

# Public Document Pack

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Prif Swyddog (Llywodraethu)



Contact Officer:  
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To: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

**Co-opted Members:**

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

29 August 2023

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**STANDARDS COMMITTEE**  
**MONDAY, 4TH SEPTEMBER, 2023 at 6.30 PM**

**\* Please note that a training session for the Standards Committee members  
will be held from 6.00pm to 6.30pm**

Yours faithfully

Steven Goodrum  
Democratic Services Manager

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## 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 5 - 10)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 3 July 2023.

### 4 DISPENSATIONS (Pages 11 - 12)

**Purpose:** One has been received from Councillor Debbie Owen and is attached to the agenda.

Members of the press/public will be able to remain at the meeting whilst an application for dispensation is presented to the Committee and will be able to return to hear the Committee's decision. However, under Paragraph 18C Schedule 12A Local Government Act 1972 the Committee will exclude the press and public from the meeting whilst it deliberates on any application for a dispensation.

## ITEMS FOR DECISION

### 5 REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN & COMMUNITY COUNCILS

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

- Flint Town Council (Jacqueline Guest 20.03.23)
- Shotton Town Council (Jacqueline Guest – 03.04.23)
- Queensferry Community Council (Jacqueline Guest 09.05.23)
- Hawarden Community Council (Jacqueline Guest 10.07.23)

### 6 RESULTS OF THE SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS (Pages 13 - 20)

**Purpose:** Each Council term we survey Members to see whether they need/want to use Council resources to publish their Ward Newsletters. This report is to provide the results of that survey.

7 **AGENDA ITEMS FOR THE NEXT ETHICAL LIAISON MEETING** (Pages 21 - 24)

**Purpose:** To ask Members for suggested topics of discussion at the next meeting between the Chair/Vice Chair of the Committee and Senior Councillors.

**ITEMS FOR INFORMATION**

8 **PUBLIC SERVICES OMBUDSMAN FOR WALES' "MY FINDINGS" PUBLICATION** (Pages 25 - 38)

**Purpose:** To consider the summary of cases, related to alleged breaches of the Members' Code of Conduct (the Code), as published by the Public Services Ombudsman for Wales (PSOW) in their publication "My Findings" ("My Findings").

9 **OVERVIEW OF ETHICAL COMPLAINTS** (Pages 39 - 50)

**Purpose:** That the Committee notes the number and type of complaints.

10 **FORWARD WORK PROGRAMME** (Pages 51 - 54)

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

***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

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## **STANDARDS COMMITTEE** **3 JULY 2023**

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 3 July 2023

### **PRESENT: Julia Hughes (Chair)**

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd and Councillor Ian Papworth

**ALSO PRESENT:** Councillor Bernie Attridge attended as an observer

**IN ATTENDANCE:** Monitoring Officer and Democratic Services Officer

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

Councillor Andrew Parkhurst declared a personal and prejudicial interest on the Overview of Ethical Complaints and withdrew from the meeting for that item. During discussion on the same item, a personal interest was declared by Councillor Bernie Attridge who was observing the meeting.

### **12. MINUTES**

The minutes of the meeting held on 15 May 2023 were approved, as moved and seconded by Jacqueline Guest and Councillor Antony Wren.

#### Matters Arising

Minute number 2 - the results of the survey on newsletters was deferred to the September meeting.

Minute number 4 - the Monitoring Officer had re-circulated the Employees' Code of Conduct and invited responses by the deadline.

Minute number 8, resolution (b) - the Monitoring Officer provided feedback following contact with Bagillt Community Council to pass on the points raised by the Committee.

### **RESOLVED:**

That the minutes be approved as a correct record.

### **13. DISPENSATIONS**

None received.

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

The Chair invited members of the Committee to present their reports on the following visits:

- Mark Morgan - Broughton & Bretton Community Council on 21 March
- Jacqueline Guest - Sealand Community Council on 17 April
- Chair - Nercwys Community Council on 26 April
- Cllr Ian Papworth - Higher Kinnerton Community Council on 23 May
- Mark Morgan - Buckley Town Council on 23 May

During discussion on the feedback, and in response to a query, the Monitoring Officer clarified that Councillors were able to sit on more than one Town/Community Council and that meetings had to be held either wholly or partly remotely.

In response to concerns about unacceptable behaviour towards a Clerk observed at one meeting, the Monitoring Officer reminded the Committee of its remit for the visits. The potential for a further visit to a future meeting was discussed to see whether improvements had been made. In the interim, it was agreed that the Chair and Monitoring Officer would raise the concerns with the Clerk and Chair of that Council and to write to the relevant Councillor to highlight the impact of his behaviour. This approach was moved and seconded by Jacqueline Guest and Councillor Teresa Carberry.

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

- Agendas were structured and included an item on declarations of interest.
- Meetings were well chaired and supported, which was an important factor in helping to address any issues arising.
- The Committee was pleased to note that its feedback from previous visits was of assistance.
- In response to the issues observed at one meeting, Councillors should be reminded of the need to be respectful and courteous to officers as well as fellow Councillors, to ensure that such public meetings are conducted in a professional manner.
- Participants joining meetings remotely should do so earlier to help resolve any technical issues and prevent delays in the business being discussed, recognising that only one person should be speaking at any one time.

The recommendation, as amended, was moved and seconded by David Davies and Councillor Carberry.

## **RESOLVED:**

- (a) That the verbal reports be received and feedback given to the Town and Community Councils; and
- (b) That the Chair and Monitoring Officer raise the Committee's concerns about behaviour at a specific meeting with the Clerk and Chair of the respective Community Council and write to the Councillor about the impact of his behaviour.

## **15. INDEPENDENT MEMBER ATTENDANCE AT COMMITTEE MEETINGS**

The Monitoring Officer presented a report to agree the process for Independent Members of the Committee attending and observing meetings of Council, Cabinet and Committees at the County Council in the same way that they had attended Town and Community Council meetings. The last series of visits took place during 2021 and it was agreed at the previous meeting that a report be considered on arrangements to set up a second round of visits.

