

# Public Document Pack

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Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



Contact Officer:  
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To:

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

**Co-opted Members:**

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes, Mark Morgan and Gill Murgatroyd

4 May 2021

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**STANDARDS COMMITTEE**  
**MONDAY, 10TH MAY, 2021 at 6.30 PM**

**Please note that a training session for the Standards Committee members will be held from 6.00 p.m. to 6.30 p.m.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robert Robins'.

Robert Robins  
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Committee Members and those Members of Council who have asked the Head of Democratic Services for an invitation. Such attendees may only speak at the Chair's discretion.

The meeting will be live streamed onto the Council's website. 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 APPOINTMENT OF CHAIR

**Purpose:** Nominations will be sought for a Chair for the Committee.

### 3 APPOINTMENT OF VICE-CHAIR

**Purpose:** Nominations will be sought for a Vice-Chair for the Committee.

### 4 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

**Purpose:** To receive any Declarations and advise Members accordingly.

### 5 MINUTES (Pages 5 - 10)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 1 March 2021.

### 6 DISPENSATIONS

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

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.

### 7 REVIEW OF DISPENSATION PROCEDURES AT CONWAY, DENBIGHSHIRE AND WREXHAM COUNCILS (Pages 11 - 14)

**Purpose:** To compare and contrast how other Councils in North Wales process applications for dispensation

## **8 REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS**

**Purpose:** To receive verbal reports from Independent Members of the Committee on their visits to the following meetings:

- 03.03.21 – Planning Committee (Jonathan Duggan-Keen)
- 18.03.21 – Education & Youth Overview and Scrutiny Committee (Phillipa Earlam)
- 24.03.21 – Audit Committee (Phillipa Earlam)
- 24.03.21 – Constitution & Democratic Services Committee (Jonathan Duggan-Keen)

## **9 PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK ISSUE 24 (JANUARY 2020 – DECEMBER 2020) (Pages 15 - 26)**

**Purpose:** To inform the Committee of the latest publications of the Public Services Ombudsman's Code of Conduct Casebook.

## **10 ANNUAL REPORTS OF THE ADJUDICATION PANEL FOR WALES FOR 2018/19 AND 2019/20**

**Purpose:** To receive a verbal update on the Annual Reports of the Adjudication Panel for Wales for 2018/19 and 2019/20

<https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2020-04/APW%20annual%20report%202018-19.pdf>

<https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2020-10/apw-annual-report-19-20.pdf>

## **11 FORWARD WORK PROGRAMME (Pages 27 - 30)**

**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***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

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

**STANDARDS COMMITTEE**  
**1<sup>ST</sup> MARCH 2021**

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 1<sup>st</sup> March 2021

**PRESENT: Rob Dewey (Chairman)**

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Mark Morgan

**IN ATTENDANCE:**

Monitoring Officer and Team Leader - Democratic Services Officer

**31. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None.

**32. MINUTES**

The minutes of the meeting held on 11<sup>th</sup> January 2021 were approved as a correct record.

**RESOLVED:**

That the minutes be approved as a correct record.

**33. DISPENSATIONS**

None.

**34. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CONSULTATION ON REVISED GUIDANCE ON THE CODE OF CONDUCT**

The Monitoring Officer presented the report and explained that the Public Services Ombudsman for Wales (PSOW) published guidance for Councillors on how to interpret the Code of Conduct. The guidance was applicable to County Councillors and also covered Fire Authorities and National Parks.

The Ombudsman had published a consultation on proposed revisions to the guidance, and a link to the draft revisions was included in the report.

In addition, the PSOW published separate guidance for Town and Community Councillors, a link of which was also included in the report.

The changes to both sets of guidance did not fundamentally alter current advice on the meaning of the Code. The changes sought to improve layout, improve clarity and to provide recent examples of the outcome of real life cases.

The principle changes were:

- Ombudsman had expanded the explanation of the 2 stage test applied to decide whether to investigate a complaint;
- Slightly clearer and more emphatic guidance on freedom of speech as it effected the requirement to treat people with respect, the prohibition on bullying and disrepute; and
- The guidance on what to do if one had a personal interest was expanded and more explicit.

