

Public Document Pack



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To: Edward Michael Hughes (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members

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

30 May 2017

Dear Councillor

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 5th June, 2017 in the Clwyd Committee Room, County Hall, Mold CH7 6NA 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.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the previous meeting.

4 VERBAL UPDATE ON MEMBERSHIP OF THE COMMITTEE FOLLOWING THE ELECTIONS

5 DISPENSATIONS

Purpose: To receive any requests for dispensations.

6 **MEMBER INDUCTION** (Pages 7 - 102)

Purpose: To provide an update on member induction and training.

7 **LOCAL RESOLUTION PROCEDURE FOR TOWN AND COMMUNITY COUNCILS** (Pages 103 - 116)

Purpose: To approve and encourage the adoption of One Voice Wales' procedure.

8 **FORWARD WORK PROGRAMME** (Pages 117 - 118)

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE **3 APRIL 2017**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 3 April 2017

PRESENT: Edward Hughes (Chairman)

Councillors:

David Cox and Arnold Woolley

Co-opted members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux

APOLOGY: Councillor Hilary McGuill

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

33. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

34. MINUTES

The minutes of the meeting of the Committee held on 6 March 2017 were submitted.

RESOLVED:

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

35. DISPENSATIONS

None were received.

36. WHITE PAPER - REFORMING LOCAL GOVERNMENT: RESILIENT AND RENEWED

The Monitoring Officer presented a report on the proposals set out in the Welsh Government (WG) White Paper 'Reforming Local Government: Resilient and Renewed' which was out for consultation. The aim of the White Paper was to set out a broad programme of local government reform including improvement in the quality of leadership and accountability in councils. The implications of the proposals relating to the duties and business of standards committees were summarised and views were sought to respond to WG by the deadline.

(i) Duties on members of County Councils to show how they communicate and engage with their electorate and the role of standards

committees in providing advice and training to members about their new duties

Robert Dewey felt that the document implied that WG was adopting its own view on how best to deal with constituents and that the 'appetite for reform supported by greater regional working' did not conform with the general opinion.

During discussion on the proposal for a councillor to be removed from office in the event of a breach of duties, the threshold of more than 20% of the electorate signing a petition was questioned as election turnouts often failed to achieve that level.

Phillipa Earlam sought clarity on funding for the additional duties and training, as well as details on the process for a petition and whether this would be available electronically, which gave rise to concerns about the authenticity of signatures. The Monitoring Officer advised of comparative legislative provisions on petitions in England but said that such petitions could involve logistical issues when checking the authenticity of signatories.

With regard to advice and guidance on the new duties for members, a number of training sessions had been scheduled after the forthcoming Elections with which members of the Standards Committee could be involved if they wished. Robert Dewey expressed an interest in taking part.

Councillor Arnold Woolley felt that a basic training framework should be adopted for councillors to achieve or train towards an appropriate standard. He went on to share his concerns on other aspects of the White Paper such as the proposed restructuring of Overview & Scrutiny and Audit Committees, the reduction in town/community councils and the impact on county councils if the role of town/community councils was strengthened. He also felt that the practice of holding councillor surgeries was not successful in engaging with constituents. On the aim to encourage a broader range of councillors to better represent the demographics, he pointed out the time needed to carry out the role which presented challenges for those in employment.

(ii) Duties on leaders of political groups to promote good standards of conduct amongst their members and to co-operate with standards committees in exercising their functions

The Monitoring Officer explained that the proposals in relation to Group Leaders were to be welcomed though there were already strong Group Leaders who tackled such issues anyway. He suggested that the Committee may wish to explore this proposal further by meeting with Group Leaders regularly to discuss a range of ethical issues, raise any concerns and promote the work of the Committee. This would also establish strong relationships that would be an advantage if particular problems needed to be resolved.

(iii) Training requirements for Town and Community Councillors

The Committee discussed the requirement for town/community councils to publish a training plan and acknowledged the challenges in recruiting skilled members, Chairs and Clerks.

The Chairman raised concerns about resources needed to undertake a training analysis. In response, the Monitoring Officer said that bodies such as One Voice Wales or the Society of Local Government Clerks may need to provide skills development but that it would be for the town/community councils themselves to fund such development.

On actions to help build resilience and renewal into town/community councils, the Monitoring Officer drew attention to the WG 'agenda for action'. He referred to challenges in encouraging participation and said that reduced levels of resources limited growth potential, but that ability for councillors to serve at both county and town/community council level could be a way of increasing capacity. Jonathan Duggan-Keen stated that town/community councils did encourage participation and that there was a shortage of suitably qualified Clerks to identify training requirements.

(iv) Annual reporting requirements for standards committees

The proposal for standards committees to produce an annual report was not currently the practice in Flintshire, however it was felt that this could be easily achieved and would help to raise the profile of the Committee.

(v) Summary of responses by the Committee

- The relaxation in some proposals was welcomed, as they were less prescribe and encouraged a broader framework.
- Concern was expressed if there was any appetite for regionalism.
- Whilst the principle of calling a by-election in the event of a breach of duties could be supported, the threshold of 20% of the electorate signing a petition was brought into question due to the general low electorate turnout. Also, more detail would be required on how the petition would work and if electronic methods were to be used. The latter would require some assurance on authenticating signatures.
- Clarity required on funding to carry out the new duties.
- The requirements for councillor training were welcomed, with a suggestion for a minimum core competency (which could possibly be explored through the Welsh Local Government Association).
- Concerns about the independent review of town/community councils where functions could overlap with those of county councils.
- The broadening cross-section of councillors was welcomed but may require changes to regulations to accommodate the working arrangements of some candidates.

RESOLVED:

That the views on the proposals within the White Paper relating to the business of the Standards Committee be reported in response to the consultation.

37. TRAINING MATERIALS FOR NEW AND RETURNING COUNTY COUNCILLORS AND TOWN & COMMUNITY COUNCILLORS

The Deputy Monitoring Officer presented a report on training materials produced by the Welsh Local Government Association (WLGA) for new and returning councillors to assist them in understanding the implications of the Code of Conduct. These were intended to be a generic Member training framework to be adapted locally by councils for their own use.

Phillipa Earlam indicated her interest in the forthcoming Member training sessions, as had Robert Dewey earlier in the meeting. It was agreed that the Committee Officer would circulate details of the sessions.

Councillor Arnold Woolley said that Member attendance at training sessions should be published online. Ken Molyneux felt it would be useful to display the general principles of Member conduct on a reference card.

RESOLVED:

That the content of the training materials for the purpose of providing training to new and returning county councillors, and town and community councillors, be approved.

38. FORWARD WORK PROGRAMME

The Committee received the current Forward Work Programme for consideration. Officers noted Robert Dewey's request to confirm the date for the joint meeting in October 2017 as soon as possible.

As this was the last meeting of the Committee before the Elections, the Chairman took the opportunity to thank all the members for their contributions and to wish them well.

RESOLVED:

That the Forward Work Programme be noted.

39. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6pm and ended at 7.25pm)

.....
Chairman



STANDARDS COMMITTEE

Date of Meeting	Monday, 5 June 2017
Report Subject	Member Induction
Report Author	Gareth Owens, Monitoring Officer

EXECUTIVE SUMMARY

20 new County Councillors were elected on 4 May. A programme of induction training has been provided. The induction has focussed on the key knowledge which is likely to be required during the first few months.

There were 3 governance sessions: Introduction to Being a Councillor, Safety First and Constitutional Issues. Attendance has been reasonably high amongst new members with a number of returning members also attending.

Training sessions have been scheduled for town and community councillors. At the time of publication of the report those sessions were still underway so a further report will be brought to committee.

RECOMMENDATIONS

	That Committee:
1	Notes the training already delivered to county councillors and the plans to induct the councillor who was on leave.
2	Considers what further induction might be needed.

REPORT DETAILS

1.00	REPORT DETAILS												
1.01	<p>20 councillors were elected on 4 May 2017 who were not members of the last Council. There are some who have previously been town and community councillors and one who has been a county councillor before. A programme of induction sessions (see Appendix 4) has been provided covering :</p> <ul style="list-style-type: none"> • Key knowledge required in the first few months as a councillor • Mandatory training for key committees such as Audit and Planning <p>Further training/briefing sessions are planned so that councillors will learn everything they need as it becomes relevant (aiding retention).</p>												
1.02	<p>3 governance topics were covered, each being delivered three times:</p> <ul style="list-style-type: none"> • Introduction – an introduction to Flintshire, the roles of offices and councillors, council committees and guidance on being a councillor. • Safety First – training on the code of conduct, social media, information governance and health and safety. • Constitutional Issues – the legal structure of the Council, and participating at meetings. 												
1.03	<p>Attendance amongst new councillors has been reasonably high and a number of returning councillors have also attended.</p> <table border="1" data-bbox="304 1211 970 1361"> <thead> <tr> <th>Topic</th> <th>New</th> <th>Returning</th> </tr> </thead> <tbody> <tr> <td>Introduction</td> <td>16</td> <td>12</td> </tr> <tr> <td>Safety First</td> <td>16</td> <td>9</td> </tr> <tr> <td>Constitutional Issues</td> <td>14</td> <td>8</td> </tr> </tbody> </table> <p>One councillor has been away on leave during the induction process and will be given training on his return.</p> <p>Three independent members of this Committee also attended the Safety First session.</p>	Topic	New	Returning	Introduction	16	12	Safety First	16	9	Constitutional Issues	14	8
Topic	New	Returning											
Introduction	16	12											
Safety First	16	9											
Constitutional Issues	14	8											
1.04	<p>The slides for each topic are attached. Each of the three governance subjects had areas of overlap that reinforced the messages in other sessions. Committee members will note that the “Safety First Course” did not use the slides prepared by the Welsh Local Government Association (previously reported to Committee in March 2017) but instead focused on the principles underpinning the Code of Conduct.</p>												
1.05	<p>Three training sessions have been arranged for town and community councillors as well. At the time of publication only one session had taken place. A report will be brought to a later committee on the outcomes of those sessions.</p>												

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	Each of the topics has been designed to encourage in members the correct behaviour and approach. They also give members the understanding of key issues they will need in their role.

