

# Public Document Pack



Contact Officer:  
Nicola Gittins / 01352 702345

To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

**Co-opted Members:**

Jonathan Duggan-Keen, Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

23 April 2019

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 29th April, 2019 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 6.00 p.m until 6.30 p.m.\***

## 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 - 8)

**Purpose:** To confirm as a correct record the minutes of the meeting on 4<sup>th</sup> March 2019.

### 4 DISPENSATIONS

**Purpose:** To receive any requests for dispensations.

**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:

- Sealand Community Council (Ken Molyneux – 21.01.19);
- Leeswood and Pontblyddyn Community Council (Rob Dewey – 05.02.19); and
- Saltney Town Council (Ken Molyneux – 13.02.19).

**6 OVERVIEW OF ETHICAL COMPLAINTS (Pages 9 - 18)**

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

**7 STANDARDS COMMITTEE INDEPENDENT MEMBERS**

**Purpose:** Verbal report on process for handling forthcoming expiry of office for two members.

**8 FORWARD WORK PROGRAMME (Pages 19 - 22)**

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

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

The following item is considered to be exempt by virtue of Paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The report contains information that would identify a living individual and the public interest in withholding the information outweighs the public interest in disclosing it.

**9 OUTCOME LETTERS OF COMPLAINTS CONSIDERED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 23 - 46)**

**Purpose:** To consider the letters and the recommendations within them.

Yours faithfully



Robert Robins  
Democratic Services Manager

## **STANDARDS COMMITTEE** **4<sup>TH</sup> MARCH 2019**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 4<sup>th</sup> March 2019

### **PRESENT: Rob Dewey (Chairman)**

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Hughes, Julia Hughes and Ken Molyneux

### **IN ATTENDANCE:**

Monitoring Officer and Team Leader – Democratic Services

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

Councillor Johnson declared a personal interest in agenda item number 6 – Reports from Independent Member Visits to Town / Community Councils as he was a member of Holywell Town Council.

## **61. MINUTES**

The minutes of the meeting held on 4<sup>th</sup> February 2019 were submitted.

On minute number 55, it was agreed that the Deputy Monitoring Officer would report back to the next meeting of the Committee on what was resolved on the frequency of reporting ethical complaints.

On minute number 57 and the question from Ken Molyneux, it was agreed that the wording would be changed to read “Ken Molyneux asked that a copy of the feedback be provided at the same time as it was sent to Town and Community Councils”.

Following a question from Councillor Heesom on minute number 58, the Monitoring Officer explained that a positive meeting had been held with the Trade Unions who were supporting of the Officers’ Code of Conduct. A report would now be submitted to Constitution and Democratic Services Committee and then full Council.

The Chair asked that, following the suggestion from Phillipa Earlam that an update on Community Asset Transfers be included on the Forward Work Programme, could it be placed on the Programme for the next meeting which was agreed.

**RESOLVED:**

That subject to the amendment on minute number 57, the minutes be approved and signed by the Chairman as a correct record.

**62. DISPENSATIONS**

The Monitoring Officer presented one dispensation request for consideration, received after publication of the agenda.

Councillor Dennis Hutchinson

Councillor Hutchinson was not in attendance so the Monitoring Officer introduced the dispensation request. He wished to speak only at Planning Committee on application number: 058489 – Outline application for the demolition of 81 Drury Lane and construction of up to 66 dwellings on land to the rear of Drury Lane, Buckley development. He was the local Member and wished to represent the local views regarding the proposal. The details of the prejudicial interest were that he owned land in close proximity to the application site and the development would therefore have an impact upon his land.

The Monitoring Officer said the same dispensation request had previously been considered by the Committee on 5<sup>th</sup> December 2016 where the dispensation had been granted, but that had now lapsed.

County Arnold Woolley proposed that the dispensation be granted on the same grounds as it had previously, which was supported.

**RESOLVED:**

That Flintshire County Councillor Dennis Hutchinson be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak for five minutes at Planning Committee on application number 058489, or any application which, in the opinion of the Monitoring Officer is similar, then leave the room before the debate commences and not vote. He could also write to officers about the issue. The dispensation was for 12 months and would cease on 3<sup>rd</sup> March 2020.

**63. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 18 (JULY – SEPTEMBER 2018)**

The Monitoring Officer presented the report and explained that the Public Services Ombudsman for Wales (PSOW) considered complaints that Members of Local Authorities in Wales had broken the Code of Conduct.

There were four findings that the PSOW could arrive at:

- That there was no evidence of breach;
- That no action needed to be taken in respect of the complaint;

- That the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee; and
- That the matter be referred to the President of the Adjudication Panel for Wales (APW) for adjudication by a tribunal.