**RESOLVED:**

That the proposed changes to the guidance be welcomed.

**35. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS**

The Monitoring Officer presented the report and explained that the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties provided advice to them on how to avoid inadvertently compromising required levels of impartiality and transparency required of them and the Council when awarding contracts or considering planning applications.

The protocol was due for review as part of the Committee's rolling programme of reviewing the Constitution. The periodic refresh of the protocol was an opportunity to check that the document remained up to date.

The guidance on dealing with potential contractors remained necessary and needed only minor updates. The guidance on dealing with developers did need updating. However, in addressing those matters the protocol overlapped with the Planning Code of Guidance. It would be better if the protocol did not seek to duplicate advice given elsewhere and the parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead.

In response to a question from Julia Hughes, the Monitoring Officer explained that information on Members declaring if they had been spoken to four or more times would be expanded upon when the Planning Code of Guidance was submitted to Standards Committee. In response to a further question, the Monitoring Officer said the Members Code of Conduct had not been changed, but he had made the wording in 2.3 clearer.

Julia Hughes asked if the Gifts and Hospitality Policy should be referred to Standards Committee. The Monitoring Officer explained that there was no such Policy, the obligations for declaring gifts and hospitality were outlined in the Members Code of Conduct.

Councillor Johnson explained the difficulties that sometimes occurred when being contacted by developers in relation to planning applications and the

rights of the Members in requesting Committee determination should be protected.

In response to a question from Rob Dewey, the Monitoring Officer said the following officers should be recorded in section 5.6 of the protocol: Chief Executive, Section 151 Officer, Monitoring Officer and Deputy Monitoring Officer.

The protocol would be updated and report to Planning Strategy Group before coming back to Standards Committee.

**RESOLVED:**

- (a) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to dealings with parties who might be bidding for or seeking a contract with the Council be amended as shown in the appendix and as shown above; and
- (b) That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to Planning be transferred to the Planning Code of Guidance (to the extent that they are not already incorporated therein) and that the Planning Code of Guidance be updated.

**36. REPORTS FROM INDEPENDENT MEMBER VISITS TO COUNTY COUNCIL MEETINGS**

The Monitoring Officer introduced the item which was for independent members of the Standards Committee to provide feedback from meetings of the Council that they had attended and observed.

The following meetings had been attended:

- Cabinet – 19.01.21 (Julia Hughes)
- Community, Housing and Assets Overview and Scrutiny Committee – 20.01.21 (Rob Dewey)
- Social and Health Overview and Scrutiny Committee – 21.01.21 (Phillipa Earlam)
- Flintshire County Council – 26.01.21 (Julia Hughes)
- Environment and Economy Overview and Scrutiny Committee – 09.02.21 (Rob Dewey)
- Corporate Resources Overview and Scrutiny Committee – 11.02.21 (Mark Morgan)

The Monitoring Officer summed up the common messages coming from the feedback as:

- Lack of distinction between who were Members and who were officers;
- Explanations being given when jargon was being used;

- Declarations of Interest needed to be clear as to whether they were personal, or personal and prejudicial;
- Explanation to be given about speeches being timed;
- Meetings were well run.

He suggested that a list be compiled with areas of good practice and where things could be improved for clarity.

**RESOLVED:**

- (a) That the independent member visits to County Council meeting be noted; and
- (b) A list of areas of good practice and where things could be improved for clarity be drawn up.

**37. OVERVIEW OF ETHICAL COMPLAINTS**

The Monitoring Officer presented the report which provided a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). In line with the Committee's resolution, the complaints distinguished between different Councils and Councillors whilst still remaining anonymous.

The report provided an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. The Monitoring Officer explained that the figures in the report were incorrect and should read; "since the last report in November 2020, 10 complaints had been received. Three complaints had been resolved since that report, and seven remained outstanding". As with previous reports one Council was experiencing the majority of complaints and the Monitoring Officer had recently engaged with the PSOW as an external facilitator in an attempt to improve the position within that Council. A further update was available in that since the despatch of the agenda, six of those seven complaints had been resolved.

**RESOLVED:**

That the number and type of complaints be noted.