5.00	APPENDICES
5.01	Appendix 1 – Slides for Introduction Appendix 2 – Slides for Safety First Appendix 3 – Slides for Constitutional Issues Appendix 4 – Induction Programme

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Code of Conduct Public Services Ombudsman for Wales Guidance on the Code of Conduct Contact Officer: Gareth Owens, Monitoring Officer Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	<p>PSOW – 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> <p>WLGA – Welsh Local Government Association The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the 3 fire and rescue authorities and 3 national park authorities are associate members.</p> <p>The WLGA's primary purposes are to promote better local government and its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.</p>

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Introduction to the Council

Tuesday 9th May 2017 at 2.00 pm





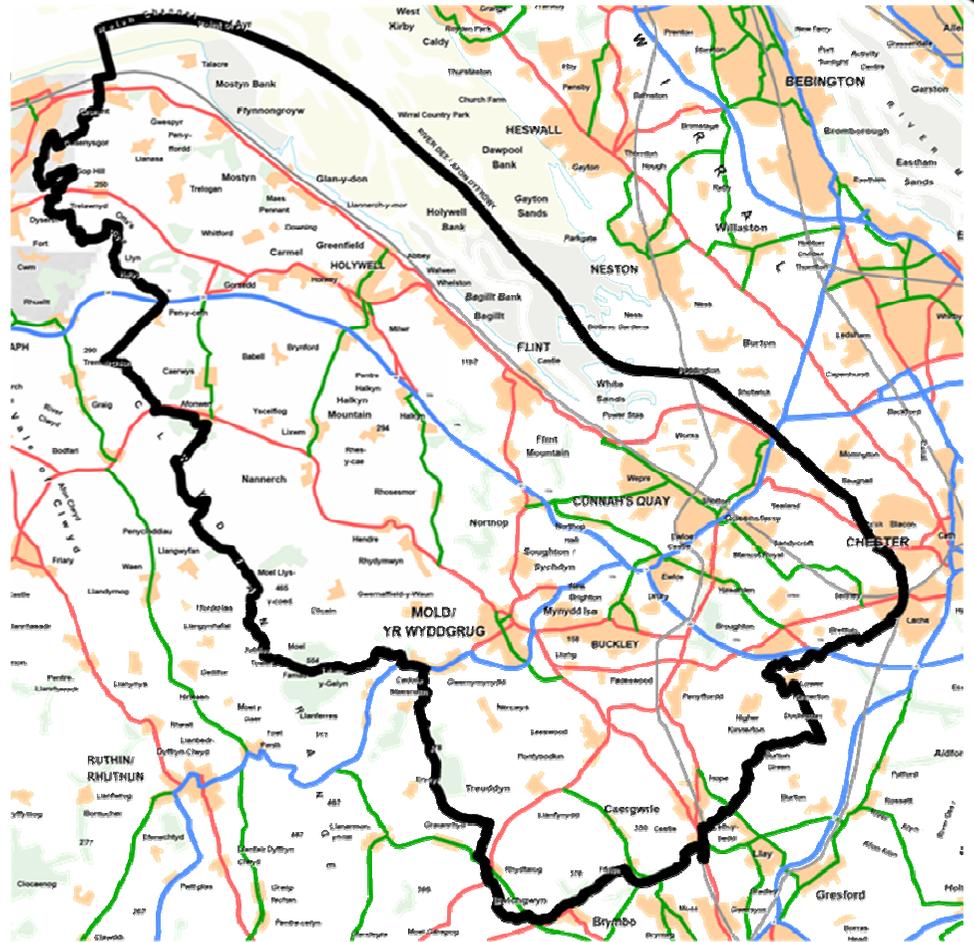
Flintshire Facts

- One of 22 Welsh unitary authorities
- 70 councillors
- Geographically small but serving the sixth largest population, at 158,000 people
- The Council has a budget of £225m, a workforce of around 6,000 people and provides around 600 services, with 2 Westminster and National assembly constituencies



History

- Historical Flintshire dates back to 1284
- The 'old' 1888 county of Flintshire covered parts of what are now in Denbighshire and Wrexham
- New Flintshire dates back to 1995, the shadow council. Since then, a combination of Labour control, Coalition and Labour led administrations
- Geographically we now cover from the outskirts of Wrexham to the outskirts of Prestatyn, bounded on one side by the River Dee and the other side by the Clwydian Range



How the Council Operates

COUNCIL

Executive

- » Cabinet
- » Overview and Scrutiny

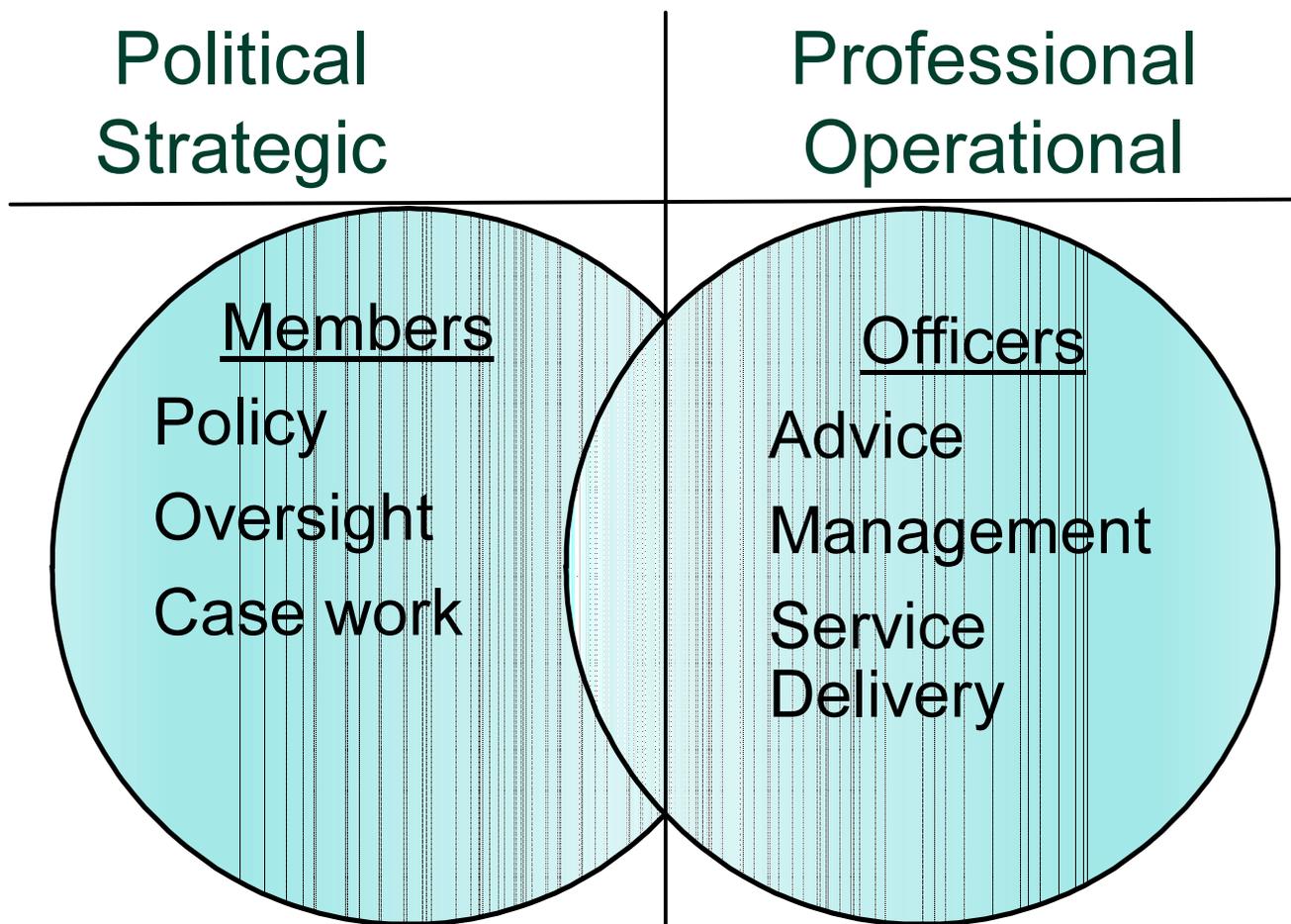
Non Executive

- » Audit
- » Constitution
- » Democratic Services
- » Licensing
- » Pensions
- » Planning

Officers



Members and Officers





Being a Councillor 1

- An important, responsible but rewarding role.
- You will be a community advocate, representing your own community and the wider Flintshire community.
- You will attend meetings of the Council, around six times a year and you may be involved in meetings of committees
- The basic salary for a Councillor is set by the Independent Remuneration Panel for Wales each year. For 2017/18, the basic salary is £13,400.