During discussion, the Monitoring Officer clarified the following:

- One visit by one Independent Member to each of the 12 Committees, with the option for two people to attend County Council if needed.
- Participants may wish to join remotely to replicate members of the public.
- Where an agenda includes a confidential item and depending on the topic, the Chair of that Committee would be asked to consider allowing the Independent Member to remain in the meeting if appropriate. The Independent Member allocated to that meeting to be notified of that decision in advance of attending.
- The Democratic Services team to inform each Committee Chair which Independent Member would be attending to observe their meeting.
- Feedback from the visits to be reported to the Standards Committee in the same way as visits made to Town and Community Councils.
- Committee Chairs would be aware that feedback was being reported to the Standards Committee as a links to agendas were shared with all elected Members.
- The feedback would also be shared with Group Leaders.
- The Independent Members to be given a brief statement on the purpose of the visits to be read out at meetings, should they be asked to do so.

It was agreed that the Democratic Services team would circulate the list of meetings to invite the five Independent Members and Town/Community Council representative to select two meetings each, to finalise the rota.

On that basis, the recommendation was moved by Mark Morgan and seconded by Gill Murgatroyd.

## **RESOLVED:**

That the list of meetings be circulated to invite participants to select two meetings each, in order to agree the rota of attendance and guidelines for how visits should be undertaken.

## **16. OVERVIEW OF ETHICAL COMPLAINTS**

The Monitoring Officer presented the report on ethical complaints alleging a breach of the Code which had been submitted to the Public Services Ombudsman for Wales (PSOW). The report summarised details of the number and types of complaints made and the outcomes following consideration by the PSOW. Since the last report, seven complaints had been received, one of which was being investigated. A further complaint received after publication of the agenda would be included in the next update report.

It was noted that following discussions with Group Leaders, the Member training programme currently being developed would include a session on respectful communications with others, whether in person or via social media.

In response to concerns about outstanding reports from previous years, the Monitoring Officer agreed to contact the PSOW on behalf of the Committee to enquire about completion dates.

It was observed that some complaints related to the same individuals which led to a suggestion for more information to be shared in closed session to identify any behavioural patterns and consider whether intervention was appropriate.

The Monitoring Officer advised the Committee against taking such action whilst complaints were still under investigation and a breach of the Code had not yet been determined. He explained that where a number of complaints relating to an individual had been closed without further investigation, the PSOW often included a comment to reflect that the behaviour was not condoned which should be taken on board by that individual.

Whilst acknowledging the need to prevent issues escalating, the Committee noted the advice and recognised that intervention was not appropriate at this time.

The recommendation, as amended, was moved and seconded by Councillors Antony Wren and Councillor Ian Papworth.

## **RESOLVED:**

- (a) That the number and type of complaints be noted; and
- (b) That the Monitoring Officer contact the PSOW on behalf of the Committee to enquire about the resolution of outstanding reports from previous years.



**17. FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEES**

The Chair provided feedback from the June meeting of the National Forum for Standards Committees and advised that minutes of meetings would be made available in future.

The verbal report included information on a presentation given by the Chair of the Research Advisory Board of the Committee on Standards in Public Life (CSPL) on the implementation of recommendations in the Local Government Ethical Standards report published in 2019. An update by the Public Services Ombudsman for Wales (PSOW) on current statistics for the referral of complaints had acknowledged the need for the service to improve its timeliness of investigations.

As an update on the Penn Review, responses to the consultation would be considered in the Autumn which could lead to a further period of consultation, resulting in any changes implemented in the next Senedd term.

**18. FORWARD WORK PROGRAMME**

It was agreed that feedback from the remaining visits to Town and Community Councils would be reported in September, followed by a summary of feedback in November. Feedback from visits to County Council meetings would be received from November as indicated on the work programme.

In response to comments from Councillor Antony Wren on a change to the format of Connah's Quay Town Council meetings, Councillor Ian Papworth said that he intended to make a further visit after September.

The Chair requested that the ethical liaison meetings be re-convened and that feedback from those meetings be scheduled accordingly.

The recommendation, as amended, was moved by Gill Murgatroyd and seconded by David Davies.

**RESOLVED:**

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

**19. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

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

(The meeting started at 6.30pm and ended at 8.25pm)

.....  
**Chair**

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## FLINTSHIRE COUNTY COUNCIL APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE

	<b>Enter the details as described in italics in the first column in this column</b>
<b>Name of Councillor</b> <i>Your name. Each application should be made separately.</i>	<i>Deborah Clair Owen</i>
<b>Address</b> <i>Your home address.</i>	<i>21, Brookdale Avenue, Connahs Quay, Deeside, CH5 4LT</i>
<b>Name of Council</b> <i>Of which Council are you a member?</i>	<i>Flintshire County Council.</i>
<b>Ward</b> <i>The ward you represent.</i>	<i>Connahs Quay Central</i>
<b>Item for which dispensation is being sought</b> <i>With what matter do you wish to be involved?</i>	<i>Land adjoining a property I own at 11, Linden Avenue, Connahs Quay, CH5 4SN.</i>
<b>Level of Dispensation sought (e.g. to speak only or to speak and vote)</b> <i>You may wish to seek dispensation for the options detailed in the opposite column. Please tick all that apply.</i>	<input type="checkbox"/> <i>X To write to or speak with officers;</i> <input type="checkbox"/> <i>To write to, speak and/or answer questions at Council/Committee meetings;</i>  <input type="checkbox"/> <i>To remain in the room during any debate;</i>  <input type="checkbox"/> <i>To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)</i>
<b>Relevant Paragraph under which Dispensation is requested (See overleaf)</b>	<i>J</i>
<b>Details of the Prejudicial Interest</b> <i>This should be a short explanation of all the relevant facts about how your interest arises and how significant it might be. The questions are a prompt not an exhaustive list:</i>	<i>I have been trying to resolve the issue of boundaries of the property I own at 11, Linden Avenue for 26 years Despite involving local councillors, Members of the Senedd, and Members of Parliament I am unable to resolve the situation after all this time. I am seeking to speak directly to the officers involved to try to find a solution.. I own the property so have a personal and prejudicial interest in this matter.</i>
<b>Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)</b>	

<b>Signed:</b> Debbie owen	<b>Date:</b> 20/07/2023
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The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended) specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

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



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 September 2023
<b>Report Subject</b>	Results of the Survey on the Production of Councillor Newsletters
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

As part of its rolling review of the Constitution, the committee needs to review the protocol on production of councillors' newsletters. Currently the protocol says that councillors are not permitted to use council resources for this task. This reflects the longstanding practice of councillors producing their own, sometimes quite extensive, newsletters often defraying the costs through advertising from local businesses.