**38. FORWARD WORK PROGRAMME**

The Monitoring Officer presented the Forward Work Programme for consideration.

The Programme had been structured as agreed at a previous meeting of Standards Committee.

**RESOLVED:**

That the Forward Work Programme be agreed.

Councillor Johnson proposed a thank you to the outgoing Chair of the Standards Committee as this was his last meeting following serving two terms of office. Members and the Monitoring Officer wished Rob Dewey well and thanked him for all of his hard work whilst being on the Standards Committee. Rob Dewey expressed his thanks for all of the support and encouragement he had received over the years, and for the amount of work that members and officers put into the Committee.

**39. MEMBERS OF THE PRESS IN ATTENDANCE**

There were no members of the press in attendance.

(The meeting started at 6.30pm and ended at 8.15pm)

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**Chairman**

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## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 10 <sup>th</sup> May 2021
<b>Report Subject</b>	Review of Dispensation Procedures at Conwy, Denbighshire and Wrexham Councils
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

There are no statutory procedures in place for dealing with applications for dispensations and every Standards Committee implements its own arrangements.

The Committee considered that it would be useful to explore what processes other Councils in North Wales have for dealing with applications for dispensations. A report was considered by the Committee in September 2020 in respect of dispensations at Anglesey County Council and Gwynedd County Council with a focus on applications during 2019/20. This report reviews the dispensations dealt with at Conwy, Denbighshire and Wrexham Councils (the councils).

The report will identify the number of applications dealt with between 2019 and 2021 at the councils, including the process and procedures for dealing with the applications and the decisions reached.

### RECOMMENDATIONS

1	To note the processes and procedures for dealing with applications for dispensations by County Councillors and Town and Community Councillors at Conwy, Denbighshire and Wrexham.
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## **REPORT DETAILS**

<b>1.00</b>	
1.01	<p><b><u>Conwy, Denbighshire and Wrexham – procedures</u></b></p> <p>The processes for consideration of applications for dispensations are similar to that of Flintshire County Council’s Standards Committee. Applicants are invited to attend the meeting of the respective standards committees so that they can explain the reason for their application and members of the panel can ask any questions. They are then asked to leave the meeting whilst the panel debates and makes a decision, and whilst any necessary advice is given by their Monitoring Officer. They are then invited back into the meeting for the decision to be explained verbally and the decision is then followed in writing when, if a dispensation is granted, it will take effect.</p>
1.02	<p><b><u>Conwy</u></b></p> <p>Conwy have not received any applications for dispensations between 2019 and 2021. The last dispensation application was considered by their Standards Committee on the 23 July 2018. The matter related to a Councillor who was also a trustee of Gwrych Castle in Abergele and a dispensation was granted for the councillor to speak to and answer queries raised about matters such as funding and other matters related to the trust. The dispensation was granted for 12 months.</p>
1.03	<p><b><u>Denbighshire</u></b></p> <p>Denbighshire have not received any applications for dispensations between 2019 and 2021. The last dispensation application was considered by their Standards Committee on the 21 September 2018 and was an application by two community councillors to extend a previous dispensation granted in April 2018, relating to their role in a community hub organisation. The dispensation was due to expire on the 3<sup>rd</sup> October 2018. At the same meeting in September 2018 the standards committee approved a recommendation from their Monitoring Officer to circulate guidance and an application form to all Town and Community Council clerks and County Councillors so that they were made aware of the process for applying for dispensations.</p>
1.04	<p><b><u>Wrexham</u></b></p> <p>Wrexham have not received any applications for dispensations between 2019 and 2021. The last dispensation application was considered by their Standards Committee on the 7 December 2017. The matter related to members of Gresford Community Council and their role on in respect of a community centre and a dispensation was granted accordingly.</p>
<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	N/A

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Draft report sent to Monitoring Officers of the Councils.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	N/A

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Standards Committee reports and minutes for the Councils.  <b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer <b>Telephone:</b> 01352 702330 <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	N/A

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## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 10 May 2021
<b>Report Subject</b>	Public Services Ombudsman for Wales Casebook Issue 24 (January 2020 – December 2020)
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

The Public Services Ombudsman for Wales (PSOW) considers complaints that Members of Local Authorities in Wales have breached the Code of Conduct (the Code). There are four findings the PSOW can arrive at:

- (a) that there is no evidence of breach;
- (b) that no action needs to be taken in respect of the complaint;
- (c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal.

