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Contact Officer:
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To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Kenneth Molyneux
(+ 1 vacancy for a co-opted member)

25 June 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, 1st July, 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 6pm until 6.30pm

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 8)

Purpose: To confirm as a correct record the minutes of the meeting on 3 June 2019.

4 DISPENSATIONS (Pages 9 - 12)

Purpose: To receive any requests for dispensations.

5 UPDATE ON THE COMMUNITY ASSET TRANSFER PROGRESS (Pages 13 - 16)

Purpose: To provide an update on the Community Asset Transfer Progress.

6 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:

- Connah's Quay Town Council (Julia Hughes - 28.05.19 and 05.06.19)
- Whitford Community Council (Jonathan Duggan-Keen - 06.06.19)
- Hawarden Community Council (Jonathan Duggan-Keen - 10.06.19)
- Gwernaffield and Pantymwyn Community Council (Jonathan Duggan-Keen - 12.06.19)
- Flint Town Council (Julia Hughes - 24.06.19)

7 FEEDBACK FROM THE NORTH AND MID WALES STANDARDS FORUM

Purpose: To receive a verbal report from Julia Hughes.

8 FORWARD WORK PROGRAMME (Pages 17 - 20)

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

Yours faithfully



Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE **3 JUNE 2019**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 3 June 2019.

PRESENT: Julia Hughes (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, and Julia Hughes .

APOLOGIES:

Robert Dewey and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Democratic Services Officer.

01. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Arnold Woolley declared a personal interest in relation to item 7 – Reports from Independent Member Visits to Town/Community Councils – as he was a member of Buckley Town Council.

02. MINUTES

The minutes of the meeting held on 29 April 2019 were submitted and approved as a correct record.

Matters arising:

Minute No. 72: The Monitoring Officer provided an update on the vacancy for an Independent member on the Standards Committee and referred to the joint recruitment process with Wrexham County Borough Council to fill the vacancy. He said he had provided Wrexham Council with a copy of the interview documentation for any Members who may be interested in the position and was pursuing the recruitment of two members from Wrexham to form the Interview Panel which would also consist of two members from Flintshire County Council, and an independent person. The Monitoring Officer confirmed that the position would be advertised in the local press and circulated amongst Town and Community Councils.

Minute No.74: The Monitoring Officer provided an update on matters concerning a Town Council. He advised that he and the Deputy Monitoring Officer had met with the former Chair and Clerk of the Town Council and said the Clerk had arranged training for the Town Council and had suggested mediation be arranged between two members. The Monitoring Officer had offered, with the agreement of the current Chair of the Town Council, to help the Town Council to draft an

agreed set of behaviours with Councillors which could then be presented as a formal document to the Town Council for approval.

RESOLVED:

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

03. DISPENSATIONS

There were no requests for dispensation.

04. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 19 (OCTOBER – DECEMBER 2018)

The Deputy Monitoring Officer introduced the report to inform the Committee of the latest publication of the Public Service Ombudsman's Code of Conduct Casebook. He advised 11 complaints had been investigated by the PSOW of which there were 3 findings of no evidence of breach and 8 findings of no action necessary (although one complaint related to 2 incidents of which 1 was a finding of no evidence of breach and the other a finding of no action necessary). There were no referrals to Monitoring Officers for consideration by their Standards Committees and no referrals to the APW for adjudication by a tribunal.

The Deputy Monitoring Officer reported on the main considerations, as detailed in the report, and referred to the findings of the Rhondda Cynon Taf County Borough Council – duty to uphold the law case, and the Beguildy Community council – disclosure and registration of interests case.

RESOLVED:

That the findings of those complaints that were investigated by the PSOW during October to December 2018, as summarised in issue 19 of the Casebook, be noted.

05. ADJUDICATION PANEL FOR WALES DECISION – BREACH OF THE CODE OF CONDUCT OF MONMOUTHSHIRE COUNTY COUNCIL

The Deputy Monitoring Officer introduced a report to provide details of the decision of the Adjudication Panel for Wales in respect of the Monmouthshire County Council case reported in Issue 18 of the Public Services Ombudsman for Wales Casebook as requested by the Committee.

The Deputy Monitoring Officer drew attention to a typographical error in the recommendation of the report and said the wording should read: "and shares with Councillors any messages or lessons".