Prior to reviewing the protocol, the committee has previously surveyed councillors to see who does produce their own newsletter already and to gauge their opinion on the use of council resources. A survey of councillors was undertaken during July 2023.

There was a low response rate to the survey with only 13 responses. Of the responses received, there appears to be little/no appetite to change the current arrangements.

### RECOMMENDATIONS

1	That the current protocol prohibiting the use of council IT to produce councillor's newsletters remains in place.
2	That councillors are made aware of the provision that they can produce an annual report that will be published on the council's website.

## REPORT DETAILS

1.00	<b>EXPLAINING THE RESULTS OF THE SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS</b>
1.01	<p>The Councillors' Code of Conduct governs the use of council resources at paragraph 7:</p> <p>“7. You must not —</p> <p>(b) use, or authorise others to use, the resources of your authority —</p> <p>(i) imprudently;</p> <p>(ii) in breach of your authority's requirements;</p> <p>(iii) unlawfully;</p> <p>(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;</p> <p>(v) improperly for political purposes; or</p> <p>(vi) improperly for private purposes.</p>
1.02	<p>Providing purely factual information to the public can legitimately be undertaken by councillors using resources provided by the council unless the council chooses to prohibit this under paragraph 7(ii) above. The current protocol does impose such a prohibition which reflects the preferences of councillors during the last council term. Many councillors produce their own newsletters. Some of these are quite extensive, featuring other community services (e.g. local churches, WI groups etc) and the costs are defrayed by advertising from local businesses.</p>
1.03	<p>Newsletters often also include the political position of the councillor. This could not be permitted if such newsletters were to be produced using council resources under paragraph 7(5) and section 2 Local Government Act 1986. As a result, councillors have hitherto preferred to produce their newsletters at their own expense.</p>
1.04	<p>The Committee has previously surveyed the views of councillors when reviewing this protocol. A survey of councillors was therefore undertaken during July 2023. 13 Members (19%) returned a completed questionnaire. 3 of these were newly elected in May 2022 with the remaining 10 being returning councillors.</p>
1.05	<p>Of those who responded, 9 (69%) produce a Newsletter, where</p> <ul style="list-style-type: none"> <li>• 5 (56%) produce it alone</li> <li>• 3 (33%) collaborate with another councillor(s)</li> <li>• 1 (11%) did not answer the question</li> </ul> <p>In terms of frequency, 2 councillors said they produce their newsletter quarterly and 1 said they produce an annual one. 5 indicated 'Other' though only 2 provided more detail saying they produced them '<i>as required</i>' and '<i>to highlight a matter of concern to/from my residents</i>'.</p>

1.06	<p>When responding to the question about when they last produced a newsletter, only 4 indicated they had done so in 2023, the most recent being in July.</p> <p>3/9 councillors indicated that they intended to produce a newsletter in the future with 4 being unsure.</p>
1.07	The majority (7) of councillors who produce a newsletter do so in paper form and have it delivered to residents. One uses social media and another deposits theirs in a central community location.
1.08	In terms of councillors who make use of businesses advertising in their newsletter, only 1 responded to indicate they did so.
1.09	7 councillors were aware that they could produce and publish an annual report on the council's website. 5 were unaware. This demonstrates that more work is required to raise awareness amongst councillors of this facility.
1.10	Of notable interest is that no respondents said they wanted to use council IT equipment to produce their newsletters. 11 respondents stated that they did <b>not</b> want to use council IT equipment to produce their newsletters. The remaining 2 respondents skipped the question.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The council provides councillors with iPads and laptops that could be used to design or create content for an electronic newsletter. It does not currently have a budget for the production of printed newsletters and does not supply councillors with paper/printers. Printers are available at council premises that, in addition to the hire charge (which is paid anyway), cost 1 pence per side of monochrome and 10 pence per side of colour printing. The additional cost of printing a single page, double sided newsletter in monochrome for every household in the county (approximately 60,000 properties) would be in the region of £1,200.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Councillors were consulted during July 2023 on whether to permit newsletters to be produced using council resources.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None arising directly from this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 - Current Protocol Appendix 2 – Summary of Responses

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

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



## **22 PROTOCOL ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS**

Paragraph 7(b) of the Members' Code of Conduct makes clear that Members must not use Council resources improperly for political purposes. Guidance issued by the Public Services Ombudsman for Wales indicates that an authority may authorise the use of its resources and facilities for some political purposes.

At its meeting on 3 September 2012 the Council's Standards Committee considered a report on the Use of Council Resources for the Production and Distribution of Councillor Newsletters. The recommendation of the Standards Committee was that Members should be free to use the computers available in Members' Services and in the group rooms for the purposes of designing and setting up newsletters to their constituents. This was considered at the County Council meeting on the 25 October 2012. At that meeting it was decided that Members cannot use any Flintshire I.T. software to produce Councillor newsletters. Any use of Council resources for the production of newsletters would therefore be a breach of paragraph 7(b) of the Members' Code of Conduct.

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## Elected Members Newsletters and Annual Reports

13 Members (19%) returned a completed questionnaire.

3 were newly elected in May 2022. The remaining 10 were returning Councillors.

