

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Contact Officer:
Sharon Thomas / 01352 702324
sharon.b.thomas@flintshire.gov.uk

To: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted Members:

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

31 October 2023

Dear Sir/Madam

NOTICE OF REMOTE MEETING
STANDARDS COMMITTEE
MONDAY, 6TH NOVEMBER, 2023 at 6.30 PM

Please note that a training session will be held from 6.00pm to 6.30pm

Yours faithfully

Steven Goodrum
Democratic Services Manager

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

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

A G E N D A

1 **APOLOGIES**

Purpose: To receive any apologies.

2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Purpose: To receive any Declarations and advise Members accordingly.

3 **MINUTES** (Pages 5 - 12)

Purpose: To confirm as a correct record the minutes of the meeting held on 4 September 2023.

ITEMS FOR DECISION

4 **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.

5 **ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS** (Pages 13 - 14)

Purpose: To discuss any ethical issues or the work of the Standards Committee raised by Town and Community Councils.

6 **FEEDBACK FROM THE INDEPENDENT MEMBERS' VISITS TO TOWN AND COMMUNITY COUNCILS** (Pages 15 - 28)

Purpose: To provide an overarching feedback in respect of all the visits to Town and Community Councils.

7 **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:

- 10.10.23 - Environment and Economy Overview & Scrutiny Committee (David Davies)
- 17.10.23 - Cabinet (Gill Murgatroyd)
- 19.10.23 - Education, Youth & Culture Overview & Scrutiny Committee (David Davies)
- 24.10.23 - Flintshire County Council (Mark Morgan)

8 **ROLLING REVIEW OF THE MEMBERS' CODE OF CONDUCT** (Pages 29 - 32)

Purpose: We check all Codes and Protocols at least once per Council Term to ensure they are pertinent and up to date. This is the check of the Members' Code of Conduct.

9 **SUGGESTED ITEMS FOR THE NATIONAL FORUM FOR CHAIRS OF STANDARDS COMMITTEES**

Purpose: Do Members have any suggestions for items they would like to see discussed at the National Forum for Chairs of Standards Committees in January?

ITEMS FOR INFORMATION

10 **FEEDBACK FROM THE ETHICAL LIAISON MEETING** (Pages 33 - 36)

Purpose: To provide feedback from the Ethical Liaison Meeting.

11 **FORWARD WORK PROGRAMME** (Pages 37 - 40)

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

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

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STANDARDS COMMITTEE **4 SEPTEMBER 2023**

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 4 September 2023

PRESENT: Julia Hughes (Chair)

Councillors: Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Jacqueline Guest and Mark Morgan

ALSO PRESENT: Councillor Bernie Attridge

IN ATTENDANCE: Monitoring Officer and Democratic Services Officer

APOLOGIES: Councillor Teresa Carberry, Gill Murgatroyd and Councillor Ian Papworth

20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Antony Wren declared a personal and prejudicial interest on Agenda item 4: Dispensations

Councillor Bernie Attridge declared a personal interest on Agenda Item 9: Overview of Ethical Complaints . He later updated this interest to personal and prejudicial. He withdrew from the meeting during Item 9.

Councillor Andrew Parkhurst declared a personal and prejudicial interest on Agenda item 9: Overview of Ethical Complaints

21. MINUTES

The minutes of the meeting held on 3 July 2023 were presented for approval.

The minutes were approved, as moved, and seconded by Jacqueline Guest and Mark Morgan

Matters Arising

Minute number 15 - In relation to visits to observe county council meetings by standards committee members, David Davies asked if a statement would be shared with members of the Committee at the start of the meetings. The Monitoring Officer confirmed that he had asked Nicola Gittins to prepare a draft and communicate it to members.

Minute number 16 - the Chair reported that the further report in this item was included on this Agenda at item 9.

RESOLVED:

That the minutes be approved as a correct record.