The PSOW summarises the complaints that he has investigated on a quarterly basis in the Code of Conduct Casebook (the Casebook). In reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. This edition covers January to December 2020.

This edition highlights that 13 complaints were investigated by the PSOW during this time, of which 10 were findings of no action necessary, 2 were referred to the relevant Monitoring Officer for consideration by their Standards Committee and 1 was referred to the APW.

## RECOMMENDATIONS

1	Having reviewed the cases summarised in the issue 24 of the Casebook the committee is satisfied no action needs to be taken at Flintshire County Council to avoid similar complaints.
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## REPORT DETAILS

1.00	BACKGROUND
1.01	<p>The PSOW considers complaints that Members of Local Authorities in Wales have breached the Code. The PSOW investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act. Where the PSOW decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the PSOW can arrive at, namely:</p> <ul style="list-style-type: none"><li>(a) that there is no evidence that there has been a breach of the authority's Code of Conduct;</li><li>(b) that no action needs to be taken in respect of the matters that were subject to the investigation;</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 APW for adjudication by a tribunal (this is usually only the more serious cases)</li></ul>
1.02	<p>In terms of findings (c) and (d) it is for the Standards Committee or tribunal to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.</p>
1.03	<p>The Casebook contains summaries of reports issued by the PSOW for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. This edition (issue 4) covers January to December 2020. There were 2 referrals under findings (c) and 1 under (d) during this period.</p>
1.04	<p>The summary of the findings in this edition of the Casebook, are as follows:-</p> <p><u>No evidence of breach</u> There are no summaries in relation to this finding.</p>

	<u>No action necessary</u>
1.05	<p>Wrexham County Borough Council – Duty to uphold the law</p> <p>The PSOW received a complaint about a Member of Wrexham Council. It was alleged that the Members' conduct and behaviour had brought the Council into disrepute in breach of the Code. The PSOW investigated the matters complained about.</p>
1.06	<p>The PSOW determined that it would not be in the public interest to pursue matters further and that no action should be taken in respect of the matters investigated.</p>
1.07	<p>Pembrey &amp; Burry Port Town Council – Promotion of equality and respect</p> <p>The PSOW received a complaint that a Member of Pembrey &amp; Burry Port Town Council had breached the Code. It was alleged that the Member did not show respect and consideration for others, used bullying behaviour, and behaved in a manner which could reasonably be regarded as bringing the Council into disrepute. During the early stages of the investigation, the Member provided an account. He said that he believed his actions to have been justified and offered an apology if his assertiveness had been perceived differently by the Complainant. The PSOW considered the Member's response and his offer of an apology to be sufficient to resolve the complaint, and therefore, considered that no action needed to be taken.</p>
1.08	<p>St Donats Community Council – Disclosure and registration of interests</p> <p>The PSOW received a complaint that a Member ("the Member") of the Council had breached the Code. It was alleged that the Member failed to declare a personal and prejudicial interest when she sat on the Interview Panel during an interview for the role of Co-opted Member of the Council. The PSOW found that the Member had a personal interest in the interview by virtue of her relationship with the applicant's estranged brother and admittance that there was tension between them. It was the PSOW's view that a Member of the public, with knowledge of the circumstances, would regard the Member's interest as so significant as to prejudice her judgement of the public interest. The investigation established that the Member was advised by the Clerk that she was not required to declare an interest in the interview. Whilst a decision to declare an interest is the responsibility of each individual Member, it was not unreasonable for the Member to have acted upon the Clerk's advice.</p>
1.09	<p>The investigation considered whether the Member's failure to declare a personal and prejudicial interest caused any harm and whether it affected the decision to appoint to the role of Co-opted Member. There was no documentary evidence or written record of the interviews. Therefore, the</p>