Political Group responses

Political group	No from Group	% of Group
Conservative	0	0%
Eagle	2	67%
Independent	4	15%
Labour	6	19%
Liberal Democrat	1	25%
Non-aligned	0	0%

Of the responses, 9 (69%) produce a newsletter, where

- 5 (56%) produce it alone
- 3 (33%) collaborate with another Councillor(s)
- 1 (11%) did not answer the question

Frequency of newsletters:

Monthly	0
Quarterly	2
Half Yearly	0
Annually	1
Other (please specify):	5
No answer	1

Only 2 who indicated 'Other' provided more detail:

- As required
- Intermittent but often to highlight a matter of concern to/from my residents

8 Members answered about when they last published a newsletter. The most recent was in July 2023. In total, 4 published a newsletter in 2023. 3 published a newsletter in 2022. 1 did not respond to the question.

The majority of the 9 Members who produce a newsletter do so in paper form and deliver to households (7).

Digital - website	0
Digital - by email	0
Digital - on social media	1
Paper - delivered to households	7

Paper - deposited in central community locations	1
Other (please specify):	0

Only 1/9 respondents include business advertising in their Newsletter.

3/9 Members indicated that they are planning to produce a newsletter in the future. 4/9 were unsure. 2 did not respond.

7 Members were aware that they could produce and publish an annual report on the Council's website. 5 were unaware. 1 did not provide an answer.

Details of the other channels used to communicate with residents in their ward are included below:

Communication channel	Yes	No
Facebook	6	2
Twitter	4	3
Instagram	1	7
WhatsApp	6	3
TicTok	0	8
Snap Chat	0	7
Website	3	3
Blog	1	6
Newspaper Columns	1	6
Local Free Press	3	5
Community surgeries	4	5
Community walk-arounds	10	1
Visits to local community groups	10	1

2 Members provided further information when asked to tell us more or to identify any other channels not listed:

- e-mails and telephone
- Press releases on important topics or those with a strong public interest.

**No** respondents said they wanted to use Council IT equipment to produce their newsletters. 11 respondents stated that they did **not** want to use Council IT equipment to produce their newsletters. The remaining 2 respondents skipped the question.



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 4 <sup>th</sup> September 2023
<b>Report Subject</b>	Agenda items for the next Ethical Liaison Meeting
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee meet periodically with senior members of the Council to discuss ethical issues. The next such meeting will take place on 6 October and will include the Chair and Leader of Council plus the Group Leaders.

For the next meeting it is suggested that the topics of discussion should be a quick review of the process for preparing the annual report and the main focus being on training sessions requested by group leaders as part of their duty to promote ethical behaviour.

### RECOMMENDATIONS

1	That the draft agenda for the next Ethical Liaison Meeting be agreed.
2	That the final agenda be agreed by the Chief Officer Governance in consultation with the parties to the meeting.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE ETHICAL LIAISON MEETING</b>
1.01	The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee should meet periodically with senior members of the Council to discuss topical ethical issues.

1.02	The committee has published its first annual report including an assessment of the compliance by group leaders with the duty to promote ethical behaviour. I asked for feedback on this process by email and it would be worth briefly discussing that feedback at the meeting.
1.03	As part of the assessment process group leaders requested training. It would be helpful to discuss with group leaders the extent and content of a training programme for councillors to ensure that it meets their expectations.
1.04	Training for how to ensure respectful communication on social media was specifically requested for all councillors and that should, as discussed previously, be broadened to all communication whatever the medium. In addition it may be worth including <ul style="list-style-type: none"> <li>1) What is permitted under freedom of political expression,</li> <li>2) A reminder about the different roles of councillors and officers,</li> <li>3) Support for group leaders on how to address issues within their group including alternative ways to encourage ethical behaviour</li> <li>4) The Ombudsman's 2 stage test for enforcement action,</li> </ul>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly arising from this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Chair and Leader of Council plus the Group Leaders will be consulted on the proposed agenda.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The training should reduce the risk of councillors offending other people and should help group leaders to redirect behaviour that might lead to a complaint under the councillors' code of conduct.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.

	<b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:Gareth.legal@flintshire.gov.uk">Gareth.legal@flintshire.gov.uk</a>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

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## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 4 <sup>th</sup> September 2023
<b>Report Subject</b>	Public Services Ombudsman for Wales “My Findings” Publication
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

To consider the most recent summary of cases, related to alleged breaches of the Members’ Code of Conduct (the Code), as published by the Public Services Ombudsman for Wales (PSOW) in their publication “My Findings” (My Findings).

### RECOMMENDATIONS

1	That the Committee reviews the cases summarised in the appendix to this report, and identifies any issues or themes which it feels need to be raised with all councillors.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE PUBLIC SERVICES OMBUDSMAN FOR WALES’ “MY FINDINGS” PUBLICATION</b>
1.01	The PSOW considers complaints that members of local authorities in Wales have breached the Code. There are four findings the PSOW can arrive at: <ul style="list-style-type: none"> <li>(a) that there is no evidence of breach;</li> <li>(b) that no action needs to be taken in respect of the complaint;</li> <li>(c) that the matter be referred to the authority’s Monitoring Officer for consideration by the Standards Committee;</li> <li>(d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal. It should also be noted that occasionally an investigation may be discontinued, where circumstances change during the course of an</li> </ul>

	investigation and it is considered that it would not be in the public interest to continue to investigate.
1.02	The Ombudsman's website includes a tool called My Findings, which includes a search tool to allow summaries of cases to be accessed by reference to the relevant organisation, matter type, dates, case reference numbers, or outcome. In terms of matter types, cases are broken down into the following categories:-  <ul style="list-style-type: none"> <li>a. Integrity;</li> <li>b. Promotion of Equality and Respect;</li> <li>c. Disclosure or Registration of Interests;</li> <li>d. Duty to Uphold the Law; and</li> <li>e. Selflessness and Stewardship.</li> </ul>
1.03	The committee last considered the findings up to and including the 21st September 2022. The attached Appendix lists those findings between 22nd September 2022 and 10 <sup>th</sup> August 2023.
1.04	During the period the following investigations were concluded by the Ombudsman. Where a case was referred to the Adjudication Panel for Wales or a Standards Committee then the outcome of any hearing is listed where the case had been concluded by the 10th August.
	<b>Classification</b>
	<b>No. Of Cases</b>
	Accountability and Openness
	0
	Disclosure or Registration of Interests
	2
	Duty to Uphold the Law
	1
	Integrity
	1
	Objectivity and Propriety
	1
	Promotion of Equality and Respect
	3
	Selflessness and Stewardship
	0
1.05	The cases are wide ranging in nature and the findings appear to be sensitive to/guided by the facts of each case. The committee may be able to identify themes or messages that it thinks would be helpful to communicate to councillors.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	N/A