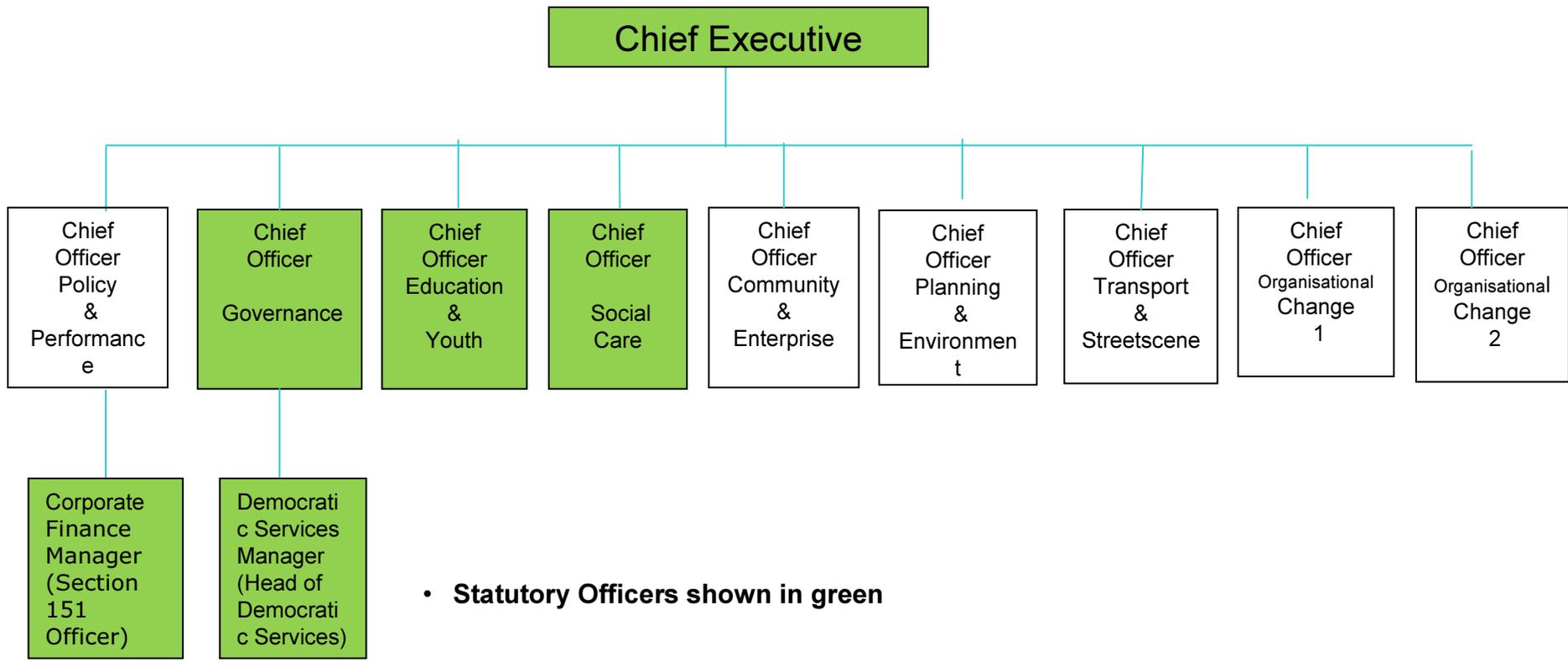
Being a Councillor 2

- Senior salaries (which used to be special responsibility allowances) are paid to Cabinet Members and Committee Chairs.
- A civic allowance is paid to the Chair and vice-chair of Council
- Councillors who have caring responsibilities are able to make 'cost of care' claims.
- Don't be afraid to ask: more experienced councillors or any of the officers will be happy to help you.

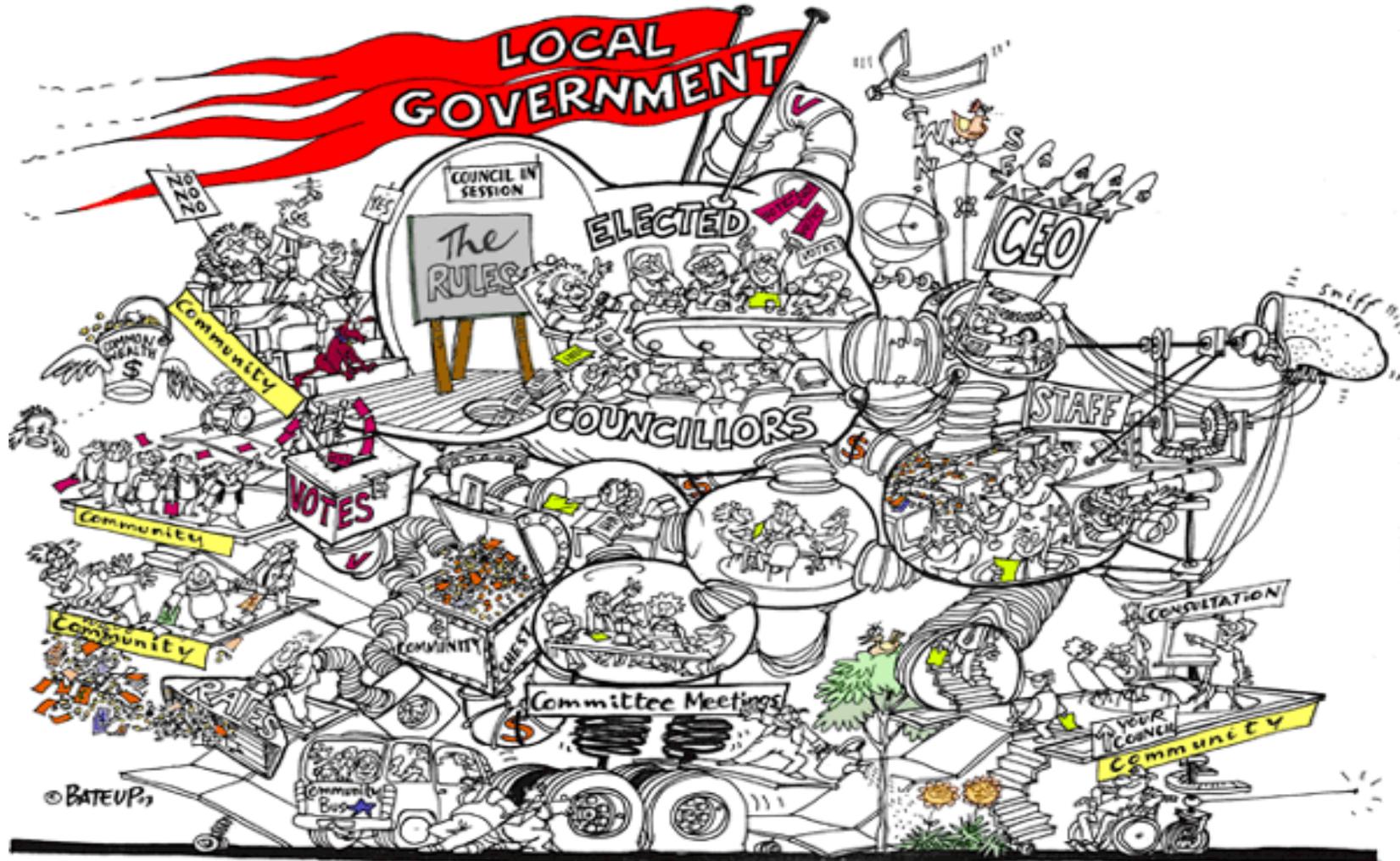


Council's Senior Management Structure and Statutory Officers

Page 20



Managing governance





Our performance profile

- » Well governed and high performing
- » Clear priorities: good record of achievement
- » Well rated by the public through feedback
- » Trusted and free of regulator interventions
- » Seen from outside as an innovative council
- » Excel at working in partnership
- » Leader of regional collaboration and reform
- » Strong social values