	<p>PSOW's decision was guided by the fact that the decision to appoint the successful applicant was taken unanimously by the Interview Panel. On the basis of the information available it was not considered that the applicant's application was adversely affected by the Member's presence and involvement in the interview process and therefore no further action was necessary. However, the PSOW recommended to the Clerk of the Council that training on Members' interests and their obligations under the Code is provided to the Council.</p>
1.10	<p>St Harmon Community Council – Disclosure and registration of interests The PSOW received a complaint that a Member of the Council had breached the Code. It was alleged that the Member had failed to show respect and consideration to others, and that he had failed to take appropriate action in respect of a personal and prejudicial interest he had in a co-option process the Council undertook. During the course of the investigation, information was sought from the Council as well as from a number of witnesses. The evidence gathered did not substantiate that the Member's behaviour had demonstrated a failure to show respect and consideration to others such that could be considered a breach of the Code. However, the evidence suggested that whilst the Member had failed to take appropriate action in relation to a personal and prejudicial interest he had in the co-option process he did not influence the decision taken on co-option in any way, he had already acknowledged, accepted and apologised for his actions and he had taken steps to seek training on his obligations under the Code. Therefore, the PSOW determined that no action needed to be taken.</p>
1.11	<p>Carmarthenshire County Council – Integrity The PSOW received a complaint that a Member of the Council had breached the Code. It was alleged that the Member had failed to treat Members of staff at the Council with respect and consideration, had breached confidentiality, and had brought the office of Councillor into disrepute in relation to 2 incidents which occurred during the selection process for the Council's new Chief Executive. The first incident was that the Member had deliberately informed the unsuccessful candidate for the post that they had not been successful, thus circumventing the Human Resources (HR) procedures in place. The second incident was that the Member had ignored a clear instruction that Councillors should not publicise the identity of the successful candidate for 30 minutes.</p>
1.12	<p>The PSOW interviewed a number of witnesses and found that the evidence suggested the Member had accidentally informed the unsuccessful candidate that they had not been successful and had not intended to circumvent HR procedures. The PSOW accepted that the Member had shown remorse and had apologised. The PSOW determined that no breaches of the Code had occurred as this had been a genuine</p>

	<p>error by the Member. The PSOW determined that there was evidence that the Member had ignored a clear instruction not to publicise the identity of the successful candidate, and that this may have amounted to a breach of the Code. The Member had not considered the impact on the candidates, their wider friends and families, or the staff employed by the Council with due respect when publishing the result. Further, the information had been confidential until the proper procedures to publicise it had been completed, which the Member had pre-empted. The PSOW determined that these actions were capable of bringing the office of Councillor into disrepute. However, the PSOW was not persuaded that it would be proportionate and in the public interest to make a referral to the Standards Committee, due to the short period of time the information was disclosed before the official announcement and taking into account the opinions of the candidates that the effect on them was limited; however, he considered that it had been appropriate for the matter to be referred to him. The PSOW found that no action needed to be taken in respect of the matters investigated.</p>
1.13	<p>Llantwit Fardre Community Council – Promotion of equality and respect</p> <p>The PSOW received a complaint that a Member of the Council breached the Code. It was alleged that the Member made several accusations against serving Councillors during a Council meeting. It was further alleged that the Member then shared a written copy of his address, in which he accused councillors of bullying the former Clerk of the Council, before Members of the press and public.</p>
1.14	<p>The investigation considered the following paragraphs of the Code:</p> <ul style="list-style-type: none"> <li>• Paragraph 5(a) – disclosing confidential information.</li> <li>• Paragraph 6(1)(a) – disrepute.</li> <li>• Paragraph 6(1)(c) – reporting breaches of the Code to the Monitoring Officer.</li> <li>• Paragraph 6(1)(d) – vexatious, frivolous or malicious complaints.</li> <li>• Paragraph 8(a) – having regard to the advice of the authority’s officers.</li> </ul>
1.15	<p>The investigation established that the Member addressed the Community Council at its meeting on 24 September 2019, where Members of the press and public were present. There was no evidence to suggest that the Member disclosed confidential information during the meeting. The investigation found that during his address, the Member made several accusations against other Members of the Council. Rather than airing his concerns in public the Member should have raised his concerns through the proper processes available for doing so. Raising accusations in such a public forum when those being accused did not have a fair opportunity to respond could amount to a breach of paragraph 6(1)(a) of the Code.</p>
1.16	<p>The investigation found that the Member disregarded advice from the Clerk of the Council and that his actions were in breach of paragraph 8(a)</p>