<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	N/A
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<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – PSOW My Findings Publication

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance  <b>Telephone:</b> 01352 702344  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>PSOW</b> - Public Services Ombudsman for Wales is independent of other bodies and has legal powers to investigate complaints about public services and independent care providers in Wales and to investigate complaints that Members of local government bodies have broken their authority’s Code of Conduct.</p> <p><b>APW</b> – The Adjudication Panel for Wales is an independent tribunal whose function is to determine alleged breaches by elected and co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities, against their authority’s statutory Code of Conduct.</p>

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## Disclosure & registration of interest : St Harmon Community Council

Report date 29/11/2022

Case ref number 202106162

Report type CODE - Referred to the Adjudication Panel for Wales

The Ombudsman's office received a complaint that a former member ("the Former Member") of St Harmon Community Council ("the Council") had breached the Code of Conduct. It was alleged that the Former Member had failed to declare interests at 2 Council meetings when a report by Audit Wales was discussed.

The investigation considered whether the Former Member failed to comply with the following provisions of the Code of Conduct:

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

7(a) – Members must not in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

10(1) – Members must in all matters consider whether they have a personal interest, and whether the Code of Conduct requires them to disclose that interest.

10(2)(c) – Members must regard themselves as having a personal interest in any business of their authority if a decision upon it might reasonably be regarded as affecting their wellbeing or financial position, or that of a person with whom they live, or any person with whom they have a close personal association.

11(1) – Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

11(2) – Where a Member has a personal interest in any business of their authority and they make oral representations to a member or officer of their authority they should disclose the interest at the commencement of such representations, or when it becomes apparent to them that they have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

12(1) – Where a Member has a personal interest in any business of their authority, they also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

14(1)(a) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held

i. where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

ii. in any other case, whenever it becomes apparent that that business is being considered at that meeting.

14(1)(c) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority’s standards committee, not seek to influence a decision about business.

14(1)(e) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority’s standards committee, not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

The Former Member admitted that she was aware that she had personal and prejudicial interests, but she did not declare them as she did not want to be made to leave the meetings. She agreed that she had addressed Council and took part in votes at both Council meetings. The Former Member said that she had no regrets about her actions.

The investigation found that the Former Member’s conduct was suggestive of a breach of paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a), 14 (1)(c) and 14(1)(e) of the Code of Conduct.

The Tribunal concluded that the Member had breached paragraphs 11(1), 14(1)(a) and 14(1)(e) of the Code of conduct by failing to disclose the existence and nature of personal and prejudicial interests in relevant business, in failing to withdraw from meetings dated 1 April and 3 November 2021 and in making oral representations in respect of that business in the meetings. The Tribunal also concluded that the Member had breached paragraph 6(1)(a) of the Code of Conduct by conducting herself at such meetings in a manner which could reasonably be regarded as bringing her office or authority into disrepute. The Tribunal further concluded that the Member had breached paragraphs 7(a) and 14(1)(c) of the Code of Conduct by using or attempting to use her position improperly to avoid a disadvantage for another person and seeking to influence a decision about relevant business. Accordingly, the Tribunal decided that the Member should be disqualified for 12 months from being or becoming a member of the authority or of any other relevant authority.

## **Disclosure & registration of interest - Porthcawl Town Council**

Report date 30/11/2022

Case ref number 202105146

Report type CODE - No Action Necessary

The Ombudsman received a complaint that a member (“the Member”) of Porthcawl Town Council (“the Town Council”) had breached the Code of Conduct for Members.

It was alleged that the Member had failed to declare a personal and prejudicial interest regarding an association with an employee (“the Employee”) of a company which the Town Council had contracted for work. It was also alleged that the Member had allowed an inaccurate Internal Audit report to be published on the Town Council’s website. The Ombudsman determined that investigation of the allegations concerning interests was appropriate, and the investigation considered whether the Member’s conduct may have breached paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct.

Information was obtained from the Town Council, including relevant minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member and Employee had had a short relationship in 2020, during which it was likely that the Member had a personal and prejudicial interest which they would have needed to declare and withdraw from relevant meetings where associated matters were discussed, or in approving invoices. The evidence obtained suggested that the Member had not approved invoices whilst the relationship was ongoing, and whilst they had attended several Town Council meetings, which included associated items, only one of these meetings fell within the period of the relationship. The Ombudsman determined that the Member may therefore have breached paragraphs 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct with regard to the meeting within the relevant period.

It was found that as the Member and Employee’s association was neither close or acrimonious after the relationship ended, the interest was no longer personal and prejudicial. The Ombudsman’s investigation also found there was insufficient evidence to suggest the Member had used their position improperly or brought their office as a member or the Town Council into disrepute in breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct.

The Ombudsman considered that in the light of the limited involvement in the Town Council’s business during the relationship and the fact that the Member had reflected on their position and that they should have considered their obligations under the Code and sought advice, it was unlikely a sanction would be imposed and it was not in the public interest to take further action in respect of the matter. However, it was

recommended that the Member should attend refresher training on the Code of Conduct in respect of the matters investigated.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.



## **Duty to uphold the law : Llandovery Town Council**

Report date 27/10/2022

Case ref number 202100012

Report type CODE - Referred to Standards Committee

The Ombudsman received a complaint that a Member (“the Member”) of Llandovery Town Council (“the Council”) had breached the Code of Conduct. The Member had been convicted of drug driving and it was reported in a newspaper that she did not intend to stand down as Mayor.

