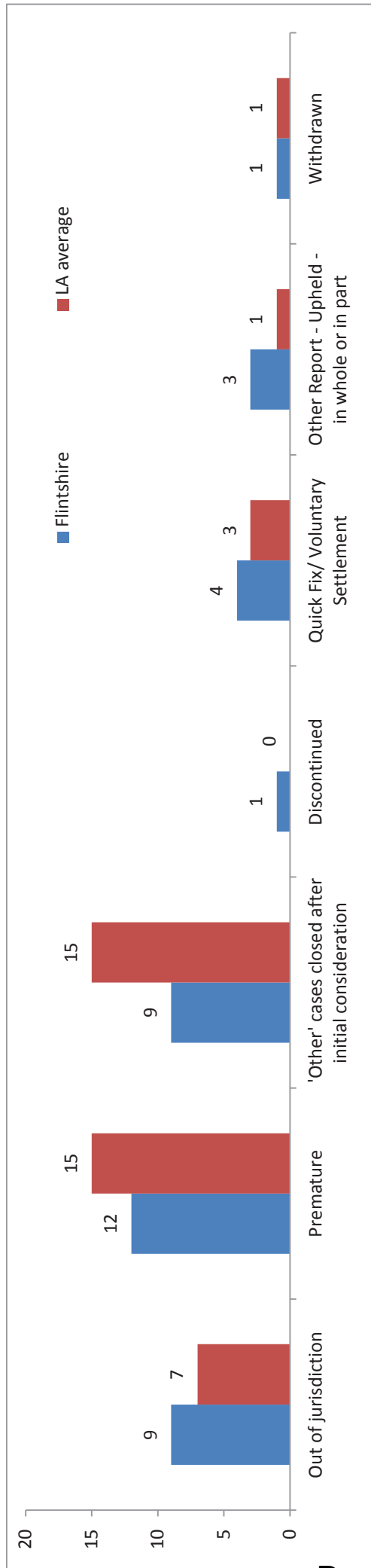
	2013/14	2012/13
Number of complaints taken into investigation	3	4