	<p>of the Code. When deciding whether to take further action in relation to these possible breaches of the Code, the PSOW carefully considered whether it was in the public interest for him to do so. The PSOW considered recent steps taken by Rhondda Cynon Taf's Monitoring Officer and the Chair of the Council's Standards Committee to meet with the majority of the Members of the Council in February to encourage better working relationships within the Council. It was understood that a collective agreement was reached on taking a fresh approach on how to deal with situations where disagreement had previously escalated into personal attacks. The Member was present at this meeting. As the events which were considered as part of this investigation took place some months before the meeting with the Monitoring Officer and Chair of the Standards Committee, it was not in the public interest to pursue this investigation further.</p>
<p>1.17</p>	<p>Torfaen County Borough Council – Promotion of equality and respect  The PSOW received complaints that an elected Member of the Council had breached the Code. Two Police Community Support Officers (PCSOs) complained that, on 7 June 2020, the Member approached them at Cwmbran Boating Lake (the Lake) in an aggressive manner. They said that the Member was shouting and demanding that they dealt with people who were angling at the Lake whilst it was the closed season. They said that the Member did not accept that it was not a policing matter and identified himself as a Councillor to try and use his position to intimidate them. The PSOW received an account from the Member, obtained a witness account from another Councillor who was present at the Lake, and obtained information from Gwent Police. The PSOW found that on the balance of probabilities, the evidence indicated that the Member may have breached paragraph 4(b) of the Code by speaking to the PCSOs in a raised voice. The investigation found that there was no dispute that the Member identified himself as a Councillor. The Member explained that he had done so to explain his knowledge of angling legislation. The PSOW found that the Member did contact Gwent Police to seek clarification regarding the enforcement of angling legislation and to raise a concern that the PCSOs had not spoken to, or provided advice, to the anglers as they had informed him.</p>
<p>1.18</p>	<p>The PSOW did not find sufficient evidence that the Member had displayed bullying and/or harassing behaviour, or that he had brought the authority into disrepute. The PSOW found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue matters further. The PSOW asked the Member to be mindful of how his conduct may be perceived when acting in his role as a Councillor and suggested that he complete refresher training on the Code.</p>

1.19	<p>Glynneath Town Council – Promotion of equality and respect</p> <p>The PSOW received a complaint that a Member of the Council had breached the Code. A Member of the public complained that when the Member entered Glynneath Town Hall (“the Hall”) on 20 September 2019 she had been aggressive and shouted at them, and that the Member had threatened to “put paid” to their Hall Hire Agreement with the Council. The PSOW obtained conflicting witness statements from 3 Members of the public, as well as the complainant and the Member. The PSOW considered that on balance, the evidence obtained suggested that the Member may have breached paragraph 4(b) of the Code by shouting at the Member of the public. The PSOW did not find sufficient evidence that the Member had displayed bullying behaviour, or that they had brought their authority into disrepute. Furthermore, there was no supporting evidence that the Member had threatened the complainant’s future hire of the Hall, nor had the Member acted on such a threat.</p>
1.20	<p>The PSOW found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue further enquiries into the matter, given the conflicting nature of the evidence obtained. The PSOW recommended to the Council that it should arrange training on the Code for its Members as soon as is practicable.</p>
1.21	<p>Tywyn Town Council – Promotion of equality and respect</p> <p>An officer of the Council complained that a Member had written a disrespectful letter to a third party. The PSOW’s investigation considered whether the content of the letter may have breached paragraphs 4(b) and 6(1)(a) of the Code. The Member asserted that they were not acting in their capacity as Member when writing the letter. However, the PSOW found that, as the letter referred to Council business, it was reasonable to conclude that the Member gave the impression they were acting in their capacity as a Member of the Council when they wrote the letter. The PSOW found that the majority of the comments made by the Member were political in nature. However, the Member’s comments to the third party recipient of the letter were considered to be disrespectful. Whilst the PSOW considered that those comments were suggestive of a breach of paragraph 4(b) of the Code, having taken into consideration the information provided by the recipient and the wider evidence available, he did not consider it would be proportionate or in the public interest for any further action to be taken. The PSOW did not consider that there was evidence to suggest that the content of the letter sent by the Member was suggestive of a breach of paragraph 6(1)(a) of the Code.</p>
1.22	<p>Mumbles Community Council – Duty to uphold the law</p> <p>The PSOW received a self-referred complaint from a Member of the Council because they had been named in a Welsh Audit Office (“Audit</p>