Casebook Issue 18 highlighted ten complaints that were investigated by the PSOW during July to September 2018. There were four findings of no evidence of breach, four findings of no action necessary, one referral to the relevant Monitoring Officer for consideration by the Standards Committee and one referral to the APW for adjudication by a tribunal. The case outcomes conformed to expectations and did not reveal any insights or learning that needed to be shared.

The Committee requested further information on the case that was referred to the APW which was regarding a complaint against a Councillor at Monmouthshire County Council.

**RESOLVED:**

- (a) That the findings of the complaints investigated by the Public Services Ombudsman for Wales during July to September 2018, as summarised in Issue 18 of the Casebook, be noted; and
- (b) A report be submitted to a future meeting on the case referred to the APW which was regarding a complaint against a Councillor at Monmouthshire County Council.

**64. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN / COMMUNITY COUNCILS**

The following independent members presented their verbal reports:

- Rob Dewey – Llanfynydd Community Council (19.11.18)
- Phillipa Earlam – Holywell Town Council (20.11.18)
- Rob Dewey – Hope Community Council (05.12.18)
- Phillipa Earlam – Brynford Community Council (11.12.18)
- Rob Dewey – Penyffordd Community Council (12.12.18)
- Julia Hughes – Trelawnyd & Gwaenysgor Community Council (10.01.19)
- Ken Molyneux – Broughton & Bretton Community Council (15.01.19)
- Julia Hughes – Halkyn Community Council (21.01.19)

All reported that observing the meetings had been a positive experience and that they had been well led by Chairs with helpful assistance from Clerks and good participation by attendees. Clerks had been very co-operative prior to the meetings in providing the required information about venues, times, access etc.

Some minor procedural points were identified which could assist members of the public wishing to attend meetings, some of which had been identified at previous meetings of the Standards Committee on:

- Up to date meeting information being available;
- Importance of clearly declaring interests at meetings;
- Importance of recording the declarations of interests made on the website;
- Importance of recording dispensations on the website;
- Signs to direct the venue of the meeting;
- Importance of new Members being given the Code of Conduct;
- Audibility in the venue to be sufficient for members of the public;

In addition to the procedural points, the Committee requested that the following be fed back to Town and Community Councils:

- The recognition of the benefit of youth involvement;
- The benefit of public consultation sessions;
- Access to the Code of Conduct being made available on the website.

It was also agreed that a list of what Town and Community Councils were required to publish on their website would be sent out.

**RESOLVED:**

- (a) That the verbal reports be received and feedback given to the four Town and Community Councils; and
- (b) That a list of mandatory things required to be published on the Town and Community Council websites be sent out.

**65. FORWARD WORK PROGRAMME**

The current Forward Work Programme was received.

Following an earlier request, an update report on Community Asset Transfers would be reported to the next meeting.

A report would also be submitted to a future meeting on the case referred to the APW which was regarding a complaint against a Councillor at Monmouthshire County Council.

It was agreed that if no dispensations were received in advance of the meeting on 1<sup>st</sup> April, this meeting would be cancelled. The next meeting of the Committee would then be 29<sup>th</sup> April 2019.

**RESOLVED:**

That the Forward Work Programme be noted.

**66. 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 8.10pm)

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**Chairman**

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## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 29 <sup>th</sup> April 2019
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

This is the fifth such report giving a running total of the ethical complaints alleging a breach of the code that have been submitted to the Public Services Ombudsman for Wales. As per the Committee's resolution at its meeting in March, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

No complaints have been received since the last report. 4 complaints have been resolved since the last report and these are the subject of a separate report.

### 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	<p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2018. Each entry lists:</p> <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	<p>A significant number of complaints have been submitted in respect of one Town Council. One of these is from a member of the public and is being investigated and this investigation is still underway. It is inappropriate to comment in detail whilst the investigation is underway. Indeed, the details of the complaint are the subject to an obligation of confidentiality under the Local Government Act 2000.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<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	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>

7.00	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The ombudsman will not investigate and alleged breach of the code unless there is clear evidence of a breach and it is in the public interest to expend public funds investigating.