22. DISPENSATIONS

Introducing this item, the Monitoring Officer explained that the dispensation request had been received from Councillor Debbie Owen who was trying to resolve an issue regarding the boundaries of her property, which had been ongoing for many years. Following a brief email exchange with Councillor Owen the Monitoring Officer had advised her to submit a dispensation application. It was explained that Councillor Owen wished to speak to officers to enable her to purchase land adjacent to her property from the Council. Due to her position as a councillor there was a risk that officers would feel compromised in discussing issues with her and that the validity of any land transaction might, in turn, might be subject to question. Councillor Owen wished to write to and speak directly to the officers to find a solution. To assist the Committee the Monitoring Officer provided information on previous dispensations which had been considered by Committee and the resolutions made. This dispensation directly affected Councillor Owen and the Monitoring Officer provided guidance on how this could be dealt with

In response to a question from Councillor Andrew Parkhurst on the human rights implications, the Monitoring Officer explained that Article 1 Protocol 1 was not engaged. There could be implications under Article 8 which were explained.

The proposal to go into closed session was moved by Mark Morgan and seconded by David Davies.

RESOLVED

That the Committee resolved to grant a dispensation to allow Councillor Owen to speak and write to officers. When speaking to officers this must be in the presence of an independent witness, another officer, and the conversation must be minuted. The dispensation was to last for 12 months.

23. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS

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

- Jacqueline Guest - Flint Town Council on 20 March
- Jacqueline Guest - Shotton Town Council on 3 April

David Davies asked if it was known what agenda item the members of the public was interested in. It was confirmed that there were eight members present who had attended to observe the meeting.

- Jacqueline Guest – Queensferry Community Council on 9 May

David Davies asked if the member of the public was given the opportunity to speak. It was confirmed that the Chair moved the item up the agenda so they could speak first and leave the meeting. A good discussion followed with the member of the public raising his concerns. He then left the meeting feeling his concerns were being addressed.

The Monitoring Officer reported that since this meeting he had received notification that there had been a change of Clerk at this Community Council.

- Jacqueline Guest – Hawarden Community Council on 10 July

The following points were suggested to be fed back to support Town and Community Councils in their procedures:

- Whilst an interest could be declared at any time it was good practice to have Declarations of Interests upfront on the agenda prior to items of business being discussed
- Good teamwork between the Chair and Clerk resulted in well run meetings
- It was better that there were no or fewer side discussions so that everyone could hear all the points which were raised during a meeting.
- Council administration should not be undertaken at public meetings

Jaqueline Guest asked if she should arrange to revisit Queensferry Community Council. The Chair felt that this should be left for a while to enable the new clerk to build a working relationship with the Council. David Davies felt it was prudent to leave the visit for a couple of months to allow the clerk time to settle in.

The Chair commented that this could be looked at again in a couple of months' time.

RESOLVED:

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

24. RESULTS OF THE SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS

In presenting the report the Monitoring Officer outlined that work was being undertaken looking at the rolling review of the Constitution document

which included codes and protocols. The Protocol for Councillor Newsletters currently stated that council resources were not used to produce these, with councillors producing their own as it allowed more freedom to express their views and political points. He explained the protocol was developed following a survey of councillors and that this survey was repeated to establish if this was still their view. Only thirteen responses had been received with the majority not wishing to use council resources. The Monitoring Officer outlined the options for the committee to consider which were to re-affirm the protocol on that basis, to go back to councillors to see if a greater response could be achieved to the survey or to amend the survey.

Councillor Andrew Parkhurst proposed that the exiting protocol be re-affirmed. Councillor Anthony Wren seconded this.

RESOLVED

- (a) That the current protocol prohibiting the use of council IT to produce councillor's newsletters remained in place.
- (b) That councillors were made aware of the provision that they can produce an annual report that would be published on the council's website.

25. AGENDA ITEMS FOR THE NEXT ETHICAL LIAISON MEETING

The Chair introduced the report which sought suggestions for agenda items for discussion at the next Ethical Liaison Meeting between the Chair, Vice Chair and Senior Councillors. The Chair referenced the statutory and non-statutory guidance for principal Councils in Wales, which had been recently revised by the Minister of Finance and Local Government. The sections which related to Standards Committees, especially the guidance relating to Group Leaders and Standards Committee duties, were also highlighted. Point 6.4 referred to the Standards Committee meeting with Group Leaders at the beginning of each Council year to agree a number of issues and confirm the frequency of meetings with political Group Leaders throughout the year. The Chair outlined the duties covered by this guidance and said that although the Committee had met with individual group leaders separately when looking at their annual reports, that this was not conducted at the start of each council year and that this had to be borne in mind.