The investigation considered whether the Member failed to comply with paragraph 6(1)(a) of the Code of Conduct in that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The Ombudsman considered the Member’s conviction and the fact that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The Ombudsman also considered the account provided by the Member.

The Ombudsman considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The Ombudsman was of the view that the Member’s conviction and the press coverage that followed which referred to the Council, the Member’s membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

The Standards Committee concluded that the member had breached paragraph 6(1)(a) of the Code of Conduct. Accordingly, the Standards

Committee decided that the Member should be suspended to 2 months and be required to attend Code of Conduct training within 6 months.

## **Integrity : Gwynedd Council**

Report date 31/10/2022

Case ref number 202107843

Report type CODE - Referred to Standards Committee

The Ombudsman's office received a complaint that a member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had behaved inappropriately when she responded in German to correspondence she received in Welsh.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

4(a) – Members must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

4(b) – Members must show respect and consideration for others.

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The Member admitted responding to 2 emails written in Welsh, in German. She expressed remorse and regret for her actions. She said that she was unaware the Council's translation services were available to her for this type of correspondence. However, the investigation found that, given the Member's length of service, she ought to have known that the Council had a translation service and that responding in German would be perceived as inappropriate. The Ombudsman therefore considered that the Member's conduct was indicative of a breach of paragraphs 4(a), 4(b) and 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Gwynedd Council for consideration by the Council's Standards Committee.

The Standards Committee concluded that the Member had breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code of Conduct. Accordingly, the Standards Committee decided that the Member should be suspended for 1 month, be required to attend training and provide a written apology to the Complainant within 3 weeks. The Standards Committee also recommended for the Council to consider assisting Members when they receive correspondence in a language they do not understand, either by utilising its own staff or by sign-posting the Member to a relevant translation service provider.

**Objectivity and propriety : Powys County Council**

Report date 22/02/2023

Case ref number 202101250

Report type CODE - Referred to Adjudication Panel for Wales

The Ombudsman's office received complaints that a Member of Powys County Council had breached the Code of Conduct. The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

## **Promotion of equality & respect : Saundersfoot Community Council**

Report date 03/03/2023

Case ref number 202202280

Report type CODE - Discontinued

The Ombudsman received a complaint from a member of the public (“the complainant”) that a Member of Saundersfoot Community Council (“the Council”) had failed to observe the Code of Conduct for Members.

It was alleged that the Member approached the complainant and behaved aggressively towards him over a parking matter. The complainant alleged the Member had behaved in a bullying and intimidating manner and used his position to belittle and humiliate him.

The complainant said that the Member behaved in a way that was bullying and intimidating. The Member acknowledged there was an encounter but said that he did not behave poorly in the interaction. There is no other witness or CCTV evidence available. Having considered the evidence submitted from both of the parties involved, none of the information or evidence available suggested that one account should be preferred over the other. Therefore, in the absence of any independent evidence of the incident, the Ombudsman was unable to say whether the behaviour of the Member was suggestive of a breach of the Code of Conduct.

Further investigation of this matter was unlikely to yield any information which would alter the balance of evidence available and therefore it was not proportionate or in the public interest to continue the investigation.

**Promotion of equality & respect : Haverfordwest Town Council**

Report date 20/02/2023

Case ref number 202200117

Report type CODE - Referred to Standards Committee

The Ombudsman received a complaint that a Member (“the Member”) of Haverfordwest Town Council (“the Council”) had breached the Code of Conduct for Members of the Council. The report on the investigation was referred to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.

## **Promotion of equality & respect : Radyr and Morganstown Community Council**

Report date 05/12/2022

Case ref number 202105923

Report type CODE - No Evidence of Breach

The Ombudsman received a complaint that a Member ("the Member") of Radyr and Morganstown Community Council ("the Council") had breached the Code of Conduct.

It was alleged that the Member made racist comments to another member of the Council by making a seemingly out of context and negative reference to a political and religious figure to the Complainant who was of the same religion as that figure. The Ombudsman determined that an investigation into the comments was appropriate and considered whether the Member's conduct may have breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

Information was obtained from the Council, including relevant meeting minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member's comments could reasonably be said to fall within the realms of freedom of expression. The investigation found that the Member's explanation for his comments, the fact that he had posted previously on social media about similar issues and that he said that he did not intend to be disrespectful to the Complainant and her faith suggested that he was entitled to express his views. His comments did not go beyond what was lawful comment and did not amount to gratuitous or personal comment or hate speech. The Ombudsman was not persuaded that the comments amounted to a breach of paragraph 4(a), 4(b), 4(c) or 6(1)(a) of the Code of Conduct.

The Ombudsman found that under Section 69(4)(a) there was no evidence of any failure to comply with the Code of Conduct.



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 4 <sup>th</sup> September 2023
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

This report shows a summary of the ethical complaints alleging a breach of the Code that have been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

The report gives the Committee an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report (3 July 2023) 4 complaints have been received which were not investigated. There are still 5 outstanding.

### RECOMMENDATIONS

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

<b>1.00</b>	<b>NUMBER OF COMPLAINTS</b>
1.01	The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023 and 2023/2024. Each entry lists: <ul style="list-style-type: none"> <li>the Ombudsman's reference number (year/4 digit reference)</li> <li>the type of Council (Community, County or Town)</li> <li>the complainant (Councillor, officer, public)</li> <li>the provisions which are alleged to have been breached</li> <li>the decision at each of the 3 stages of investigation</li> </ul>
1.02	Since the last report 4 new complaints (2023/02636,1712, 2892 and 3339) have been received. None were investigated. Two relate to the same town council and perhaps indicate that relationships within that body have broken down. We have also received the outcome on 2022/01136 which has been under investigation for a little over 12 months. In summary, the Ombudsman found breaches of the code and was very disapproving of the