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PSOW Reference	Council	Councillor	Complainant	Alleged breach	Gatekeeper	Investigation	Hearing
16/0483	Town 1	A	Councillor	Disrepute and improper advantage	Not acting in official capacity		
16/1611	County	B	Officer	Bullying, disrespect	Investigate	Evidence of breach	APW disqualified for 14 months
16/6253	Town 1	A	Councillor	Failure to declare an interest, voting with an interest	Investigate	Apology given by councillor. Not in public interest to proceed	
16/7019	Community 1	C	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7020		D	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7053	Community 1	C	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7054	Community 1	D	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7173	Community 1	C	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		
16/7174	Community 1	D	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
17/0516	County	A	Public	Disrepute, respect	Alleged actions not a breach of the code		
17/2548	County	B	Public	Disrepute	Alleged actions not a breach of the code		
17/7733	Community 1	C	Public	Disrepute	Alleged actions not a breach of the code		
17/7836	Town 1	D	Councillor	Bullying	Duplicate of a complaint that will be investigated		
17/7924	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/7925	Town 1	E	Councillor	Voting with a prejudicial interest	Investigate	Clr following MO advice so no breach of code	
17/7956	Town 1	F	Councillor	Respect	Alleged actions not a breach of the code		
17/7957	Town 1	G	Councillor	Bullying	Alleged actions not a breach of the code		
17/7965	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/8009	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
18/0177	Town 1	E	Public	Bullying	Investigate	Breach but no action necessary	

18/0178	Town 1	H	Public	Bullying	Investigate	Breach but no action necessary	
18/0179	Town 1	I	Public	Bullying	Investigate	Breach but no action necessary	
18/0180	Town 1	D	Public	Bullying	Investigate	Breach but no action necessary	
18/1691	County	J	Public	Disrepute, misuse of position	Investigate		
18/1844	Community 1	C	Public	Disrepute	Allegations not capable of being a breach. Possibly acting in private capacity		
18/2293	Town 1	K	Public	Disrepute	Comments in private capacity and not in public interest		
18/2299	Town 1	K	Public	Disrepute	Comments in private capacity and not in public interest		
18/4124	Town 1	L	Public	Disrepute, respect	Insufficient evidence and complaint not sufficiently serious to warrant investigation		

18/04263	Community 2	M	Public	Disrepute, bullying, respect	Allegations do not relate to official capacity. Insufficient evidence, would need strong evidence to suggest a member has breached the code.		
18/05023	Town 1	D	Councillor	Bullying, respect	Withdrawn by complainant		



PSOW Reference	Type of Council	Complainant	Alleged breach	Outcome by stage		
				Gatekeeper	Investigation	Hearing

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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2018/19**

Date of Meeting	Topic	Notes/Decision/Action
<b>1 July 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	
<b>3 June 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Members' Code of Conduct</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Update on Community Asset Transfers</li> </ul>	
<b>29 April 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Standards Committee Independent Members</li> <li>• Overview of Ethical Complaints</li> <li>• Outcome Letters of Complaints Considered by the PSOW</li> </ul>	<p>Verbal update</p> <p>Verbal report Report by Gareth Owens</p> <p>Part 2 Report by Matt Georgiou</p>
<b>1 April 2019</b>  <b>Meeting Cancelled</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	
<b>4 March 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> </ul>	

	<ul style="list-style-type: none"> <li>• Town and Community Council Visits by Independent Members</li> <li>• PSOW Code of Conduct Casebook Issue 18 (July 18 – Sept 18)</li> </ul>	Report by Matt Georgiou
<b>4 February 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Town and Community Council Referrals to the Ombudsman</li> <li>• Councillor Training 2018</li> </ul>	Report by Gareth Owens Verbal report by Matt Georgiou
<b>7 January 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Officers Code of Conduct</li> <li>• Planning Code of Practice</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	Report by Gareth Owens Report by Matt Georgiou
<b>3 December 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	Report by Matt Georgiou
<b>12 November 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Response from WG to a request for increased sanctions</li> <li>• Revised Social Media Guidance by WLGA</li> <li>• Town and Community Council Visits by</li> </ul>	Verbal report  Report by Matt Georgiou Verbal update by Ken Molyneux Report

	<p>Independent Members</p> <ul style="list-style-type: none"> <li>• Overview of Ethical Complaints</li> <li>• Annual Report of the APW 2016/2017</li> </ul>	Verbal update by Matt Georgiou
<b>1 October 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Standards Conference September 2018</li> <li>• APW Sanctions Guidance</li> <li>• Public Services Ombudsman's Annual Report for 2017/18</li> <li>• The Public Services Ombudsman for Wales Case Book</li> </ul>	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
<b>3 September 2018</b>	Meeting Cancelled	
<p>To be scheduled –</p> <p>Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Annual Report of the Adjudication Panel for Wales. Item to consider the frequency of reporting on the Overview of Ethical Complaints. A report be submitted to a future meeting on the case referred to the APW which was regarding a complaint against a Councillor at Monmouthshire County Council following on from the PSOW report at the meeting on 4th March PSOW Code of Conduct Casebook Issue 19 (Oct 18 – Dec18) PSOW Code of Conduct Casebook Issue 20 (Jan 19 – March 19)</p> <p><u>For future meetings after November:</u></p> <p>Code of Conduct complaints in Flintshire.</p>		

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