The Monitoring Officer presented the report and suggested that the meeting should discuss:

1. Feedback on the first annual report process
2. The request for training from one of the group leaders on respectful communication on social media but the Monitoring Officer felt that it should be broader to include all communications. That would need to encompass freedom of political expression which underpinned what was acceptable under the code, and a greater understanding of the roles of Councillors and Officers. The WLGA offers training and the council might wish to emulate work which was being undertaken in a neighbouring authority.
3. The Monitoring Officer then referred to the Ombudsman's two stage test for enforcement action which tied into the discussions around what was or was

not a breach of the code. Occasionally the Ombudsman might decide that there was a breach of the code but that no action was needed in the public interest. Such a finding was not to be regarded as an endorsement of the behaviour subject to the complaint.

The Chair sought clarification of when the joint meeting with Group Leaders was likely to take place. The current practice was that a meeting would be arranged around March / April to consider the previous municipal year in preparation for the annual report for that year. The Chair sought clarification that the whole committee should meet Group Leaders just before the start of the Council year. The Monitoring Officer confirmed that was correct.

The recommendation, as amended, was moved and seconded by Councillor Jacqueline Guest and Councillor Antony Wren.

RESOLVED:

- (a) That the draft agenda for the next Ethical Liaison Meeting be agreed.
- (b) That the final agenda be agreed by the Chief Officer Governance in consultation with the parties to the meeting.

26. PUBLIC SERVICES OMBUDSMAN FOR WALES' "MY FINDINGS" PUBLICATION

In presenting the report the Monitoring Officer confirmed the report covered the period to the 10 August and findings published since then would be included in the next report. The Ombudsman now had a searchable database of decisions on its website rather than publishing a periodical report. The website was useful for research purposes but was a little less readable when preparing the cases for Members. The Monitoring Officer had extracted and attached all issues which relating to the code, with eight cases attached with summary findings. The cases were wide ranging and sensitive to or guided by the facts of each case. It did not appear that themes could be identified. However, the Monitoring Officer did advise that, even in the absence of themes running through these cases, it might be possible that the Committee would identify messages that it thought were important for councillors.

David Davies referred to page 33 the case at Llandovery Town Council and wondered how they arrived at the length of time for suspension. He asked if the Ombudsman provided any guidance on the length of time or was this for the Standards Committee to decide. In response the Monitoring Officer explained that there were no tariffs or sentencing guidelines similar to the criminal justice system. A huge amount of discretion sat with the Standards Committee and it could be difficult finding precedents for cases. The cases were wide ranging and vastly different and there was no body or organisation that sought to achieve a measure of harmony or unity of approach across Standards Committees. There was no way of moderating the decisions they made.

The Chair understood that there was no clear theme running through these cases but asked if there was anything such as training which would assist when reviewing protocols. In response the Monitoring Officer was unsure saying the previous cases relating to former members which had been dealt with. There was range of fairly common place things which were not particularly unusual or surprising. He felt that these were things that a member who had been sanctioned would understand that this was not acceptable under the Code.

The recommendation, was moved and seconded by Mark Morgan and Councillor Andrew Parkhurst

RESOLVED:

That the Committee reviewed the cases summarised in the appendix to this report, and identified any issues or themes which it felt needed to be raised with all councillors.

27. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report and confirmed that he had received more decisions since the report was prepared, but they would be reported to a later meeting. To assist Members, he had greyed out the cases which had already been considered.

An overview was provided on the complaints received with those which were still under investigation and the number of complaints rejected at the outset by the Ombudsman on the grounds of lack of evidence highlighted. This was part of the Ombudsman's two stage test and information on the evidence and process required together with the detail included in the letters of rejection. It was difficult to identify any specific themes but there were elements of bullying which was the only theme which came through.

The Chair referred to the Annual Report of the Public Services Ombudsman for Wales which highlighted an increase in the number of complaints involving issues around equality and respect. She asked if the Monitoring Officer felt that this was reflected in Flintshire's complaints. In response the Monitoring Officer commented that two or three of the complaints included bullying which overlapped with equality and respect and was reported as a breach of the Code.