The Deputy Monitoring Officer provided background information and said the complaint had arisen from three emails sent by a Councillor to the Chief Executive of Monmouthshire County Council in relation to a Council resource

issue and had included egregious remarks about homosexuality. He explained that the case had involved two issues which had made it complex, as detailed in the report, and the Case Tribunal had to make findings in respect of six alleged breaches of the Code regarding six particular comments made in the two emails sent by the Councillor to the Chief Executive. The Deputy Monitoring Officer said the alleged breaches were summarised in the report together with the findings that were made by the Case Tribunal in terms of breach of the Code. The report also summarised the findings on sanction in accordance with the recently adopted sanctions guidance. The full decision was appended to the report.

The Monitoring Officer drew attention to the reference in the report of the decision of the APW in 2009 regarding a Councillor of Barmouth Town Council. Commenting on the case the Monitoring Officer advised that Flintshire County Council had a policy whereby, for example, if an Officer's performance was criticised by a Member it was brought to the attention of the Officer's line manager to be dealt with in private and not made public

RESOLVED:

That the Committee notes the judgement of the Case Tribunal and shares with Councillors any messages or lessons arising from the decision that it considers appropriate.

06. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS

Mrs Phillipa Earlam provided verbal reports on her visits to the following councils:

- Northop Community Council (14.01.19)
- Buckley Town Council (26.02.19)
- Bagillt Community Council (13.03.19)

Northop Community Council

Reporting on her visit to Northop Community Council, the Independent Member said the meeting had been well conducted and chaired and a variety of topics considered. A Streetscene officer had been present during the meeting and his contribution had been valuable. The website was of a good standard and agendas and minutes of meetings were available online. Arising from a matter considered discussion took place about how to get young people involved in community matters.

A point of feedback to the Committee was around the increased role and responsibilities of Clerks to Town and Community Councils and the difficulties experienced by Councils regarding the recruitment and retention of Clerks.

Councillor Arnold Woolley asked if a qualification was available for the role of Clerk to Town/Community Councils. The Monitoring Officer advised that a

qualification was available but it was for each Town/Community Council to specify whether they wished it to be essential criteria for the post.

Referring to the matter of recruitment and retention of Clerks, discussion took place around Town/Community Councils giving consideration to the joint employment of the same Clerk. The Monitoring Officer cited the example of where two Community Councils jointly employed a Clerk and worked together to share the cost of recruitment, training and development of the Clerk. The Chair proposed that the suggestion be raised with either Town/Community Councils or the Standards Forum as a possible solution to the issue.

Buckley Town Council

The Independent Member reported on her visit to Buckley Town Council. She said a seating plan with names had been provided which had been helpful. She had experienced no difficulty in contacting the Clerk's office or establishing the venue for the meeting and commented on the high standard of the agenda pack provided and said the meeting had been well conducted. She referred to the Council's website and commented that at the time renovation was being undertaken and although information was available some was clearly signposted and some was not.

The Independent Member commented on the variance between individual Town/Community Council's websites and asked if guidance could be provided to assist them to produce a model layout for ease of access to locate basic information on meetings and agendas, minutes, etc. Discussion took place around the need for all Councils to agree to a model layout and the skills and time required by Clerks to update websites to the required standard. It was agreed that all Councils should achieve the minimum standard required to provide information about the date, time, venue, agenda and minutes of meetings. It was acknowledged that each Council would retain its individuality in terms of design and inclusion of further local community information.

Bagillt Community Council

The Independent Member provided feedback on her visit to Bagillt Community Council. She said the meeting had been well chaired and clerked and members of the public had been in attendance during the meeting. She said the website was under review and commented that she had experienced some difficulty in gaining connection and locating minutes etc.

The Independent member was thanked for her comprehensive feedback.

In response to a query raised by Councillor Arnold Woolley concerning the need for information to be provided in the Welsh language, the Monitoring Officer advised that the County Council used Conwy Borough Council translation services and said he would make enquiries as to whether a service could be provided for Town/Community Councils.

RESOLVED:

That the verbal reports be received and feedback given to Town and Community Councils.

07. FORWARD WORK PROGRAMME

The current Forward Work Programme was received.

The Monitoring Officer referred to the following items which were scheduled for consideration at the next meeting of the Committee to be held on 1 July 2019:

- update on Community Asset Transfers
- review of Flintshire Standard

The Chair referred to a previous agreement that when all visits to Town and Community Councils had been completed a final overview report would be provided and said this needed to be scheduled on the Forward Work Programme for consideration at a future meeting. The Chair also asked if feedback could be provided to the Committee on the main areas of discussion arising from the meeting of the North Wales Standards Forum on 24 June 2019.

In response to a question from Councillor Heesom the Monitoring Officer advised that the Public Services Ombudsman for Wales would be in attendance at the meeting of the Standards Committee Forum to be held in June and said he would speak on the issue of standards of behaviour at meetings.