	<p>Wales”) Report concerning unauthorised Council expenditure. The PSOW considered whether the Member may have breached paragraph 7 (b) (i), (ii), (iii) of the Code for use of Council resources which was imprudent, in breach of the authority’s requirements and unlawful. The PSOW’s investigation found that a Planning Consultancy had billed the Council for work which had not been agreed, and the Planning consultancy said it had been instructed by the Member. The Member said at the time of the events he was new to the Council and he thought the work undertaken for the Council by the Planning Consultancy had been part of a previously agreed arrangement with the Council. The Member said he had not worked with planning consultants before and he had not realised that his specific communications with them would incur additional costs. The PSOW’s investigation found that the Member had a responsibility to fully understand the terms of the Council’s arrangements with the Planning Consultancy, and the Member’s actions and failure to do so, could reasonably be considered as a potential breach of paragraph 7(b) (i), (ii), (iii) of the Code. However, the PSOW also found that whilst the Clerk had suggested the Member should contact the Planning Consultancy, the Member had not been provided with clear guidance on the implications of doing so, and that the Member’s communications had a limited impact on the overall expenditure. In addition, Audit Wales had not engaged with the Member or the Planning Consultancy to establish what instruction it attributed to the Member. Having taken into consideration the evidence available and the information provided by the Member, the PSOW did not consider it would be proportionate or in the public interest for any further action to be taken.</p> <p><u>Referred to Standards Committee</u></p>
1.23	<p>Denbighshire County Council – Objectivity and propriety</p> <p>The PSOW received a complaint that a Member of the Council failed to observe the Code. It was alleged that the Member abused his position by visiting a Member of the public’s place of work and complaining to her employer about a private altercation between her and a constituent in a local store car park. The PSOW determined that there was evidence to suggest that the Member had conducted himself in a bullying and harassing manner, and that his actions sought to create a disadvantage for the Member of the public in the eyes of her employer. The evidence also suggested that such conduct was capable of damaging the reputation of the Council and bringing it into disrepute. The PSOW determined that the Member had failed to abide by paragraphs 4(c), 6(1)(a) and 7(a) of the Code.</p>
1.24	<p>The PSOW referred his investigation report to the Monitoring Officer of the Council for consideration by its Standards Committee.</p>

1.25	<p>Laleston Community Council – Duty to uphold the law</p> <p>The PSOW received a complaint that a Former Member (“the Former Member”) of the Council had failed to observe the Code. It was alleged that the Former Member had misused Council funds via unauthorised cashpoint withdrawals and debit card transactions between November 2018 and January 2019. A police investigation took place, and the Former Member subsequently resigned from the Council. The PSOW’s investigation established that at the time of the events the Former Member had taken on extra duties and been paid agreed allowances by the Council. It was found that the Former Member then took charge of the Council’s debit card and used it for purchases and cash withdrawals which were in excess of what he already received and could not be accounted for. The Former Member said he had accessed the Council’s finances in this way because he felt he was entitled to the funds; however, he did not provide any further information to suggest his transactions were for the benefit of the Council. The PSOW determined that the Former Member may have breached the Council’s Code of conduct, in particular, paragraphs 7(a) and 7(b) i), ii), iii), iv) and vi) as he has sought to gain a personal and financial advantage via unauthorised access to Council finances, and misused Council funds. The PSOW also found that the Former Member’s actions and conviction could reasonably be regarded as behaviour which might bring the office of Member or the Council into disrepute and a potential breach of paragraph (6(1)(a) of the Code. The PSOW referred his investigation report to the Monitoring Officer of the Council for consideration by its Standards Committee.</p> <p><u>Referred to the APW</u></p>
1.26	<p>Sully and Lavernock Community Council – Integrity</p> <p>The PSOW received a complaint that a Member (the Member) of the Council failed to observe the Code. It was alleged that the Member made a series of public posts, on the social media platform Facebook, which could have the potential to damage the reputation of the Council. The PSOW found that 3 public posts, dated between 10 January and 11 March 2019, which made reference to high profile female politicians, were gratuitously offensive and could reasonably be regarded as bringing the Councillor’s Office or Authority into disrepute which was suggestive of a breach of paragraph of 6(1)(a) of the Code of Conduct. The PSOW considered that the language used went beyond political expression and was so egregious that, should a breach of the Code be found and a sanction imposed, it would be a proportionate interference with the Councillor’s right to freedom of expression. The PSOW also found that the Councillor had failed to supply evidence he claimed to hold in respect of the privacy of the posts and that, in refusing to provide information, he had failed to comply with a request in connection with the investigation which was suggestive of a</p>