The Monitoring Officer then referred to the Summary Report which related to a complaint following the Election last year. An overview of the complaint was provided together with reference to its impact on social media. The complainant had, following a year in the role, asked the Ombudsman to withdraw the complaint. The Ombudsman had taken this into account but commented that the term "bought" which had been used in the social media posts was disrespectful and had brought the authority into disrepute. This case would have proceeded to a hearing because of the terminology used. The complaint included an element of bullying which the Ombudsman did not

support but concluded it was disrespectful and implied impropriety. Because of the public apology on social media and the complainant not wishing to take this forward, the case was not referred for a hearing. The Ombudsman's findings were that there had been a breach of the Code. The summary text would be published on the Ombudsman's website and would be referred to in the next "my findings" report. The Monitoring Officer had asked the Ombudsman for a more detailed report to share with the Committee in private session but he was still awaiting a response from them.

The Chair referred to the report which would be published on the Ombudsman's website and asked if the Standards Committee and the County Council were obliged to publish anything on its website. The Monitoring Officer confirmed that it did not as there was only a requirement to publish the outcome of a hearing by the Adjudication Panel for Wales.

The Chair referred to the feedback in the summary report and whilst waiting for the fuller report asked if any specific training should be considered. The Monitoring Officer felt that this could be covered within the training provided.

The recommendation, as amended, was moved and seconded by Councillor Antony Wren and Jacqueline Guest.

RESOLVED:

That the Committee note the number and type of complaints

28. FORWARD WORK PROGRAMME

The Monitoring Officer reminded Members that the joint meeting with the Town and Community Councils was arranged for 6 November 2023. He would be writing to Clerks to ascertain if they had any issues they wished to raise at the meeting.

The Chair suggested the following :-

- that feedback from the joint meeting with Group Leaders on the 6 October meeting be included.
- that the minutes of the National Forum were shared with Standards Committee members.
- that the decision from the consultation on implementing the Penn Review could be included
- that feedback from the Ethical Liaison meeting be included for the November meeting

Jaqueline Guest asked if the feedback from her revisit to Bagillt Community Council could be included on the 6 November meeting. The Monitoring Officer confirmed that it could be incorporated within the summary and round up of all the meetings and advice provided.

The recommendation, as amended, was moved by Mark Morgan and seconded by Jacqueline Guest.

RESOLVED:

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

29. 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 8.24 pm)

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Chair

Agenda item from Town & Community Councils

Broughton and Bretton Community Council

SLCC, NALC and OVW – Civility and Respect Pledge

Over 1,000 local (parish and town) councils have signed up for the Civility and Respect Pledge.

SLCC and the National Association of Local Councils (NALC) are urging councils yet to sign the Pledge to do so. The sector must continue to stand up against bullying and harassment. The more councils that sign the Pledge, the more significant impact it will have in lobbying the government to re-visit its response to the Committee on Standards in Public Life report on local government ethical standards.

The Pledge allows local councils to demonstrate a commitment to stand up to poor behaviour across the sector and enforce positive changes that support civil and respectful conduct.

By signing the Pledge, local councils agree that it will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles and that it:

Puts in place a training programme for councillors and staff.

Signs up to the code of conduct for councillors.

Has good governance arrangements in place, including staff contracts and dignity at work policies.

Seeks professional help at the early stages should civility and respect issues arise.

Committed to calling out bullying and harassment if and when it happens.

Continue to learn from best practices in the sector and aspire to be a role model/champion council.

Supports the lobbying for change in legislation to support the Civility and Respect Pledge.

SLCC, the National Association of Local Councils (NALC), One Voice Wales (OVW) and county associations developed the Civility and Respect Pledge to address growing concerns about bullying, harassment, and intimidation within the sector.

Sign the Pledge

<https://www.slcc.co.uk/news-publications/civility-respect-pledge/>

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STANDARDS COMMITTEE

Date of Meeting	Monday, 6 November 2023
Report Subject	Feedback from the Independent members' Visits to Town and Community Councils.
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Independent Members of the Committee have attended meetings of all town and community council in Flintshire over the past 12 months. The visits have been carried out in order to observe how town and community council meetings are run across the County, with a particular focus on issues pertaining to the members' Code of Conduct (the Code), and to provide any feedback arising from the visits that may be useful.

As with the previous series of such visits, the overriding feedback is that the majority of town and community council meetings in Flintshire are well organised and attended and that town and community councillors and their clerks should be commended for their hard work and commitment in this respect.

Letters have been sent to town and community councils following each report back to the Committee by Independent members of the Committee, and this report is intended to summarise the common themes arising from the visits and to endorse them as recommendations to town and community councils in Flintshire as a whole.