	<p>comments made. However, in light of a subsequent apology and the wish of the complainant to withdraw the complaint, the breaches won't be referred for a hearing. I have asked the Ombudsman's office whether we can report the summary and/or full findings. As at the time of writing they have not replied. If we receive a response before the meeting I will circulate the additional information.</p> <p>A number of the complaints were not investigated because the complainant did not provide sufficient evidence to support the complaint. Where a complainant seeks my advice prior to referring an issue to the PSOW I warn them of the need to supply evidence. It is also open to them to reply to the PSOW with the required evidence though it is not particularly clear from the PSOW correspondence that this option is one to them.</p>
1.03	<p>There are presently 4 complaints being investigated:</p> <ul style="list-style-type: none"> <li>i) 1 made in 2021/22</li> <li>ii) 3 made in 2022/23</li> </ul> <p>The complaint dating from 2021/22 in respect of bullying a Town Council clerk is nearing conclusion. The other investigations are still proceeding.</p>
1.04	<p>This report is correct as at the date of preparation. If we are notified of the outcome of any complaints after this date a verbal update will be provided.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with the complaints recorded in this report.
2.02	If any complaint is referred to the Committee for a hearing, then training on how to hold such hearing s will be provided. This will involve external training providers and will be a one-off cost in the region of several thousand pounds.

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

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

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



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

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The Ombudsman will only investigate an alleged breach of the Code if there is clear evidence of a breach and it is in the public interest to do so.</p>

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PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Gatekeeper	Outcome by stage	
						Investigation	Hearing
2022/00603	County	A	Public	Failure to declare on register of interest that the Cllr is a Clerk of a T&CC	PSOW did not investigate - no breach of the Code found. Satisfied that the Cllr has made the necessary declaration. This has also been confirmed by the MO.		
2022/01136	County	B	Councillor	Post on Social Media seen as a slur on the Councillor's character. Comments are allegedly contrary to para 6 (bring the Council into disrepute)	Investigation ongoing	The councillor failed to show respect (para 4b) and could reasonably be regarded as bringing both the council and his office into disrepute (6(1)). The Ombudsman took into account events since the comment on social media was made. The Member publicly apologised for the comment and the apology was accepted. The member subject to the comments said that he suffered no lasting anxiety or loss of reputation and wished to withdraw his complaint. In view of this, the Ombudsman did not consider that it was in the public interest for any further action to be taken. Had the Member not publicly apologised and had the member subject to the comments taken a different view on the matter, further action would have been taken. The Member was reminded of his need to take care when posting on social media.	
2022/01184	County	B	Town Councillor	Messages sent to complainant that they felt were threatening in nature.	Investigation ongoing		
2022/01509	County	B	Public	Disrepute, bullying, failure to declare interest, disclosure confidential information	Investigation ongoing		
2022/02457	Community 1	C	Public	Alleged breach of the Code of Conduct by allegedly ignoring the policy regarding the election of a Chair/Vice Chair	PSOW did not investigate - the act complained of was the action of the Council not an individual. PSOW willing to consider whether it is a service complaint		

2022/02713	Town 1	D	Public	Alleged in appropriate posts on social media including use of bad language.	PSOW did not investigate. Swearing in the FB post was not directed at any specific person & was an attempt to raise awareness of a community issue. Post was therefore protected political expression		
2022/04701	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - because complaint duplicates another complaint about the same Councillor.		
2022/05038	County	F	Public	Alleged interference with the planning process and putting pressure on the Planning Officer to refuse an application and making false statements	PSOW did not investigate - complaint is unlikely to amount to a breach of the Code. The councillor is entitled to have a view on the application, no evidence they would benefit from this view. No evidence to suggest the comment put any pressure on the Planning Officer.		
2022/04846	County	B	Public	Complainant alleged no formal response was received from any Members to an e mail requesting help. They also alleged the Member reported on social media that Members had been advised by the Legal Team not to respond and Members should not be taking instructions from the Legal Department.	PSOW did not investigate - the evidence is not suggestive of a breach of the Code.		
2022/04748	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - evidence suggested poor behaviour and rudeness towards a member of the public during the meeting. (see complaint reference 2022/04701)		

2022/05046	Community 2	E	Public	It was alleged that when the complainant was invited to speak at the Council meeting, the Member shouted at the complainant and spoke to them in a "disgusting and degrading" manner and made accusations about them in the meeting and acted like a "terrorising bully"	PSOW did not investigate - the alleged remarks can reasonably be said to fall within the realms of freedom of expression, and whilst they may have been unpleasant and may have caused offence to the complainant and others, the evidence does not suggest language or behaviour which is likely to amount to a breach of the Code or to lead to a sanction being imposed.(see complaints 2022/04701 and 2022/04701)		
2022/05644	Town 2	F	Councillor	Self referral - Councillor may have brought his Office or Authority into disrepute as he had received a conditional discharge relating to a public order offence	PSOW did not investigate. At the time of the conduct complained of the member was not acting as a Councillor but as a private individual. While the Code of Conduct applies at all time in respect of whether the member has brought the Council, or the office of member, into disrepute, there is no evidence to suggest that the incident is in any way related to Council business.		
2022/06095	Comm 1	G	Public	It was alleged that the Member broke the code of practice by organising support for a planning application. Evidence was provided that the Member posted on social media their intention to have the planning application called in and the reasons that people should focus on if they intended to make objections	PSOW did not investigate. Complaint unlikely to amount to a breach of the Code. Members are elected to represent their constituents and therefore, they can raise concerns which may affect the area they were elected to represent. No evidence has been presented to suggest the Member had a personal interest or a prejudicial interest. The evidence presented does not indicate that the Member arranged support for or against the application rather that they used social media to respond to queries and to advise constituents on how they could submit any objections which they are entitled to do. Any concerns about the decision taken should be made through the planning process.		