Our big priorities

Improvement Plan 2016/17





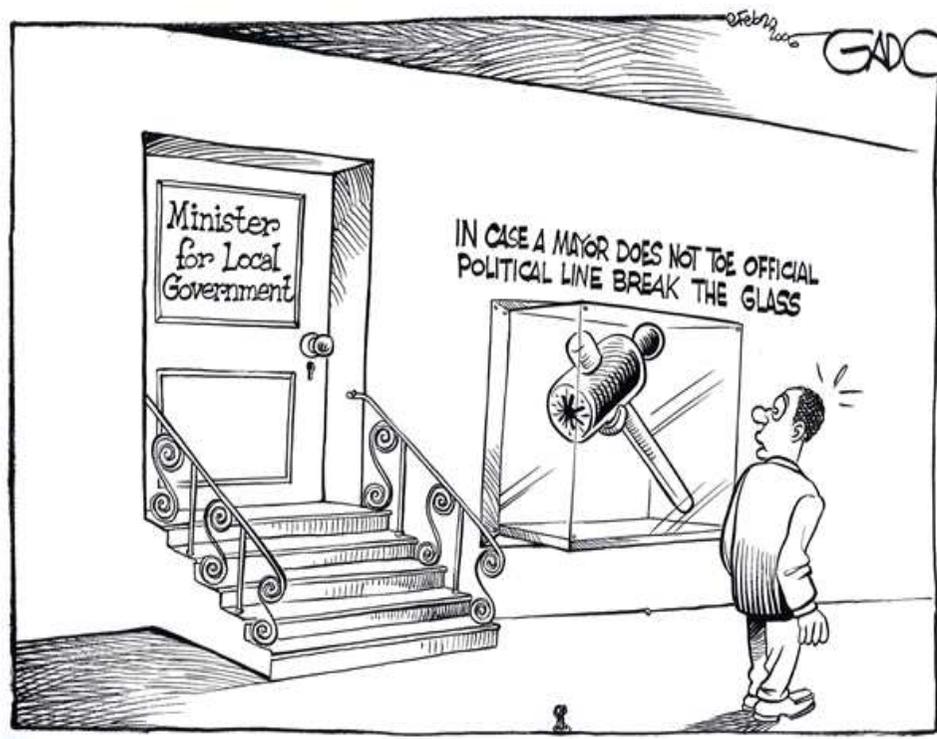
Working on a bigger stage

- » The Flintshire Public Services Board
- » Regionalism in strategic thinking, planning and commissioning, and service integration
- » Cross-border working with the Mersey-Dee Alliance and partners
- » Member of the Welsh Local Government Association 'family'
- » Working with Welsh Government: both in unity and in lobbying on policy and resources

Central-local relations



Page 25





The future

- » Re-organisation is 'dead' - long live regionalism and collaborative working
- » How long can we survive austerity?
- » Financial reform for local government
- » Digitisation of services
- » Stemming service demand
- » Communities being more self-dependent
- » Working in a global economy and world

Safety First for Councillors

Page 27

Karen Armstrong
Matthew Georgiou
Alun Kime
Gareth Owens

Programme

- » **Code of conduct for councillors**
- » **Social media**
- » **Data protection and freedom of information**
- » **Health and safety**

Code of Conduct for Councillors

- » **Nolan Principles**
- » **Local Government Act 2000**
- » **Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended 2016)**
- » **Mandatory code**
- » **When does it apply?**

Principles of Public Life

- » **Selflessness**
- » **Honesty**
- » **Integrity and Propriety**
- » **Duty to Uphold the Law**
- » **Stewardship**
- » **Objectivity in Decision-making**
- » **Equality and Respect**
- » **Openness**
- » **Accountability**
- » **Leadership**

Selflessness

1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

Page 31

» Paragraphs 7 and 10 - 14

» Behaviours

✓✓✓

x x x

» Evidence based
decision making

» Declaring interests

» Lobbying officers or
members

» Seeking favours “as a
councillor”

Honesty

2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

- Page 32
- » Paragraphs 10 - 14
 - » Behaviours

✓✓✓

x x x

- » Declaring interests
- » Seeking dispensation
- » Lobbying officers and members
- » Participating with prejudicial interest



Integrity and Propriety

3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

Page 33

» Paragraphs 9 and 17 + 18

» Behaviours

✓✓✓

x x x

» Declaring + refusing gifts

» Declaring lobbying

» Taking bribes or gifts

Being too close to

lobbyists, contractors etc



Objectivity in Decision-making

6. In carrying out their responsibilities ... members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

Page 34

» Paragraph 8

» Behaviours

✓✓✓

x x x

» Keeping an open mind

» Predetermining issues



Equality and Respect

7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

Page 35

» Paragraphs 4 and 6 (2)

» Behaviours

✓✓✓

x x x

» Listening to and valuing officers

» Insulting or bullying behaviour

» Promoting fairness

» Discrimination



Openness

8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

- » Paragraphs 5 and principle of registration
- » Behaviours



- | | |
|--|---|
| <ul style="list-style-type: none"> » Constructive challenge + questioning » Learn from experience » Registration | <ul style="list-style-type: none"> » Suppressing information » Conducting witch hunts » Seeking personal data |
|--|---|

Accountability

9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

Page 37

» Paragraphs 15 – 17

» Behaviours

✓✓✓

x x x

» Registration of interests and gifts

» Failure to register interests or gifts

Leadership

10. Members must promote and support these principles by leadership and example so as to promote public confidence

» **Paragraph 6**

» **Behaviours**

✓✓✓

x x x

» **Respecting the code**

» **Flouting the code**

» **Seeking + considering advice**

» **Trying to “get away with it”**

» **Role model to others**

» **Criticising the ethical regime**

Safety First

Social Media

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But before we start lets find out who's using what....?



Page 40
Website



Blog

Email newsletter



The power of social media?

- » Speed and reach
- » Permanence
- » Image and reputation
- » Influence public perception
- » Lasting impressions
- » Public information
- » Read by public/workforce/partners
- » Workforce morale and performance

The boundaries ...?

- » The law applies on-line just as in any other media
 - » Defamation
 - » Libel
 - » Data Protection
 - » Equalities Act
 - » Copyright
 - » Financial disclosure
 - » Disclosure of privileged/confidential information
- » Reputation (compliance with the above / quality of posts and information)
- » Credibility (fake news / relevance)

Top tips for staying safe:

DO: Keep within the law, adhere to the Council's Constitution and Members Code of Conduct and take time to read the Council's Social Media Policy

DO: Separate your 'social' and 'professional' personas. Think carefully about privacy settings and set them at the right levels.

DO: Assume everything you say will be shared, picked up by local media and has the potential to go 'viral'

DO: Remember the 'screenprint' – the nemesis of the delete key

DO: Be careful when using pictures – copyright and permissions

DO: Give yourself time to think before you post

DO: Carefully read what has been said and think about your response

DO: Provide helpful, factual information – its ok to say "I'll need to get back to you"

DO: Familiarise yourselves with local journalists who are active on-line

Local journalists using social media

Tom Davidson	Daily Post	@DPTomDavidson
Owen Hughes	Daily Post	@DPBusinessWales
Steve Bagnall	Daily Post	@DPWrexNews
David Powell	Daily Post	@DPConwyNews
Sarah Hodgson	Daily Post	@sarahlhodgson1
Kelly Williams	Daily Post	@DPDenbNews
Jez Hemming	Daily Post	@DPJezHemming
David Humphreys	The Leader	@HumphreysLeader
Owen Evans	The Leader	@owenjamesevans
Sarah Easedale	BBC	@SarahEasedale
Delyth Lloyd	BBC	@DelythLloyd1
Carole Green	ITV	@ITVCaroleGreen

With risk there comes opportunity

- » It's cost effective – no postage or printing costs / assists your time management
- » It's a place where lots of people already spend a lot of time
- » It's scalable – you can start small and grow
- » It's convenient for people (and you)
- » It's in the moment - understand what's going on in your community, right now
- » It's a platform for you to build trust - becoming the source of credible information
- » It's speed and reach is infinite

A force for good

#BillyWhizz

Billy Monger tragically lost both his legs following an accident during the Formula 4 British Championships on 16 April this year.

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Through the power of social media £807,000 was raised in just 20 days far exceeding the target of £260,000



Additional Reading

- » WLGA - Social Media - A Guide for Councillors
<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344WLGA>
- » Flintshire County Council – Social Media Policy
<http://infonet.flintshire.gov.uk/en/Document-Repository/Chief-Executives/Communications/Social-Media-Policy-v3.2-Final-version-Jan-2017.pdf>
- » Crown Prosecution Service news release - social media guidance
http://www.cps.gov.uk/news/latest_news/cps_publishes_new_social_media_guidance_and_launches_hate_crime_consultation/



Data Protection Training

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Information Governance Team

Data Protection Act 1998

- » Must be complied with when processing personal and sensitive personal data
- » Relating to identifiable living individual
- » Regulated by ICO
- » Fines up to £500,000, disciplinary action and in some cases prosecution
- » GDPR – May 2018

Definitions

- » **Data subject** means an individual who is the subject of personal data
- » **Data controller** determines the purposes for which and how personal data is processed
- » **Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller

In your role you can act:

**As a representative of a political party
(office holder)**

**As a representative of the residents
of your ward**

**As a member of the Council
(committee)**

Registering with the ICO



The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.



- Home
- For the public
- For organisations**
- Report a concern
- Action we've taken
- About the ICO

For organisations /

Page 52 Register (notify) under the Data Protection Act

The Data Protection Act 1998 requires every data controller (eg organisation, sole trader) who is processing personal information to register with the ICO, unless they are exempt.

More than 400,000 organisations are currently registered.

[Register now →](#)

[Renew →](#)

A [Welsh language registration form](#) (pdf) is also available.