RECOMMENDATIONS

1	That this report is circulated to all town and community councils in Flintshire and the common themes and suggestions at paragraph 1.04 of this report are endorsed as recommendations of best practice to those councils.
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REPORT DETAILS

1.00	BACKGROUND
1.01	<p>The Independent members of the Committee have attended meetings of all town and community councils in Flintshire over the past 12 months. This is the second such round of visits, which have been undertaken in order that members can observe how town and community council meetings are organised and carried out across Flintshire, with a particular focus on any issues arising pertaining to the Code. Written feedback has been provided to town and community council clerks (copies of these letters are appended to this report).</p>
1.02	<p>The main message that has emerged is that most meetings are well attended by town and community councillors, local issues appear to be thoroughly debated and considered, and that councillors and their clerks should be commended for their hard work and commitment. In a couple of instances specific feedback has been provided with town and community councils where problems were observed.</p>
1.03	<p>As before there are common themes that have arisen where members of the Committee consider improvements should be made to meetings of town and community councils in Flintshire. The feedback letters referred to at paragraph 1.01 of this report have advised town and community councils of these matters.</p>
1.04	<p>The key matters are summarised at paragraph 1.04 below:</p> <ol style="list-style-type: none">1. Declarations of Interest should appear as a standing item early on the agenda before substantive items are listed, and the chair should remind councillors that an interest can be declared at any point should a councillor realise later on in the meeting that a declaration is required2. summary guidance on when to declare an interest has been circulated for inclusion on agendas3. When someone declares a personal interest they can (and should) remain in the room but must leave when they declare a personal & prejudicial interest4. For on-line meetings the screen login should show whether someone is a councillor or an officer and their name so that role are clear and it is clear which code of conduct applies to them;5. Good chairing is the first line of defence against complaints under the code and this works best where:<ul style="list-style-type: none">• during a meeting only one person is speaking at a time;• the chair retains self-control and has themselves made appropriate declarations of interest.6. agendas should specify the nature of the business to be transacted under each agenda item with sufficient precision to allow councillors to be able to identify whether they need to declare an interest.

	7. there is an automatic exemption in the code for town and community (not county) councillors in any funding request up to and including £500 in value.
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2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Town and community council clerks throughout Flintshire were consulted about the visits prior to them commencing and were provided with written feedback and the matters reported back to the Committee.

4.00	RISK MANAGEMENT
4.01	The recommendations within the report should reduce the risk of complaints about breaches of the Code and should improve the publics' experience of town and community council meetings.

5.00	APPENDICES
5.01	App 1 - Letters of feedback on visits sent to town and community councils in Flintshire.

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

7.00	GLOSSARY OF TERMS
7.01	N/A

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Appendix 1

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

Ask for/Gofynner am

Direct Dial/Rhif Union

E-mail/E-bost

GO/TC

8th November 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

As you are aware, the Independent Members of the Standards Committee are currently undertaking visits to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted. The findings from the visits are reported to the Committee so that feedback can be given to Town/Community Councils to give assurance on good practice and procedures.

The findings from the first 4 visits, undertaken in October, were received by the Committee this week. The Independent Members were impressed with the knowledgeability and working relationships between Councillors and their Clerks. There was evidence of sound guidance being given or a willingness to seek advice where it was needed. It was also clear that Members were always given an opportunity to declare an interest at the start of each meeting. It has been suggested that it might be helpful to include a brief reminder of what constitutes a personal/personal and prejudicial interest with the agenda item on declaring interests. If that is something you would find useful please let me know and I will draft concise guidance for you to use.

It was noted that at a couple of meetings, Councillors who had a personal and prejudicial interest did not withdraw from the room as required by the Code. I appreciate that this is not always easy in a Village Hall where there may only be one (heated) room. However, it is an important requirement which is designed to prevent influence being exercised by someone even if they are not formally taking part in the debate.

Clearly, since the Covid lockdown online meetings have become a common feature for many of us. They bring some practical challenges because it is not always clear what is happening or who people are when everything is taking place on a single screen. Whilst not strictly matters under the Code itself, it does help if Councillors are identified in some way during online meetings so that members of the public know who they are (and thus whether they need to declare interests etc.). It is also helpful if the Chair or the Clerk can give some explanation or commentary about what is happening so that members of the public watching the meeting online are better able to follow proceedings.