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

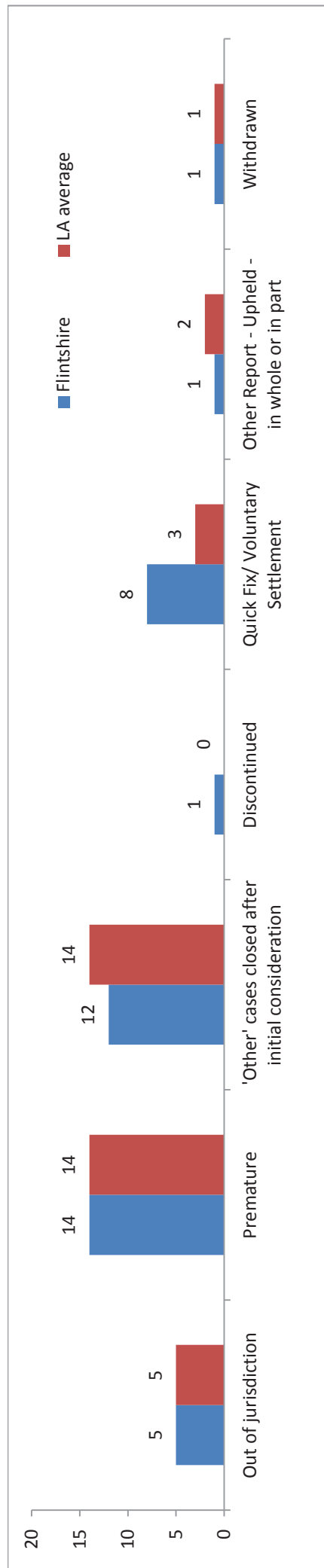


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

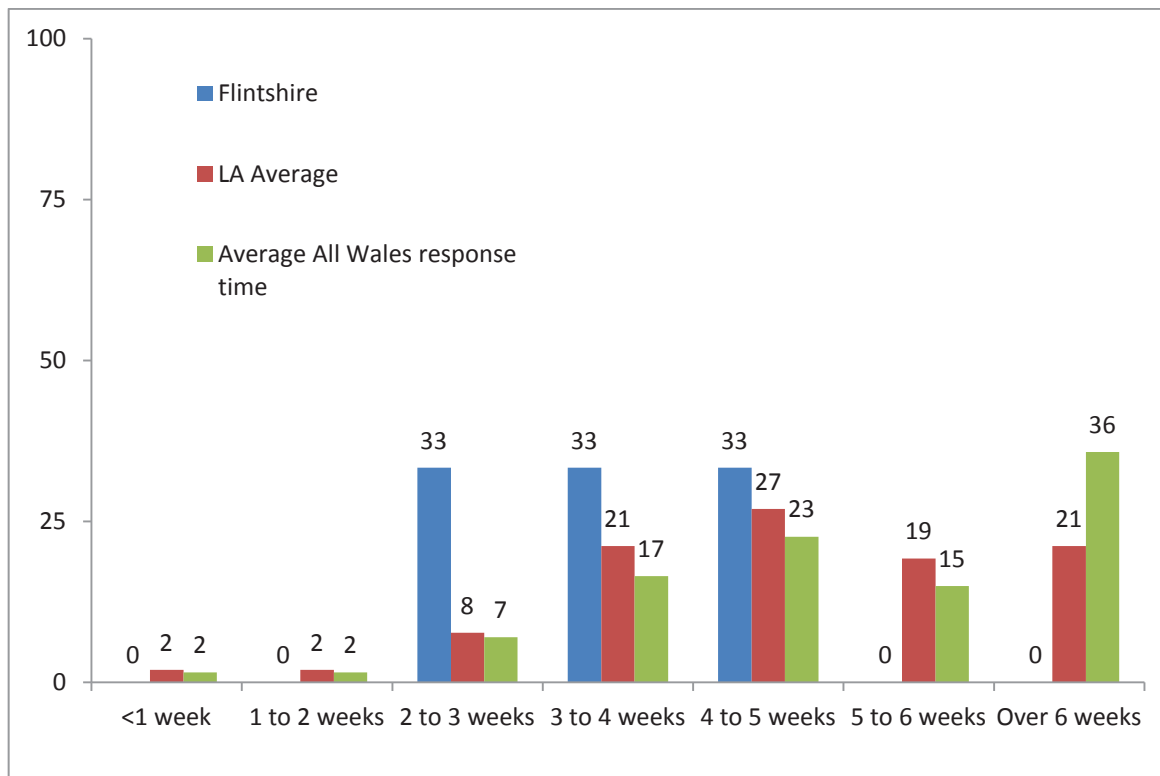
2013/14



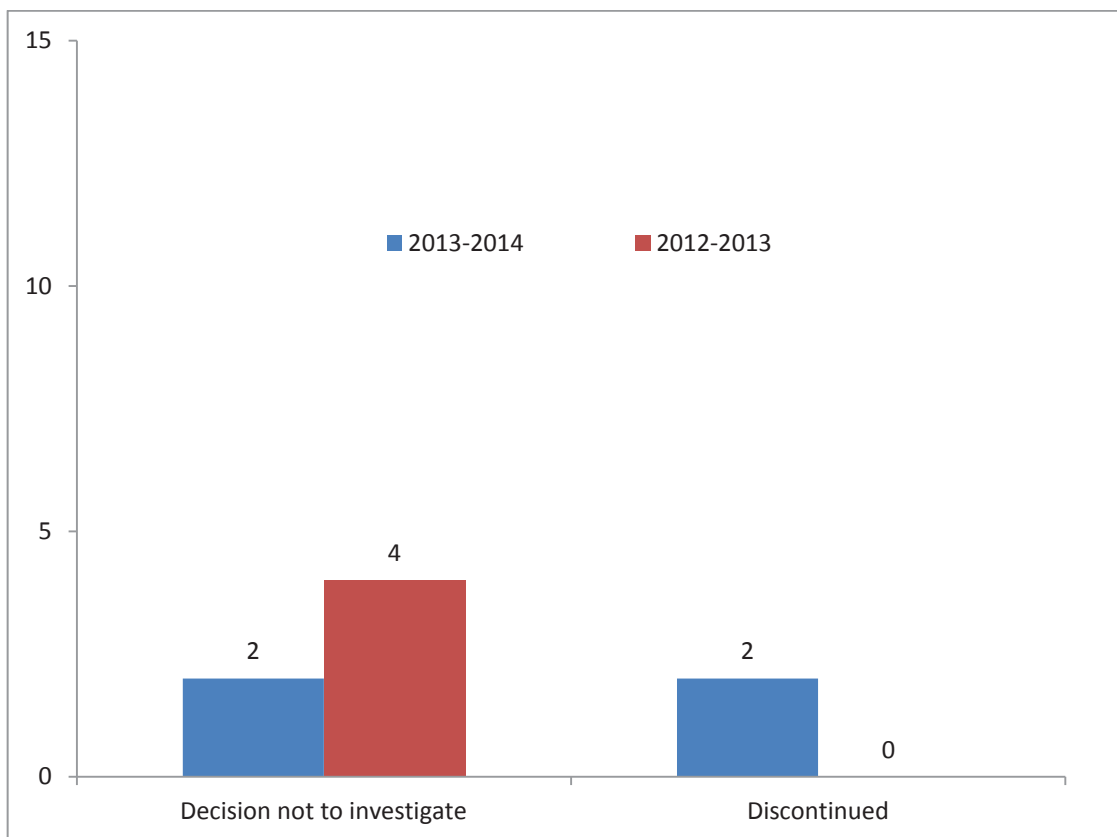
2012/13



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)



H: Code of Conduct complaints



I: Summaries

Community Facilities, Recreation and Leisure

Quick fixes and Voluntary settlements

April 2013 – Hall letting/leisure centres/museums and libraries/other indoor facilities

Mr B complained that the length of the ice skating lessons he attended had been reduced and the prices increased, without prior warning. He complained that he was told all skaters were informed in writing of these changes, yet he and nobody he spoke with had received notification. Another skater who had complained received an offer of a discount, but he had not been offered this.

The decision to change the lessons and prices was a discretionary one. However the information Mr B had been provided about being informed in writing was incorrect, and the Council explained this error and apologised for it. The Council also confirmed its intention had been to offer Mr B a discount, but the email it had sent him offering this had been unclear and did not appear to offer this. The Council agreed to apologise for the confusing message it had given regarding this, and to re-offer the discount.

Case reference 201300046

Environment and Environmental Health

Upheld

May 2013 – Noise and other nuisance issues – Flintshire County Council

Mr S (together with other local residents) complained about Flintshire County Council's response to complaints of noise nuisance from a nearby motocross course.

The Ombudsman found that while the matter had been going on longer than Mr S and the residents would have wished, in general, the Council's actions did not amount to maladministration, save for one period in 2010 when it had failed to take legal action within the necessary timescales when it had evidence to suggest that a noise abatement notice had been breached. The Ombudsman upheld the complaint to that extent only.

The Ombudsman also generally found that the Council's responses to Mr S's complaints about how it had dealt with the matter were broadly acceptable. He did identify some failings. These principally related to delays in providing responses or information and to one instance where there was a failure to explain why a Council officer disagreed with Mr S's account of a site visit. The Ombudsman also upheld this part of the complaint to the extent of the minor failings identified.

The Ombudsman recommended that the Council should:

- a) formally apologise to Mr S for the failings identified;
- b) ensure Mr S is kept up to date with progress in addressing the noise arising from the motocross activities.

The Council agreed to implement these recommendations.