Further reading

[Register of data controllers](#)
About the ICO

[Nature of work descriptions](#)
For organisations



COMBINING

OBTAINING

AMENDING

DISCLOSING

What is processing?

USING

RECORDING

Page 53

RETRIEVING

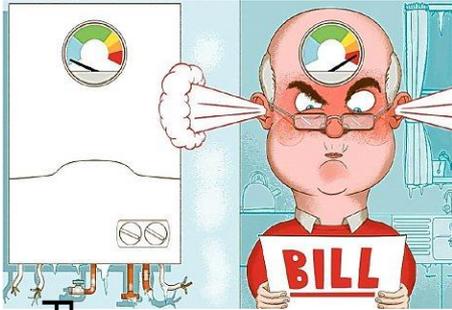
DELETING

HOLDING

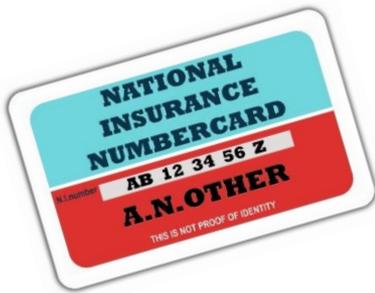
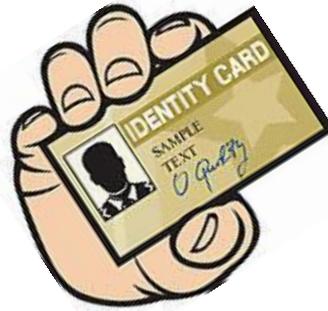
DISPOSING



Personal Data



Page 54



Sensitive Personal Data

- » Racial or ethnic origin
- » Political opinions
- » Religious beliefs or other beliefs of a similar nature
- » Membership of a trade union
- » Physical or mental health or condition
- » Sexual life
- » Commission or alleged commission of any offence
- » Any proceedings for committed or alleged offence

Conditions for Processing

Schedule 2 – **Personal Data**

- Consent
- Contracts
- Legal obligations
- Life or Death
- Administration of justice
- Exercising functions:
 - of a government department
 - under enactments
 - In the public interest
- Legitimate interests – this will be removed under GDPR

Conditions for Processing

Schedule 3 – Sensitive personal data

- Explicit consent
- Exercising rights / obligations in connection with employment
- Protect vital interests
- Carried out by certain non-profit making bodies and relates to their members
- Deliberately made public by the data subject
- Legal proceedings
- Administration of justice or to fulfil other public functions
- Medical purposes and undertaken by a health professional or by a person who has a similar duty of confidentiality

3. Adequate, relevant and not excessive

7. Kept secure

1. Processed fairly and lawfully

4. Accurate and, where necessary, kept up to date

2. Processed for specified and lawful purposes

8. Not transferred outside EEA without adequate protection

5. Not kept for longer than necessary

6. Processed in line with the subject's rights



Principle 1 - Personal data shall be processed fairly and lawfully

WHAT DOES THAT MEAN?

We must tell the data subject that data is being collected about them, why it is being used and what it will be used for

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How do we ensure this?

Principle 2 - Processed for specified and lawful purposes

WHAT DOES THAT MEAN?

When we ask for someone's data we should tell them why we want to collect it and how we will use and store it



What are privacy notices?

Principle 3 - Adequate, relevant and not excessive

WHAT DOES THAT MEAN?

We should only collect data that is needed and nothing more. We should not ask for excessive details when they are not necessary.



Anything that is unrelated to elephants is irrelephant.

Are we asking for too much data?

Principle 4 - Accurate and, where necessary, kept up to date

WHAT DOES THAT MEAN?

Page 62

We need to take reasonable steps to make sure personal data is accurate. We need to know where it came from to help us keep it up to date.



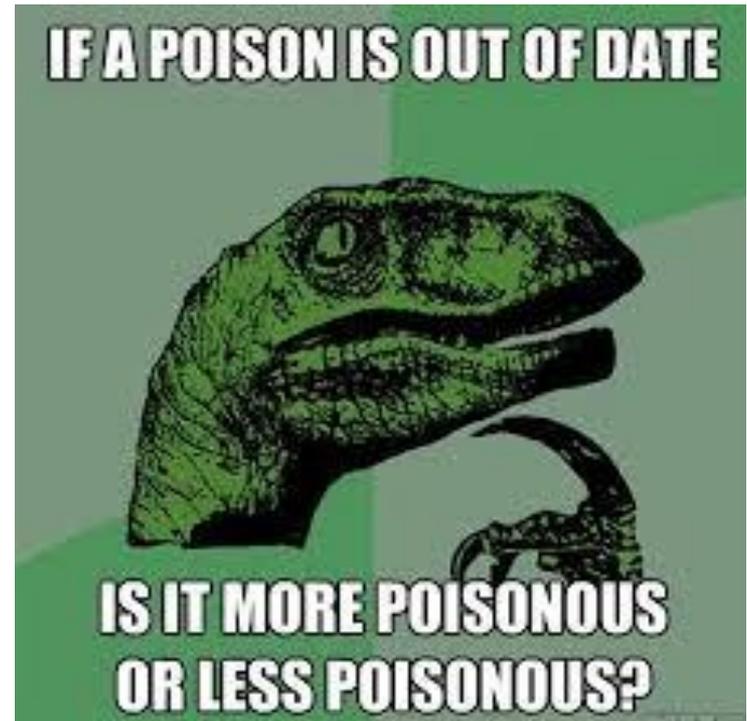
How do we keep our data up to date and accurate?

Principle 5 - Not kept for longer than necessary

WHAT DOES THAT MEAN?

Page 63

We should only keep information for a reasonable amount of time. Once it is no longer needed it should be deleted



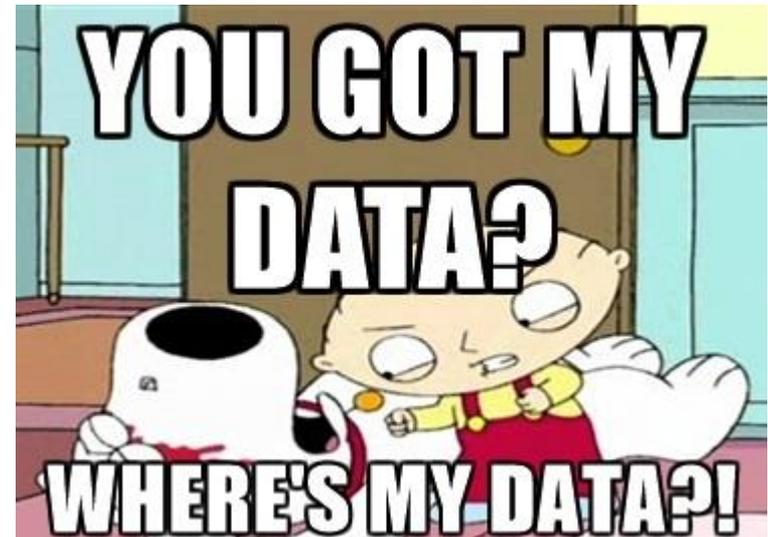
How long do we think it is reasonable to keep records?

Principle 6 - Processed in line with the subject's rights

WHAT DOES THAT MEAN?

Page 64

Our data subjects have a right to see what information we hold on them. If we hold incorrect data they can request that it is changed



How would you go about finding out what information a company holds on you?

Principle 7 - Kept secure

WHAT DOES THAT MEAN?

We must keep data safe from thieves and make sure it is not lost accidentally. Only authorised people should be able to access certain data



How can we ensure that the data we hold is not accessed without authorisation, hacked (stolen) or lost accidentally?

Principle 8 - Not transferred outside EEA without adequate protection

WHAT DOES THAT MEAN?

Before making a transfer, you should consider whether you can achieve your aims without actually processing personal data



Do we transfer data outside the EEA?

ICO Fines

Norfolk County Council left files that included sensitive information about children in a cabinet which was sent to a second hand shop



Scottish Borders – eight boxes containing employee pension records (676 files) had been deposited in the recycling bank by a data processor working for the council.



Hampshire County Council were fined after documents containing personal details of over 100 people were found in a disused building





QUESTIONS?





Freedom of Information Training

Page 69

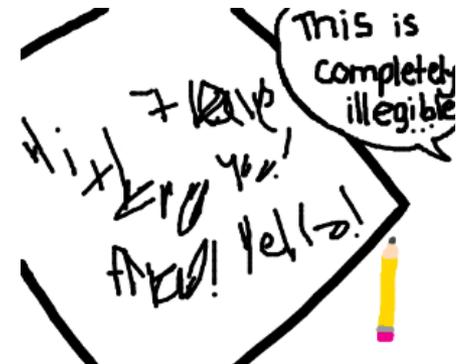
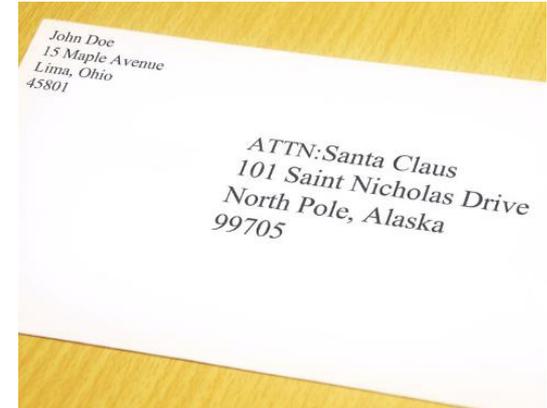
Information Governance Team

Freedom of Information Act 2000

A general right of access to information held by public authorities



FOI Requests



Page 71



We have 20 working days to respond



In the last five years how many cases are recorded of children in care going missing?