County Hall, Mold. CH7 6NB

www.flintshire.gov.uk

Neuadd y Sir, Yr Wyddgrug, CH7 6NB

www.sirryfflint.gov.uk

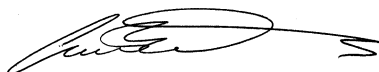
We welcome correspondence in Welsh. We will respond to correspondence received in Welsh without delay.

Rydym yn croesawu gohebiaeth Gymraeg. Ymatebwn yn ddi-oad i ohebiaeth a dderbynnir drwy gyfrwng y Gymraeg.

Lastly, as we increasingly do more and more online, the importance of up to date and informative websites continues to grow.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

Ask for/Gofynner am

Direct Dial/Rhif Union

E-mail/E-bost

GO/MG/TC

6th December 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my second update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from five further visits undertaken in October and November were reported to the Committee on the 5th December and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.

As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members were impressed that all meetings were well chaired and ably supported by clerks. They also noted that as a matter of good practice Declarations of Interest were standing items on all agendas.

Amongst the findings were some procedural points that may be of general interest and assistance to all Councils. Some of these points were identified in respect of the last five visits:

In each case we have seen that there is an item printed on the agenda for declaring interests. It is however good practice to verbally invite a declaration as well when that item is reached on the agenda. Members should also be mindful to declare any interests if they arise unexpectedly during the meeting.

It is good practice for agenda items to be specific, and it is also clearer to members in advance of a meeting where an interest may arise. However, where agendas contain a general item such as for members to raise any issues, it may assist if such matters were raised with the Chair and Clerk in advance of the meeting in order to assist with identifying any potential interests that may arise under the Code of Conduct.

As a matter of good practice, where Council's discuss grants that have been allocated by the Council it may assist to be clear about the amounts granted. There is an exemption within the Code which allows Town and Community Councils to vote on grants below £500 in value and requires them to declare only a personal interest. Being clear about the value of the grant also makes it clear whether this exemption will apply.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

Ask for/Gofynner ar

Direct Dial/Rhif Union

E-mail/E-bost

GO/MG/TC

11th January 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my third update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from six further visits undertaken in November were reported to the Committee on the 9th January and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.

As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members were impressed that all meetings were well chaired and ably supported by clerks. They also noted that as a matter of good practice Declarations of Interest were standing items on all agendas.

When declaring interests, Members need to be specific in whether it is a personal or personal and prejudicial interest so that everyone knows whether they intend to stay in the room.

We have seen examples of people leaving the room when they only have a personal interest. This is not necessary. Potentially, it deprives the Council of what might be useful information or insight and might make others reluctant to declare a personal interest because it is "the norm" when declaring any interest that one is not able to take part.

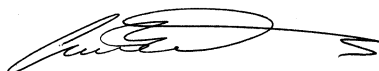
There are some exemptions in the Code which automatically downgrade personal and prejudicial interests to personal interests only:

- Where a Councillor has been appointed by the Council to an outside body, he or she only has a personal interest in matters affecting that body (provided the matter is not a planning, licensing or other regulatory application)
- Town and Community Councillors (not County Councillors) can award grants of up to £500 even though they might be associated with the body being funded.

We need to ask your assistance with the visits carried out by the Independent Members. They have no statutory right to “carry out inspections” and attend your meetings as though they were a member of the public. If your Council goes into closed session they should therefore be excluded from the meeting along with anybody else that isn’t a Councillor. However, this makes it difficult for them to carry out their role. If you need to go into closed session, could we ask that you give serious consideration to allowing them to remain in the meeting? They are, of course, bound by same Code of Conduct as Councillors and must therefore respect confidential information.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyl

Our Ref/Ein Cyf

Date/Dyddiad

Ask for/Gofynner am

Direct Dial/Rhif Union

E-mail/E-bost

GO/TC

9th March 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my fourth update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from five further visits undertaken in December, January and February were reported to the Committee on the 6th March and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.


As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members were impressed that all meetings

were well chaired and ably supported by clerks. They also noted that as a matter of good practice Declarations of Interest were standing items on all agendas.