Case reference 201201918

Quick fixes and Voluntary settlements

Flintshire County Council – Refuse collection, recycling and waste disposal

Case reference 201303605 – October 2013

Mr H complained his recycling and refuse collections kept being ignored, leading to his rubbish smelling and attracting pests, despite him complaining to the Council several times.

The Ombudsman office contacted the Council, which arranged for a supervisor to visit Mr H to discuss where he was placing his refuse. With Mr H's agreement, the supervisor agreed to visit the property weekly to check the refuse was being collected until Mr H was satisfied the problem has been resolved.

August 2013 – Refuse collection, recycling and waste disposal – Flintshire County Council

Mr P complained that he has a long-standing complaint with the Council over his rubbish collection. He says that he has experienced repeated problems with rubbish and recycling collections. He said that even though he contacted the Council repeatedly the service does not improve.

Following contact from the Ombudsman's office, the Council stated that it was aware of previous issues but understood these had been resolved. The Council advised that Mr P would now be placed on the weekly monitoring list and receive a weekly phone call to check that the rubbish and recycling had been collected.

Case reference 201302913

Planning and Building Control

Upheld

Flintshire County Council – Unauthorised development Case reference 201300866 – October 2013

Mr J complained that Flintshire County Council had failed to take action in a timely manner in relation to unauthorised development on neighbouring land following court action being taken in 2010. He also complained that the Council had failed to keep him up to date with what was happening.

The Ombudsman found that while the planning enforcement action in this case had been going on for a long time, this did not amount to maladministration due to the complexity of the case. He did not uphold this element of the complaint. The Ombudsman did find that there were some occasions when there was delay in the Council responding to Mr J's enquiries. He upheld the second part of the complaint to that extent. The Ombudsman recommended that the Council should:

- a) apologise to Mr J for the fact there were sometimes delays in responding to him.
- b) notify Mr J at appropriate intervals of progress being made with the enforcement action.

The Council agreed to the above recommendations.

Social Services - Adult

Upheld

August 2013 – Services for vulnerable adults – Flintshire County Council

Mr R made this complaint on behalf of his son, Mr I, who is an adult with learning disabilities. Mr R complained that Flintshire County Council's ("the Council's") decision to stop funding Mr I's transport to and from his day service placement ("Placement B"), for one day each week, following the introduction of its Transport Policy ("the Policy"), was unreasonable because the cost of this transport exceeded Mr I's mobility allowance. He suggested that the Council had not taken this decision properly. He also indicated that he was dissatisfied because the Council would not allow its existing contractor to continue transporting Mr I on the day for which it had withdrawn funding, even if he (Mr I) paid the Council or this contractor for such transport on that day.

The Ombudsman upheld Mr R's complaint because he considered that the Council did not take the decisions it made about the withdrawal of Mr I's transport properly. He recommended that the Council should amend the Policy. He asked the Council to ensure that its appeal process addresses the failings that he had identified. In view of such findings, the Ombudsman recommended that the Council should satisfy itself that, following the introduction of its Policy, it took its decisions to withdraw transport from 213 other service users properly. He asked the Council to complete another transport assessment, a unified assessment and a full financial assessment in respect of Mr I. He recommended that the Council should resume transporting Mr I to and from Placement B on the relevant day, pending the outcome of his new transport assessment.

The Ombudsman asked the Council to write to Mr I, Mr R and Mrs R to apologise for the failings found. He recommended that it should calculate how much it has cost Mr and Mrs R to transport Mr I to and from Placement B since it withdrew Mr I's transport, and send Mr I a cheque for that amount. He asked it to ensure that it shares his investigation report with its Social and Health Care Overview and Scrutiny Committee. The Council agreed to comply with these recommendations. It also resumed transporting Mr I to and from Placement B on the day for which it had withdrawn funding, and had done so prior to the Ombudsman issuing the final investigation report in respect of Mr R's complaint.

Case reference 201201212

Various Other

Quick fixes and Voluntary settlements

Flintshire County Council – Poor/No communication or failure to provide information

Case reference 201303191 – October 2013

Mr A complained to the Ombudsman about delays by the Council in its administration of an application for a loan from the Welsh Government's Houses into Homes scheme.