The amount of money the council spent on the services of external law firms and barristers over the last two years?

How many Parking Charge Notices, or Contravention Notices for parking has the council issued?

2016.....Over 1000 Requests

FOI Contact Officers

- **12 FOI Contact Officers**
- **At least one officer in each portfolio**
- **Respond to requests**

Information Governance Team

- **Provide advice / stats**
- **Host monthly FOI meetings / training**
- **Internal Reviews**



In your role you can act:

**As a representative of a political party
(office holder)**

**As a representative of the residents
of your ward**

**As a member of the Council
(committee)**

As a member of the Council:

➤ Members' correspondence (written and electronic) falls within the scope of the Freedom of Information Act

Page 75 ➤ We may be required to release a copy of Members' correspondence if we receive a relevant request

FOI Exemptions

Section 21 – Reasonably accessible by other means (A)

Section 22 – Information intended for future publication
(Q)

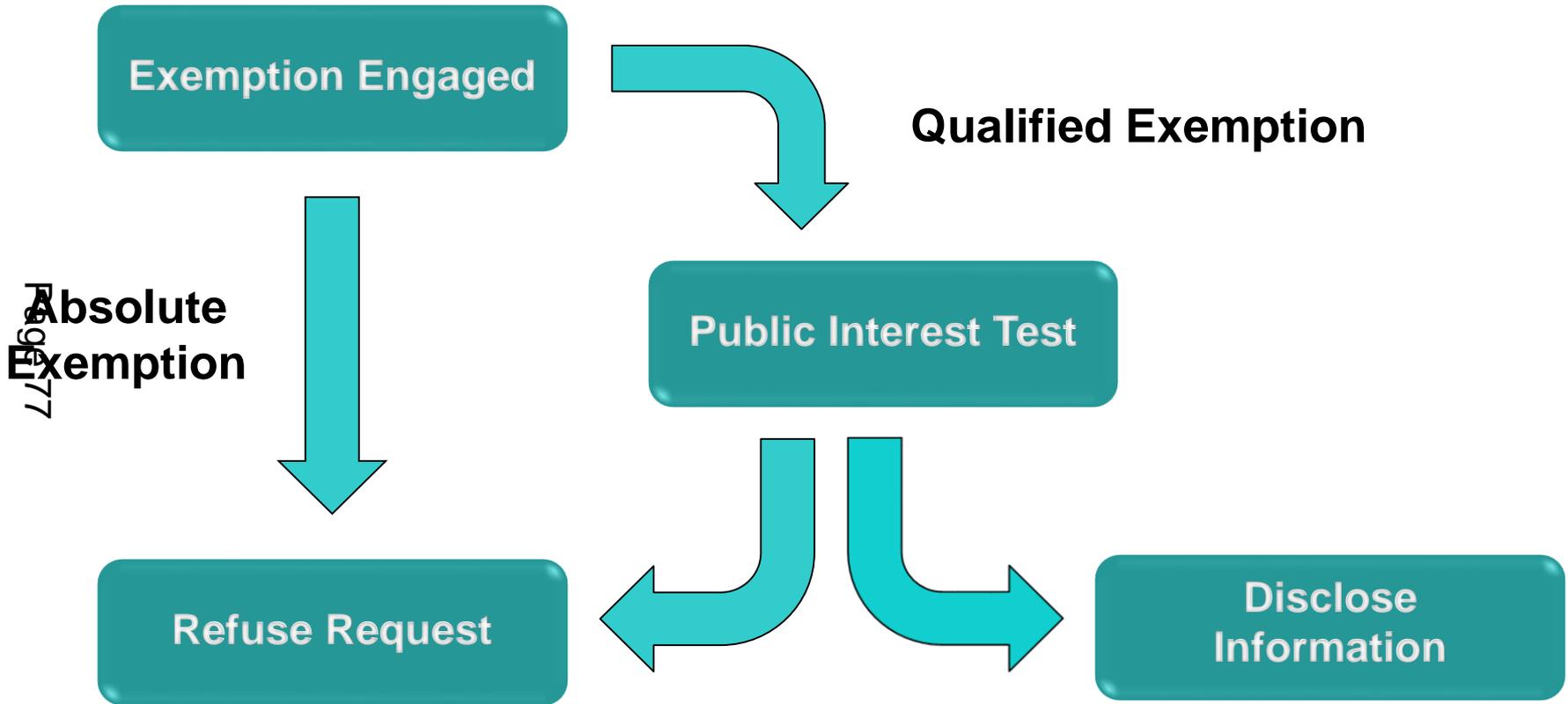
Page 76

Section 36 – Effective conduct of public affairs (Q)

Section 40 – Personal data (A/Q)

Section 43 – Commercial interests (Q)

FOI Exemptions



Public Interest Test

Page 78



Further Guidance

- Information Governance Team -
Information.governance.team@flintshire.gov.uk
- Infonet - Our Governance pages
- Infonet Portfolio Link Officers - List of Data Protection and FOI Officers
- www.ico.org.uk - for guidance documents, training videos and DP / FOI news



QUESTIONS ?



Health and Safety

- » Corporate policy and obligations to
 - » Employees
 - » Visitors
 - » Service users/residents
- » Looking after oneself
 - » lone working
 - » protecting private space at home,
 - » dealing with aggressive constituents

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Constitutional Matters

Page 83

Gareth Owens – Chief Officer Governance
Robert Robins – Democratic Services Manager

What is Flintshire County Council?

» **S.21 Local Government Act 1972 (as amended)**

(1) For every principal area in Wales there shall be a council consisting of a chairman and councillors.

(2) Each such council shall be a body corporate and shall have the functions given to them by this Act or otherwise.

Page 84

» **Functions can be carried out by**

» Committees/sub-committees

» Joint committees

» Other councils

» Officers

» **Constitution**

» **Ultra vires**

How the Council operates

COUNCIL

Executive

- » **Cabinet**
- » **Overview and Scrutiny**

Non Executive

- » **Audit**
- » **Constitution**
- » **Democratic Services**
- » **Licensing**
- » **Pensions**
- » **Planning**

Officers

The Executive – the basics

» **Local Government Act 2000**

- » Cabinet and Overview & Scrutiny Committees

» **Cabinet**

- » Up to 10 members

- » Intended to create greater political accountability

- » majority of council functions delegated to Cabinet

» **Overview and Scrutiny**

- » 6 committees of 15 members

- » Policy development

- » Review cabinet decisions (call in process)



“Let’s never forget that the public’s desire for transparency has to be balanced by our need for concealment.”

Committees – the basics

» **What is a committee?**

- » 2 or more councillors
- » Collective decision making
- » Terms of reference

» **Agendas**

- » Published 3 days in advance
- » All items of business
- » Reports – all relevant information

» **Getting items on agendas**

» **Member**

Participation in Meetings

- » **Role and powers of chair**
- » **Rules of debate**
- » **Effective questioning**
- » **Quasi-judicial committees**
- » **Standards of behaviour**

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“Excellent! So that’s all agreed, then! All we need do now is draft the consultation document.”

Decision Making

» **Selflessness**

- » Interests
- » Importance of perception

» **Evidence**

- » Pre-preparation and information from officers
- » Reports, public speaking and debate
- » Predetermination
- » Training

» **Judicial review**

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Flintshire County Council Member Induction Programme following 4th May 2017 Elections.

Where possible, each of the following events will be held three times: a morning session from 10.00 – 12.00, and afternoon session from 12.00 – 16.00 and an evening session from 18.00 to 20.00.

Week One is 8th - 12th May, Week Two is 15th – 19th May and Week 3 is 22nd – 26th May.

The Annual Meeting of Council is to be held on Thursday 18th May. The meeting starts at 11.00, but all Members are requested to attend in the Council chamber at 10.30. Our meetings are webcast, and so it is vital that all Members are properly briefed on meeting procedure in advance.

The sessions have been categorised into two: those which are general to provide a briefing/knowledge development, to provide useful information and the specific, which provides training to ensure that those Members involved are provided with knowledge which is essential to them to carry out a particular role (such as being a member of the Audit or Planning & Development Committee)

Training marked **E** is considered to be essential for all members. Training marked **M** is Mandatory training for those members who will sit on the Audit and Planning & Development Committees. Without the requisite training, Members will not be able to sit on either of these committees.

We have envisaged that new Members would come in for iPad allocation and familiarisation in week one.