Councillor Arnold Woolley asked if guidance was available around what constituted work/activities which fell outside the role of a Councillor.

RESOLVED:

That the Forward Work Programme be noted.

08. 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 7.54pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

Name of Councillor	Clive Stanley Carver
Address	8 Overlea Drive Hawarden Deeside Flintshire CH5 3HS
Electoral Division	Hawarden
Nature of Dispensation sought	As one of the three Hawarden Community Councillors for Hawarden Ward and the sole County Councillor for Hawarden, I wish to be able to communicate with Planning Officers and speak at the FCC Planning Committee.
Level of Dispensation sought (i.e. to Speak only or to speak and vote)	To be able to communicate by email, in writing and verbally with Planning Officers and to speak at the FCC Planning Committee.
Relevant Paragraph under which Dispensation is requested (See Overleaf)	(a) and/or (d) and/or (f) and/or (i)
Details of the Prejudicial Interest	Hawarden Rangers Football Club have applied to FCC for Planning Permission (Ref 060060) to erect a 100 seat stand on the Herbert Gladstone Recreation Ground which is managed by Hawarden Community Council. By virtue of being a Hawarden Community Councillor, I am a Trustee of the Herbert Gladstone Recreation Ground. I am advised that the exemption provided normally by Paragraph 12(b) of the Code of Conduct does not apply in respect of Planning Applications.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice Chairman/Cabinet Member)	None (Hawarden Community Council and Flintshire Council)

Signed: 	Date: 17 th June 2019
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Circumstances When A Standards Committee May Grant Dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 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 relates 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 Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

FLINTSHIRE COUNTY COUNCIL

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

Name of Councillor	Pauline Cheryl Carver
Address	8 Overlea Drive Hawarden Deeside Flintshire CH5 3HS
Electoral Division	Hawarden
Nature of Dispensation sought	As one of the three Hawarden Community Councillors for Hawarden Ward and the Chair of HCC Planning Committee, I need to be able to speak at the HCC Planning Committee to explain and answer any questions.
Level of Dispensation sought (i.e. to Speak only or to speak and vote)	To be able to speak at the HCC Planning Committee as Chair to explain and answer any questions as to why HCC should not comment on this planning application.
Relevant Paragraph under which Dispensation is requested (See Overleaf)	(a) and/or (d) and/or (f) and/or (i)
Details of the Prejudicial Interest	Hawarden Rangers Football Club have applied to FCC for Planning Permission (Ref 060060) to erect a 100 seat stand on the Herbert Gladstone Recreation Ground which is managed by Hawarden Community Council. By virtue of being a Hawarden Community Councillor, I am a Trustee of the Herbert Gladstone Recreation Ground. I am advised that the exemption provided normally by Paragraph 12(b) of the Code of Conduct does not apply in respect of Planning Applications.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice Chairman/Cabinet Member)	Chair of Hawarden Community Council's Planning Committee

Signed: <i>P. C. Carver</i>	Date: 17 th June 2019
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Circumstances When A Standards Committee May Grant Dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 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 relates 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 Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.



STANDARDS COMMITTEE

Date of Meeting	Monday, 1 July 2019
Report Subject	Update on the Community Asset Transfer Progress
Report Author	Gareth Owens

EXECUTIVE SUMMARY

In 2014 the Council launched its Community Asset Transfer Scheme (CATS) to enable local Councils and community groups to take on assets which it was unsustainable for the Council to maintain and operate. Since then 13 assets have transferred and 68 applications are in progress against a total asset base of 253.

Ethically there are potential difficulties during the negotiation of the transfer and subsequently where Councillors are involved in the management of the newly transferred asset. However, there are mechanisms within the Code and ways of working which can ease those potential difficulties.

RECOMMENDATIONS

1	That the Committee is assured that the mechanisms within the code of conduct/dispensation process are satisfactory for managing any potential ethical issues arising from the Community Asset Transfer Scheme.
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REPORT DETAILS