Upon receipt of the complaint, the Ombudsman contacted the Council, which agreed to do the following to settle the complaint:

- a) urgently consider Mr A's complaint under stage 2 of its corporate complaints procedure;
- b) re-consider its position in relation to some of the evidence requirements for the loan in view of the delay.

Standards Committee 3 November 2014

Minute:

The Chief Officer (Governance) introduced the report on the Annual Letter of the Public Service Ombudsman for Wales.

He explained that the number of complaints had reduced slightly and the figure for Flintshire County Council was now below the Welsh average. A summary of cases for a range of subject areas considered by the Ombudsman were reported and the Chief Officer (Governance) said that it was important to listen to, and learn from, the comments of the Ombudsman. He advised that three complaints had been made under the Local Resolution Procedure and had been resolved by the Monitoring Officer or Deputy Monitoring Officer.

Councillor Hilary McGuill highlighted the complaint about unauthorised development and sought clarification of the process put in place to update the complainant about the progress being made with the enforcement action. Robert Dewey also referred to the complaint about noise & other nuisance issues which included a recommendation from the Ombudsman that the complainant be kept up to date with progress in addressing the noise issue.

Councillor Arnold Woolley raised concern that updates may not be provided to complainants once an initial response to the complaint had been issued. Robert Dewey queried whether a quicker response time was in place for complaints by email rather than by letter and suggested that updates should be provided to complainants every 28 days until a case was completed and closed. The Chief Officer (Governance) advised that the Customer Services Policy contained details of response times to complaints by email but did not include information on when updates should be provided to complainants of progress made.

In response to a query from the Chairman, the Democracy and Governance Manager suggested that the relevant Chief Officer be asked about the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues. He added that the response could be reported back to the next meeting of the Committee.

RESOLVED:

- (a) That the report and the reduction in the number of complaints be noted;
- (b) That congratulations be passed on about the progress made in dealing with complaints; and
- (c) Report back the findings on the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues to the next meeting of the Standards Committee.

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
February 2015	<ul style="list-style-type: none"> • Supplementary Protocols • Public Services Ombudsman’s Annual Letter • Training 	<p>Action Dec meeting - 42.(d) That the protocol on the use of IT by Members be pursued as indicated in paragraph 3.04 of the report, taking into consideration the comments raised by the Committee. The final version of the Protocol to be brought back to the Committee at a later date, for information only.</p> <p>Action Dec meeting - Report back the findings on the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues – report to the January meeting following receipt of information from the Planning section.</p> <p>Action Nov meeting – training for future meetings:</p> <ul style="list-style-type: none"> • Customer Services Policy • Updates on restructures once the budget discussion has taken place • Role of the Ombudsman regarding maladministration
March 2015	<ul style="list-style-type: none"> • Adjudication Panel for Wales Annual Report • Training 	<p>Report to be submitted</p> <p>Action Dec meeting - Training: In response to a suggestion from Mr. Kenneth Molyneux, a future training session would be scheduled to clarify the Social Services complaints process, including the different arrangements in respect of looked after children.</p>
April 2015	<ul style="list-style-type: none"> • North Wales Standards Conference 	

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Protocol on the Use of Mobile Devices by Members

1 Introduction

The Council provides Members with mobile devices for their use inside and outside of Council premises to facilitate their duties as Members. The Council is committed to the development of electronic services and continues to expand and enhance the facilities available to Members enabling them to conduct more of their work electronically. The use of technology can make Members much more effective, but there are risks associated with such use. This protocol sets out the conditions on which such devices are provided, in order to minimise those risks both to the Council and to individual Members.

Each Member is required to comply with the terms of this protocol.

2 Definitions

'Mobile Device' means any portable electronic equipment the Council has issued to the Member, together with any equipment, software or materials provided for use with it.

'Tablet' means a mobile device in the form of a portable computer.