This time, there are some observations on how good chairing can lead to better meetings and a reduced number of complaints. It has been noted that, when meetings proceed in an orderly manner (only one person speaking at any one time), behaviour is better. Likewise, where comments are addressed “through the Chair” meetings tend to remain calmer. Good chairing skills are therefore the first line of defence in respect of conduct complaints. Chairing a meeting isn’t easy; there is a lot to think about and do in a pressurised environment. Town and Community Councils should therefore consider including chairing skills in the training plans which they are required to produce under section 67 of the Local Government and Elections (Wales Act 2021).

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

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Direct Dial/Rhif Union

E-mail/E-bost

GO/TC

17th May 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my fifth update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from four further visits undertaken in January and March were reported to the Committee on the 15th May and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.

As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members noted that as a matter of good practice, Declarations of Interest were standing items on all agendas.


You may recall that as part of the training I provided on the Code of Conduct, I emphasised the importance of the Chair's role in ensuring good behaviour. It is the role of the Chair to conduct meetings in a way that makes poor behaviour less likely and to tackle any poor behaviour that does nevertheless arise. The Chair needs to retain high levels of self-control in order to be able to fulfil that responsibility. Where a Chairperson feels strongly about a matter, they need to plan how they intend to deal with the issues without losing that self-control and/or, even worse, manifesting poor behaviour themselves.

At one visit, a Councillor was seen to express their views so forcefully that it appeared to be coercive. Councillors are reminded that meetings are public and should be conducted in a professional manner lest they undermine public confidence in the running of that Council. It is the nature of politics that other Councillors may not share your view. That diversity of perspective is actually the strength of local democracy not a weakness. Councillors should therefore not accuse others of being negligent for not sharing the same view. Nor should Councillors be lampooned, ridiculed or scorned for holding a different opinion.

I send these letters to all Town and Community Councils in order to share the observations made by the Independent Members. Clearly it is important that these letters are shared with Councillors in order for them to have the greatest impact. I think all Town and Community Councils have a standing item on their agendas for correspondence and, if you do not share these letters with your Councillors under a specific agenda item, then please do so under the general correspondence item at the very least.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad

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Direct Dial/Rhif Union

E-mail/E-bost

GO/TC

11th July 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my sixth update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from 5 further visits undertaken in March, April and May were reported to the Committee on the 3rd July and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.

As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance. The Independent Members were impressed that all meetings were well chaired and ably supported by clerks. They also noted that as a matter of good practice Declarations of Interest were standing items on all agendas.

Independent Members are themselves commenting that they can see our follow up letters are being shared which is very gratifying and we hope people have found them of use. Members have recently commented on how well chaired meetings appear to be and how they have seen examples of potentially difficult behaviour being resolved.


Since the meeting, there has been some negative press coverage of proposed training. That training had been requested before the complaint which with it is being erroneously linked in the press articles. I will deliver it for my County Councillors first and subsequently run a session for Town and Community Councillors as well.

I have always stressed the fact that Councillors, whilst being able to speak freely about each other, need to be polite in their dealings with the Clerk. We have witnessed examples of poor behaviour including shouting and blaming which I would remind Members are not acceptable. If you have concerns or performance issues to raise, it is almost always better to do that outside of, rather than during, a public meeting. Your Council is very likely to have procedures for handling "complaints" which you will need to follow.

We're nearing the end of the programme of visits and I will do a "wrap up" letter to you following the meeting in November.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely



Gareth Owens
Chief Officer Governance

All Town and Community Clerks

Sent via e mail

Your Ref/Eich Cyf

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Date/Dyddiad

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Direct Dial/Rhif Union

E-mail/E-bost

GO/TC

6th September 2023

Gareth Owens

01352 702344

gareth.legal@flintshire.gov.uk

All Town and Community Clerks

Visits to Town and Community Councils

This is my seventh update regarding the visits by the Independent Members of the Standards Committee to Town/Community Council meetings to observe practice and gain an understanding of how local Council business is conducted.

The findings from 4 further visits undertaken in March, April, May and July were reported to the Committee on the 4th September and I am writing with feedback to all Town/Community Councils to give assurance on good practice and procedures.

As in the case of the last reported visits, the Independent Members agreed that these had been positive experiences and praised the level of commitment and contributions by those in attendance.

As always, the Independent Members noted that meetings work "best" i.e. they proceed in an orderly and calm manner, when the chair and clerk work well together.