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
Week One (8-12 th May)	WLGA Councillors' Guide distributed with the invitation to make the declaration of Acceptance of Office.	All Members	Briefing/knowledge development	Printed and Online Guide (Within the Appointment Envelope)
Week One	All Members must come in	All	Statutory	Personal meeting and brief tour

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
(8-12 th May)	to County Hall to make their declarations of acceptance of office to Chief Executive. Orientation (Council offices and county facilities)	Members (E)	requirement for all Members to have made their declaration of acceptance of office to the Chief Executive before they can function as a councillor	for new Members
<p>Week One (8-12th May) 3 sessions</p> <p>9th 2pm - 4pm (Clwyd Room)</p> <p>10th 6pm - 8pm (Video Conf. Suite)</p> <p>11th 10am -12pm (Clwyd Room)</p>	Introduction to the Council, who is who, how the Council is governed and how it works, our priorities and ambitions, and how we work on the regional and national stages.	All Members	Training/applied role knowledge	Briefing by Chief Executive, Chief Officer (Governance) and Democratic Services Manager.
<p>Week One (8-12th May)</p> <p>10am - 7pm</p>	ICT induction and allocation of iPads and use of other equipment (Group Room PCs)	All Members (E)	Training/applied role knowledge	Training by ICT officers, individual sessions in week commencing 8 th May.
Week one - two (8-12 th May)	Safety first for Councillors How to ensure that you	Essential for new Members:	Training/applied role knowledge	Briefing by Chief officer (Governance) /Monitoring Officer

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
3 sessions 11 th 2pm - 4pm (Delyn Room) 11 th 6pm – 8pm (Delyn Room) 15 th 10am - 12pm (Delyn Room)	are protected as a councillor, to include: Code of Conduct and Ethics Data protection and Freedom of Information Use of social media	returning Members welcome to participate and share their experience (E)		and others.
Week Two/three 3 sessions 15 th 2pm – 4pm (Delyn Room) 15 th 6pm - 8pm (Delyn Room) 22 nd 10am - 12pm (Clwyd Room)	Strategic Finance and resources including where the money comes from, budgeting and treasury management	All Members	Briefing/knowledge development	Chief Executive or Section 151 Team
3 sessions to be allocated 12 th 10am- 12pm	Constitutional matters including meeting participation	All Members	Training/applied role knowledge	Chief Officer Governance, Democratic Services Manager, Deputy Monitoring Officer

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
<p>(Clwyd Room)</p> <p>17th 2pm –4pm (Video Conf. Suite)</p> <p>17th 6pm – 8pm (Video Conf. Suite)</p>				
<p>Week Three 22nd - 26th May – first meeting currently scheduled to be 9th June at 10.00) Slots available</p> <p>19th 10am – 12pm (Clwyd Room)</p> <p>22nd 2pm - 4pm (Clwyd Room)</p> <p>22nd 6pm - 8pm (Clwyd Room)</p>	<p>Audit Responsibilities (To sit on the Audit committee, both new and returning Members must have participated in this training session)</p>	<p>Audit Committee (E/M)</p>	<p>Training/applied role knowledge</p>	<p>Training by Internal Audit Manager and others</p>
<p>Week Three 22nd - 26th May, prior to first meeting (currently scheduled to be held on 7th June at 1pm)</p>	<p>How the Planning & Development Committee works: role and responsibilities.</p> <p>(To sit on the Planning &</p>	<p>Planning & Development Committee (M)</p>	<p>Training/applied role knowledge</p>	<p>Chief Officer Planning & Environment, Housing & Planning Solicitor and Planning Officers</p>

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
3 sessions allocated 16 th 2pm – 4pm (Executive Room 3) 16 th 6pm – 8pm (Executive Room 3) 23 rd 10am -12 pm (Executive Room 3)	Development committee, both new and returning Members must have participated in this training session)			
Week Three 17 th 10am -12pm (Executive Room 3) 19 th 2pm - 4pm (Clwyd Room) 23 rd 6pm – 8pm (Clwyd Room)	Planning for non-planning members - protocols	All Members	Briefing/knowledge development	Planning Officers
At the first meeting of each O&S Committee: E&Y 8/6 2pm	The role of Scrutiny and Introduction to service areas	All Members of the respective committees (E)	Briefing/knowledge development	At the first meeting of the six Overview & Scrutiny committees, there will be a short ‘formal’ session to appoint the Chair and Vice Chair. The meeting will then become a workshop to cover the

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
OC 12/6 10am Env 13/6 10am C&E 14/6 10am CR 15/6 10am S&HC 15/6 2pm				role of the effective scrutineer and the terms of reference of that committee, which will be provided by the Committee's Facilitator together with a service briefing from the relevant Chief Officer.
13 th June 2pm Training sessions for CPFC are all day on 13 th June, 15 th July and 19 th July	Clwyd Pension Fund Committee	Members of the Clwyd Pension Fund Committee (M)	Training/applied role knowledge	At the first meeting of committee, there will be a short 'formal' session (The Chair will have been appointed at the annual meeting but the committee will appoint the vice Chair). The meeting will then become a workshop to cover the role of the effective Pension fund Committee member and the terms of reference of that committee.
14 th June 4.30pm	Children's Services Forum	Members of Forum	Training/applied role knowledge	At the first meeting of the Forum, there will be a short 'formal' session to appoint the Chair and Vice Chair. The meeting will then become a workshop to cover the role of the effective Forum member and the terms of reference.
21 st June 10am	Constitution & Democratic Services Committees		Training/applied role knowledge	At the first meeting of the committees, there will be a short 'formal' session.(The Chair having been appointed at the annual meeting it will be

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
				necessary to appoint the vice-chair). The meeting will then become a workshop to cover the role of the effective committee member and the terms of reference of that committee.
13 th June 2017	North Wales Fire & Rescue Authority (NWFRA) Induction day	All Members who are nominated to the NWFRA (M)	Training/applied role knowledge	
Prior to first meeting, 19 th June at 6.30pm Page 66	Standards	Standards Committee Members (M)	Training/applied role knowledge	Monitoring Officer. At the first meeting of the committee there will be a short 'formal' session to appoint the Chair and vice Chair. The meeting will then become a workshop to cover the role and responsibilities of the committee.
Prior to first meeting 19 th June	Licensing	Licensing Committee Members (M)	Training/applied role knowledge Other more specific training will be commissioned as required	CO P&E/ Licensing Officer At the first meeting of the Committee there will be a short 'formal' session to appoint the Vice Chair (The Chair will have been appointed at the Annual Meeting). The meeting will then become a workshop to cover the role and responsibilities of the committee.
1 st 6 months 3 sessions to be	Town & Community Councils- Ethics, interests	T&C council members, but	Training/ applied role knowledge	Chief Officer Governance/Monitoring Officer

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
allocated. 25 th May 2pm -4pm 30 th May 6pm – 8pm 1 st June 6pm – 8pm	and Who's who of county Council	open to All FCC members as well		Deputy Monitoring Officer
1 st 6 months	Social Services and Well-being (Wales) Act	All Members	Briefing/knowledge development	E learning
1 st 6 months	Decisions for Future Generations (Wellbeing of Future Generations Act)	All Members	Briefing/knowledge development	E learning
1 st 6 Months	Introduction to Welsh Language and Equalities	All Members	Briefing/knowledge development	Workshop and E learning
1st 6 Months	Safeguarding and Corporate parenting	All Members	Briefing/knowledge development	Workshop and E Learning
Prior to participating	Appointments, appeals and interview skills	Panel members (M)	Training/applied role knowledge	HR Officers
3 rd November 09.30 – 15.30	WLGA regional workshops at Conwy Business centre: New Councillors New Challenges To include:	All new members	Briefing/knowledge development	

When Dates and times	What	Who	Focus – Outcomes and expectations	Delivery Method
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 10</p>	<ul style="list-style-type: none"> • Cabinet Secretary Mark Drakeford AM • Future Generations Commissioner Sophie Howe • WLGA Chief Executive Steve Thomas • Sessions on: <ul style="list-style-type: none"> ○ Key Behaviours for Successful Councillors. ○ Digital Councillors 			
1 st 6 Months	Community Leadership and Casework	All members	Briefing/knowledge development	E learning
2 nd 6 months	Social Media	All Members	Briefing/knowledge development	E learning

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STANDARDS COMMITTEE

Date of Meeting	Monday, 5 June 2017
Report Subject	Local Resolution Procedure for Town and Community Councils
Report Author	Gareth Owens, Monitoring Officer

EXECUTIVE SUMMARY

The most recent Ombudsman's guidance on the Code of Conduct for Town and Community Councils (July 2016) encourages the use of local resolution for low level complaints. The County Council adopted a local protocol in June 2013. That procedure would not have been appropriate for town and community councils and until now there was no suitable precedent for them to adopt.

One Voice Wales have now produced a protocol. It is relatively simple in nature, which should make it easy to use and/or adopt to local circumstance. The procedure will only work where both parties try to make it work, and the same is true with Flintshire's own local resolution process. Failure to cooperate might therefore be a factor in favour of referral to the Ombudsman for formal investigation.