3 Security of the Mobile Device

- (a) The Member accepts responsibility for the safe-keeping of the mobile device and shall make reasonable arrangements for its safe-keeping.
- (b) Access to the Council's information systems via the mobile device is subject to password/passcode security. The Member shall ensure that no-one other than the Member is given access to those Council information systems and shall not reveal any such password/passcode to any other person. Passwords/passcodes should not be written down.

4 Use for Council Business

- (a) The mobile device is provided to the Member specifically to facilitate the discharge of the Member's functions as a Member of the Council. The Member must therefore not use the mobile device in any manner which will prevent or interfere with its use for that purpose.
- (b) Accordingly, the Member must not:
 - (i) misuse the mobile device in such a manner as to cause it to cease to function
 - (ii) install or use any equipment or software which may cause the mobile device to malfunction.

- (c) The Member must:
 - (i) Report any faults with the mobile device promptly to the appropriate officer of the Council;
 - (ii) Provide access to the mobile device by Council officers to service, maintain and repair the device.
- (d) The Council provides the mobile device together with ancillary equipment and materials required for the Member's functions as a Member. Accordingly, the Council may decline to provide further equipment or material where the use of such equipment or material appears to the Council to be required for private (non-Council) use.

5 Use for Private Purposes

- (a) The Member may use the mobile device for their own personal purposes.
- (b) The Council has obtained the necessary software licenses ('apps') for the use of the mobile device by the Member for Council business and for normal use in a private capacity. If the Member wishes to use additional licensed 'apps', it is the Member's responsibility to purchase these software licences through software marketplaces such as Apple iTunes. This should be done through a private iTunes account so that the licenses can be transferred to private equipment in the event of the Council's mobile device being withdrawn.
- (c) The Council accepts no responsibility for such private use of the device or any loss, costs or liability which the Member or any other person may suffer as a result of such private use of the device.
- (d) The Member shall not use the mobile device, or permit its use by others, in any manner which would be unlawful or bring the Council into disrepute.
- (e) Where the Council provides web-sites for Members, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

6 Inspection and Audit

The Council reserves the right to inspect the device at any time. The Member is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Member. Members are advised that the tablet device includes a history file which records any websites which have been accessed.

7 Costs

- (a) The Council will meet the cost of providing the tablet device.
- (b) Any Member wishing to use the tablet device at home will require a personal internet connection provided through a fixed telephone line or through the cellular network. A wireless ('Wi-Fi') router is also required to make the internet connection available to the device and this would typically be provided by the internet service provider (ISP) that the Member is a customer of. Any charges relating to fixed telephone lines, internet access (including the breaching of data quotas) or any related ICT hardware will not be re-imbursed by the Council.

8 Return and Recovery of the Mobile Device

- (a) The mobile device remains the property of the Council.
- (b) The Council reserves the right to require the Member to return the mobile device at any time and the right to recover the mobile device from the Member.
- (c) The Member is required to return the mobile device to the Council within 14 days of ceasing to be a Member.

9 Confidentiality

- (a) The Member will be able to access confidential Council information using the mobile device. The Member is responsible for ensuring the continued security of any such confidential information, including the security of any storage of such information on the mobile device. The Member is reminded of his/her obligations under the Members' Code of Conduct for Members not to disclose such confidential information to any third party.
- (b) Some of this information will be personal information relating to individuals. The processing or disclosure of such information is governed by the Data Protection Act and the Member is responsible for ensuring that there is no unauthorised disclosure from the mobile device.
- (c) Members are required to remove any information they do not wish others to see before returning the mobile device and to seek officer assistance on this if required. The Council's IT section will ensure that all information is removed from the mobile device before it is reissued to anyone else.

10 Restriction of Use

The Council reserves the right to restrict the use of the mobile device if it has reason to believe that the use is likely to offend any provision of this Protocol. In particular, the Council reserves the right to:

- (a) remove or disable any software or equipment;
- (b) remove any information stored on the mobile device.