1.00	EXPLAINING THE ETHICAL ISSUES ASSOCIATED WITH CATS
1.01	Since 2014 the Council has transferred 13 assets to community groups, including high profile assets such as Holywell Leisure Centre and Connah's Quay Baths under not proceeded. There were 240 assets remaining which are potentially suitable for transfer.
1.02	A County Councillor who is a member of a Town/Community Council or community group that wishes to take a transfer of the asset has a personal interest in any discussions/negotiations with County Council officers relating to the transfer. It is possible that the personal interest may also be prejudicial. This could make it difficult for the Councillor to participate in the transfer process.
1.03	Likewise where a Councillor is a member of the Town/Community Council or community group that has taken a transfer of an asset then s/he will have a personal interest in any funding applications or planning applications relating to the asset. Again such an interest may well also be prejudicial. This may prevent the Councillor from participating in debate on a public asset in their community.
1.04	<p>Within the Code there are a number of provisions that can ease the difficulties. Paragraph 12 (2) of the Code provides that a Councillor's interest is only ever personal (i.e. it is not considered prejudicial) where</p> <ol style="list-style-type: none">1) A Councillor was appointed as the authority's representative on the management group of the asset; and2) The asset is owned or run by another public authority or a body exercising functions of a public nature <p>Paragraph 12(3) of the code also permits town and community Councillors to consider grant funding applications of up to £500 for community or voluntary organisations.</p>
1.05	The Standards Committee also has the power to grant dispensations. It has developed a "standard" form of dispensation for Councillors involved in CATS that permits them to negotiate with council officers provided at least 3 people are present and the meeting is minuted. This ensures that there can be no collusion/coercion and that there is an audit trail of such meetings.
1.06	The Monitoring Officer and Deputy Monitoring Officer have provided advice to Councillors on how to progress transfers in a manner compliant with the Code of conduct.
2.00	RESOURCE IMPLICATIONS
2.01	The Council has sufficient resources to manage the ethical issues associated with CATS.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	The key ethical risk associated with CATS is that a Councillor might seek to influence a decision on the terms of an asset transfer in favour of a community group of which s/he is also a member. Equally, there may be the fear or impression of undue influence/advantage on the part of a “competing” community group also seeking a transfer of the same asset. Transparency is clearly the best way to manage such risks and the code/dispensation process ensures that this will happen.
4.02	The Council also avoided the creation of competition between community groups for assets by insisting on combined/collaborative bids where more than one group was interested in an asset. The transfer process was therefore structured in a way that reduced competition and promoted access to the widest number of people.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Terms are explained with in the body of the report.

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

Date of Meeting	Topic	Notes/Decision/Action
1 July 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Update on Community Asset Transfers • Feedback from the North and Mid Wales Standards Forum 	<p>Verbal Update</p> <p>Report by Gareth Owens Verbal report by Julia Hughes</p>
3 June 2019	<ul style="list-style-type: none"> • Training • Dispensations • Members' Code of Conduct • Town and Community Council Visits by Independent Members • APW Decision – Breach of the Code of Conduct of Monmouthshire County Council • PSOW Code of Conduct Casebook Issue 19 (Oct 18 – Dec 18) 	<p>Verbal update</p> <p>Report by Matt Georgiou</p> <p>Report by Matt Georgiou</p>
29 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Standards Committee Independent Members • Overview of Ethical Complaints • Outcome Letters of Complaints Considered by the PSOW 	<p>Verbal update</p> <p>Verbal report Report by Gareth Owens</p> <p>Part 2 Report by Matt Georgiou</p>
1 April 2019	<ul style="list-style-type: none"> • Training 	

Meeting Cancelled	<ul style="list-style-type: none"> • Dispensations • Town and Community Council Visits by Independent Members 	
4 March 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • PSOW Code of Conduct Casebook Issue 18 (July 18 – Sept 18) 	Report by Matt Georgiou
4 February 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman • Councillor Training 2018 	Report by Gareth Owens Verbal report by Matt Georgiou
7 January 2019	<ul style="list-style-type: none"> • Training • Dispensations • Officers Code of Conduct • Planning Code of Practice • Town and Community Council Visits by Independent Members • 	Report by Gareth Owens Report by Matt Georgiou
3 December 2018	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	Report by Matt Georgiou

12 November 2018	<ul style="list-style-type: none"> • Training • Dispensations • Response from WG to a request for increased sanctions • Revised Social Media Guidance by WLGA • Town and Community Council Visits by Independent Members • Overview of Ethical Complaints • Annual Report of the APW 2016/2017 	<p>Verbal report</p> <p>Report by Matt Georgiou Verbal update by Ken Molyneux Report</p> <p>Verbal update by Matt Georgiou</p>
1 October 2018	<ul style="list-style-type: none"> • Training • Dispensations • Standards Conference September 2018 • APW Sanctions Guidance • Public Services Ombudsman’s Annual Report for 2017/18 • The Public Services Ombudsman for Wales Case Book 	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
3 September 2018	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. PSOW Code of Conduct Casebook Issue 20 (Jan 19 – March 19) Overview of All Visits to Town and Community Councils. Code of Conduct complaints in Flintshire.</p> <p>September 2019 Review of Flintshire Standard</p>		

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