RECOMMENDATIONS

1	That the Committee endorses the One Voice Wales Local Resolution procedure and encourages its adoption by town and community councils.
---	--

REPORT DETAILS

1.00	LOCAL RESOLUTION
1.01	For some time the Public Services Ombudsman for Wales (PSOW) has been concerned about the growing number of, generally, low level complaints under the Code. His office has recently instituted a two stage test to “weed out” those cases not worthy of investigation, so that only the most serious are allocated scarce investigation resources.
1.02	The Ombudsman was asked about local resolution when he attended the North Wales Standards Committee Forum in October 2016. The minutes from that meeting are set out in Appendix 1.
1.03	The PSOW referred to a precedent local procedure that was being prepared by One Voice Wales. That procedure is now available and is attached at Appendix 2. The procedure is intended for use where complaints are low level and have been made by an officer (not the clerk) or another member. Serious complaints, or those made by the clerk or a member of the public are recommended for referral to the Ombudsman.
1.04	The procedure is relatively simple. Hopefully, this will contribute to its widespread adoption. The simple nature of the document does mean that some flexibility and a willingness to make the process work will be required. Experience with our own local protocol indicates that it works best with willing participants as well. If one party refuses to cooperate then it is still open, and perhaps preferable, to refer the matter to the PSOW.
1.05	If councils are to adopt such a process then it is easier to do so when there are no complaints outstanding/under consideration. Given that all councils have just been through elections, the next few months should be an ideal time to consider and adopt the process. The Committee is therefore asked to endorse the procedure and recommend its adoption.

2.00	RESOURCE IMPLICATIONS
2.01	Council officers give governance advice to town and community councils. Resources are insufficient to operate such a local resolution process for other councils. Town and community councils will therefore have to operate this process themselves. There would therefore be minimal resource implications for the County Council.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	There are no risk implications for the County Council.

5.00	APPENDICES
5.01	Appendix 1 – Notes of North Wales Standards Committee Forum Appendix 2 – Model Local Resolution Procedure - One Voice Wales

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	One Voice Wales protocol Contact Officer: Gareth Owens, Monitoring Officer Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	<p>PSOW – 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> <p>WLGA – Welsh Local Government Association The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the 3 fire and rescue authorities and 3 national park authorities are associate members.</p> <p>The WLGA's primary purposes are to promote better local government and its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.</p>

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Notes from the North Wales Standards Committee Forum

Llangefni October 17th 2016

The Chair (Ed Hughes) and Vice Chair Rob Dewey attended to represent FCC Standards Committee. Representatives of five out of the six Counties and the NW Fire & Rescue and Snowdonia National Park Authorities. The meeting was chaired by the host authority, Anglesey County Council.

The first part of the meeting was a presentation by Nick Bennett, Ombudsman who commented that he was very pleased that all authorities (CC) had now signed up to a Local Resolution procedure. This was yet to be used by Town & Community Councils (T&CC)

His office had received approx. 6000 enquiries last year compared with around 2000 ten years earlier. Around 100 related to Counties and 150 to T&C. No less than 50 of the T&C complaints came from just three community councils. Half of all complaints come from Health (35 %) & Housing (15 %). Whilst there has been an average 10% more complaints coming through his Office, the number investigated has remained low which shows the measures including public interest are working. Five complaints had been investigated and 5 had been referred to the adjudication panel for Wales.

He has a budget of around £4M and employs 58 staff.

He is clearly very supportive of the Forum (which is not repeated in South Wales).

Twenty questions had been submitted by the Standards Committees.

1. Local resolution protocol (LRP) : he welcomes this although it has no enforcement powers, but does allow self-regulation which is clearly preferable.
2. He does not see the LRP being limited only to T&CP who have demonstrated competence under the Future Generations & Wellbeing Act 2015. One Voice Wales (OVW) has prepared a draft process to assist.
3. If conflicts of interest occur for Monitoring Officers or Standards Committee he suggests that matters could be referred to another Authority's Committee.
4. Number of complaints has fallen possibly as a result of LRP but is expected to rise again.
5. He does not have resources to arrange mediation training to assist LRP.
6. He has no proposal to provide standard LRP protocols to encourage consistency but recommends OVW protocols.
7. Concern about wide variety of resources available to T&CC. This is a matter for WG. Some T&CC cover more population than smaller CC. Some don't have computers.
8. Timescales for completion of investigations are improved (84% within 9 months) and he wishes to speed up still further without cutting corners. It is worth CC considering having improvement officer in-house to encourage better behaviours avoiding complaints. 25 % complaints relate to 5 or 6 authorities.

9. Guidance on appropriate sanctions is not proposed but the adjudication panel have some. (see also 13).
10. Suggestion that some members might avoid full force of sanctions by careful timing near election date. Thought not to be a real issue.
11. No change is proposed to bring in the English model where conduct of members is not controlled. Investigations are limited to service delivery only.
12. There is no expectation that it will fall to MO to make complaints if T&CC local resolution is encouraged.
13. A library of Standards decisions is being proposed to allow historic decisions to be examined.
14. Requirement for T&CC web sites: enforcement should be by WG but failure could lead to a complaint of maladministration.
15. Timescales have improved but reason may also be due to improved cultural changes and to authorities demonstrating that they are listening to customers. It is important that where there is "no choice" in service provision, there should be a "voice" available to customers.
16. New ground for dispensations available but not clear what this means. Ombudsman's guidance appears to refer solely to "disability". He would welcome any other interpretations.

FCC Questions

17. Resources for local resolution relating to T&CC. None is proposed from Ombudsman's budget. Authorities should divert resources from elsewhere to protect their reputations. Mediation skills training would help to reduce the workload.
 18. Improved presentation of annual report to give more over view of changes/patterns of complaints. This is accepted and will be done.
-
19. Concern that there would be loss of confidence if complaints are treated as frivolous/trivial when they can be of importance to the complainant. Consideration that these could be looked at by Standards Committees so that people will feel that they have been listened to. ("had their day in court".) Suggested that record should be kept accessible so that if repeat complaints are made it is possible to view and take them into account.
 20. Would mandatory training for clerks to T&CC be worthwhile? But no resources available although OVW may help and Ombudsman would attend meetings to assist. The problem is the good clerks (who don't need training attend) and the poor ones (who do) don't.
** perhaps we could invite him to the next annual meeting of our committee with T&CC**

After the Ombudsman's presentation a number of other points were raised:-

Agreed the meetings are worthwhile – agreed to arrange 2 per annum, various venues. Host Authority to arrange date/venue/agenda/paperwork.

Concern that declarations on line cannot be made in Welsh. The system in question was MODGOV? Answers can be made in Welsh but the questions are in English. Anglesey expressed a concern that it could put Welsh speaker off declaring an interest and therefore leaving themselves vulnerable. MODGOV said the issues could be rectified but at a cost of £10k. Anglesey asked whether Councils would be

happy to share costs? Prior to any agreement it was decided each Council should check their own contract as if the bilingual function was procured then this should be done as a contractual matter. Also the issue would be national rather than just North Wales. Other Councils stated it had never been raised as an issue in their areas so there might be reluctance to pay for fixes given current financial climate.

Mediation training for members – all to investigate possible in-house training or sources of grant aids. If one Authority had a trained mediator in-house, they could offer training at the next regional forum?

Issue of training for T & C clerks. Those that are motivated, engaged and doing a good job are usually the ones that turn up for additional training. There was a short discussion about eLearning modules and the possibility of the Councils looking at joint funding opportunities that could be done collaboratively.

RAD and EH 17.Oct 2016

FCC Standards Forum Report



Un Llais Cymru



One Voice Wales

**Model Local Resolution Protocol
for Community and Town Councils**

ONE VOICE WALES

Model Local Resolution Protocol for Community and Town Councils

Background

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co-operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

The Local Resolution Process

Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

The Process

The complaint

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

Important Points to Note in preparing a process for use by the Council

The Clerk/Proper officer, Chair and Vice Chairs of Councils should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process. Councils wishing to pursue this route should contact One Voice Wales for guidance.

Councils might want to include some guidance where complaints which are most appropriately dealt with under this process are referred back to the Council by PSOW. The PSOW could actively do this if the Council has an approved process.

It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Councils need to be clear on their powers in respect of code of conduct matters. The Ombudsman has seen examples of councils who have deemed it appropriate to fully investigate a code complaint, decide that there has been a breach and some have even thought it appropriate to consider the issue of a sanction. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.



ABOUT ONE VOICE WALES

One Voice Wales is the national representative organisation for Community and Town Councils throughout Wales. The vision subscribed to by One Voice Wales is:

“Working with local councils in Wales to shape places communities want to live in”

One Voice Wales aims to support Community and Town Councils in achieving this vision and has adopted the following Mission Statement to guide its work:

“To represent the interests of Community and Town Councils; raise awareness and understanding of this primary tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.”

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
October 2017	<ul style="list-style-type: none"> • Training • Dispensations <p>Possible Date for Joint Meeting with Town and Community Councils</p>	<p>2 October - Joint meeting with Town and Community Councils</p> <p>Dec 2016 meeting - That the Ombudsman be invited to the next meeting with Town and Community Councils</p>
July 2017	<ul style="list-style-type: none"> • Training • Dispensations • Annual Report • Update on Member Induction and Town and Community Council training following the May elections 	<p>April 2016 meeting - It was agreed that a template Annual Report would be provided to Members on an annual basis which would act as a prompt for producing the document.</p> <p>Further update following a report to the June meeting</p>
June 2017	<ul style="list-style-type: none"> • Training • Dispensations • Assessment of training for town and community councils 	

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