2022/05508	Town 2	H	Public	It was alleged that the Member breached the Code of Conduct by entering into a contractual agreement, without the permission of the Council. It was alleged that this incurred unauthorised expenditure to the Council.	PSOW did not investigate. Entering into a contract without the knowledge of the Council and incurring costs to the Council, if proven, may be suggestive of a breach of the Code of Conduct. However, cost was small and no evidence that the Member sought to personally gain from their actions.		
2022/07521	Town 2	H	Public	It was alleged that the Member assisted in providing a contract, after obtaining quotes as part of their role on a Working Group. It was alleged that the Member is in a relationship with a person who works at the company, therefore the Member has misused public funds for the benefit of their partner.	PSOW did not investigate. Evidence has not been provided to substantiate key elements of the complaint e.g there was no proof that the councillor and company employee were in a relationship or that he benefitted from her actions.		
2022/08386	Town 3	I	Public	It was alleged that the Member is recording calls and will ultimately use them to expose the behaviour of others. The complainant said the member also recorded a personal call between them when they argued over the behaviour of the Member's dog.	PSOW did not investigate - At the time it is alleged the Member recorded the call with the complainant they were not acting as a Councillor but as a private individual. The PSOW was of the view that the code did not apply and this was a personal discussion about a personal matter. The complainant had indicated that the member has shared recordings they have taken when at Council meetings but no evidence was provided to support this. No evidence was provided to suggest that any recordings have been made for anything other than personal use. Further it is likely that the information is already in the public domain.		

2022/08536	Town 3	J	Public	It is alleged that the Member has brought the Council into disrepute and breached Section 6(1)(a) of the Code of Conduct by appearing in Court over several offences.	Under investigation		
2023/00532	Community 1	B	Councillor	Breach of the Code relating to declarations of interest and not declaring a personal and prejudicial interest on a planning application.	Under Investigation		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
2023/00482	County	A	Public	It was alleged that the Member called the First Minister "Führer" on Facebook and this was a slur comparing the Labour party with the Nazi party. It is alleged that the Member's claim that he simply used the German word for leader was not credible.	PSOW did not investigate. The Member clearly identified himself on Facebook as a Councillor therefore the PSOW was satisfied that the Code of Conduct was engaged. The language used by the Member, calling the First Minister "Führer", is offensive and not language that the Ombudsman would condone. Given the context, the explanation that it was a simple translation of the word "leader" lacks credibility. It is likely that the language used is suggestive of a breach of paragraph 4(b) of the Code of Conduct. An investigation into this matter would not be in the public interest. It is not uncommon for elected members to say things about political opponents which others may consider to be rude or offensive. However, it is not the purpose of the Code to inhibit free speech and the robust expression of political differences.		
2023/02636	Town 1	C	Public	It was alleged that the Member was in breach of the requirement not to bully or harass any person by engaging in intimidating behaviour towards a staff member, when they questioned them on whether minutes that had been prepared, accurately reflected a Council meeting and in a separate incident at a meeting where he told them they were not to be trusted.	When assessing matters concerning Council Officers, it is necessary to consider if the allegations are supported by evidence that a member has gone beyond what might be regarded as reasonable challenge. The PSOW assessed the comments the Member is alleged to have made when questioning the meeting minutes and was not persuaded that what the Member is alleged to have said could be considered to have passed the threshold of reasonable challenge. Whilst the Member has made comments which could be considered offensive or rude to the staff member, they were not so serious that, even if a breach of the Code were proven, a sanction would be a proportionate interference with the Member's right to freedom of expression. The Complainant also alleged that the Member told the staff member that she was not to be trusted. The Ombudsman's Guidance to members on the Code states that harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, that may happen once or be part of a pattern of behaviour. Having considered the information provided, the PSOW not persuaded the Member's comment was so serious that it would be likely to amount to a breach of the Code of Conduct.		
2023/01712	County	D	Councillor	It was alleged that the Member behaved inappropriately during Council meetings, by making inappropriate gestures and shouting.	PSOW did not investigate. Evidence was not provided to substantiate the complaint. The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.		



2023/02892	Community 2	E	Councillor	<p>It was alleged that the Member made disrespectful comments towards a member of the public in response to a speech made by the member of the public during a Community Council meeting. It was also alleged that the Member was corrupt, that they were a member of a clique of councillors who voted for each other and did not allow others to put suggestions forward. The Complainant said that they felt unsupported by the Community Council and that nothing was achieved by the Community Council because of the behaviour of the clique of councillors.</p>	<p>PSOW did not investigate. The matters complained about were unlikely to amount to a breach of the Code. It was alleged that the Member accused the member of the public of “waffling about nature” and suggested that they and others who supported them had brought the situation upon themselves. Whilst the Complainant may have been offended by the Member’s comments, the PSOW did not consider that the Member’s comments were sufficiently offensive, intimidating or insulting to amount to a breach of the Code.</p> <p>In relation to the allegation of corruption, no evidence was provided to substantiate the complaint.</p>		
2023/03339	County	D	Public	<p>It was alleged that the Member failed to declare a personal and prejudicial interest in a planning application that was considered by the Authority’s Planning Committee in June 2023, and that they made inappropriate comments during the Planning Committee’s consideration of the matter.</p>	<p>PSOW did not investigate.(1) The Complainant said that the Member was friends with the Director of the housing development company (“the Director”), who had submitted the planning application and that their friendship was public knowledge. A series of photographs and screenshots provided in support of the complaint showed that the Member had posted their thanks to the housing development company for its support on various local initiatives and events on more than one occasion. The Director was not named in any of the posts, and the PSOW not persuaded that they demonstrated a close personal relationship between the Member and the Director. The Complainant said that the Member had assisted the Director in marketing homes on behalf of the housing development company. However, the evidence provided in support of the complaint demonstrated that the Member had shared information about a housing scheme by a property management company. The PSOW did not consider that they demonstrated a close personal association between the Member and the Director as it is not uncommon for elected members to share information that may be of interest to their electorate on their social media pages. (2) the PSOW saw no evidence to suggest that it was inappropriate for the Member to second the proposal to approve the planning application. When speaking about the application, the Member referenced the Planning Officer’s report and recommendation to approve the application and had considered the objections received from members of the community. It therefore appears that the Member appropriately considered the information available before reaching a decision to vote in favour of the application.</p>		

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

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

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



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