	breach of paragraph 6(2) of the Code. The PSOW referred his investigation report to the APW for its consideration.
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<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>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	N/A

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>PSOW casebook issue 24</b> <a href="https://www.ombudsman.wales/wp-content/uploads/2021/04/CoC-casebook-Full-year-ENG.pdf">https://www.ombudsman.wales/wp-content/uploads/2021/04/CoC-casebook-Full-year-ENG.pdf</a></p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<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><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>
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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2020/21**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>March 2022</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Forward Work Plan</li> </ul>	
<b>January 2022</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Independent member visits to meetings</li> <li>• Forward Work Plan</li> </ul>	
<b>November 2021</b> Joint meeting with T&CCs	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• PSOW Annual Report/Casebook Issue 25</li> <li>• Items raised by Town and Community Councils</li> <li>• Forward Work Plan</li> </ul>	
<b>September 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Forward Work Plan</li> </ul>	
<b>July 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Independent member visits to meetings</li> <li>• Forward Work Plan</li> </ul>	Report by Gareth Owens
<b>May 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> </ul>	

	<ul style="list-style-type: none"> <li>• PSOW Casebook Issue 24 (Jan – Dec 2020)</li> <li>• Annual Reports of the Adjudication Panel for Wales for 2018/19 and 2019/20</li> <li>• Review of Dispensation Procedures at Conwy, Denbighshire and Wrexham</li> <li>• Independent Member Visits to Meetings</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Matt Georgiou Verbal update by Matt Georgiou</p> <p>Report by Matt Georgiou</p>
<b>March 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Review of Protocol for meeting Contractors</li> <li>• Independent Member Visits to Meetings</li> <li>• Public Services Ombudsman for Wales (PSOW) Consultation on Revised Guidance on the Code of Conduct</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Gareth Owens Report by Gareth Owens Verbal Update Report by Gareth Owens</p>
<b>January 2021</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review Protocol on the Production of Councillor Newsletters</li> <li>• Standards Forum &amp; Ethical Liaison Pre-briefing</li> <li>• Recruitment of Independent Members to the Standards Committee</li> <li>• Independent Member attendance at Committee Meetings</li> <li>• Forward Work Plan</li> </ul>	<p>Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens</p> <p>Report by Matt Georgiou and Nic Gittins</p>
<b>November 2020</b> Joint Meeting with T&CC	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• PSOW Annual Report/Casebook Issue 23 (Oct –Dec 2019) and the Annual letter from the PSOW</li> <li>• Overview of Ethical Complaints</li> <li>• Directions from President of the APW</li> <li>• Items raised by Town and Community Councils</li> </ul>	<p>Report by Matt Georgiou</p> <p>Report by Gareth Owens Report by Gareth Owens Verbal</p>

	<ul style="list-style-type: none"><li>• Forward Work Plan</li></ul>	
<b>September 2020</b>	<ul style="list-style-type: none"><li>• Training on LDP</li><li>• Dispensations for LDP</li><li>• Review of Dispensation Procedures</li><li>• Forward Work Plan</li></ul>	
<b>Reports to be scheduled -</b> Survey on the Production of Councillor Newsletters Standards Forum & Ethical Liaison pre Briefing		

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