I have commented previously that meetings proceed better when there is only one person talking so that everyone can hear and follow what is being said. Keeping order in a meeting with a large number of people can be far from easy, especially where a contentious item is under debate. This is where the chair and clerk need to work together as a team with the clerk prompting the chair (if necessary) on the need to “keep order” and advising the chair on standing orders if anyone is causing a disturbance. The clerk can also help the chair by reminding them not to feel rushed or pressured into making quick decisions. A quick bit of reassurance and a reminder to just “take one’s time” can work wonders in the heat of the moment.

It is also better if our administration/paperwork is undertaken either well before or after the meetings so that the public aren’t present to view the day-to-day workings.

An Independent Member did notice that one Council put the item for declaring interests a long way down the agenda. Whilst interests can be declared at any point during a meeting, it is better if they are declared before any principal items of business are undertaken. A place higher up the agenda is therefore better.

The Committee hopes that this feedback is useful and wishes to acknowledge the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gareth Owens', with a stylized flourish at the end.

Gareth Owens
Chief Officer Governance



STANDARDS COMMITTEE

Date of Meeting	Monday, 6 November 2023
Report Subject	Rolling Review of the Members Code of Conduct
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council must adopt a Code of Conduct that is based on the prescribed national model. It can amend the code provided the provisions are no less onerous than the model.

The Standards Committee keeps all the codes and protocols in the Constitution under rolling review to ensure they are up to date and pertinent. As the code is mandatory, clearly the key question is whether it adequately covers behaviours that would be inconsistent with the Nolan principles/unacceptable.

Since the last time the Committee reviewed the code in November 2022 agreement has been reached across all authorities in Wales to adopt a common value, £25, for the registration of gifts and hospitality.

RECOMMENDATIONS

1	That the Committee amends the value above which gifts or hospitality must be registered from £10 to £25.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF THE CODE
1.01	Under section 51 Local Government Act 2000 the Council must adopt a Code of Conduct for Councillors (“the Code”) based on a national model. All Members must sign to say that they will follow the Code. The Council’s

	current code is based on the national model contained within The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended).
1.02	The Standards Committee keeps all the codes and protocols within the Constitution under review to ensure that they remain pertinent and up to date. Clearly, as the code is mandatory it is still “pertinent”. The review therefore should be to consider whether it remains up to date and whether it adequately addresses behaviours that might be considered to breach the Principles of Public Life or to be in some other way unacceptable.
1.03	The Committee will be aware that the Penn review recommended changes to the code, some of which have already been adopted on a voluntary basis. The Committee agreed that it would ask the Monitoring Officer to seek consensus across Wales on the level above which gifts and hospitality must be registered. That has been reached but remains to be implemented by councils/authorities whose code currently specifies a different value.
1.04	Paragraph 17(1) of the code states “You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, of the existence and nature of that gift, hospitality material benefit or advantage, or in relation to a community council, your authority’s proper officer.” Paragraph 18 contains the value which is currently £10.
1.05	As at March 2023 most authorities (16 out of 29) in Wales already required registration for gifts/hospitality of £25 or more. The National Forum therefore reached a consensus that this value should be used across Wales. Each council however needs to resolve to make this change because the Forum has no decision-making authority on behalf of its members.
1.06	Flintshire has also adopted a recommendation by the Committee on Standards in Public Life to include an aggregate value within its code above which multiple gifts/hospitality from the same source must be registered. The obligation is in paragraph 17(2) which states: “You must, provide written notification to your authority's monitoring officer, of the existence and nature of any gifts, hospitality, material benefits and/or advantages, received from the same source during any rolling 12-month period, where the total value of those gifts, hospitality, and/or material benefits is above £100.”
1.07	If the committee agrees to raise the value above which individual gifts/hospitality must be registered it may also wish to reconsider the aggregate value for multiple gifts/hospitality. Whilst there are few other councils which have adopted this provision, the Fire and Rescue Authority’s Standards Committee has recently decided to adopt this provision at the same value as Flintshire. There is therefore not a wider consensus to be followed or achieved yet (save perhaps the need to adopt this provision).

1.08	The Committee decided in November 2022 to await legislation from Welsh Government to enact the other recommendations in the Penn Review. No such legislation has yet been passed though of course the Committee has responded to WG's consultation on proposed legislative changes.
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2.00	RESOURCE IMPLICATIONS
2.01	The proposed change would have no impact on resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All chairs of the Standards Committees across Wales.

4.00	RISK MANAGEMENT
4.01	The value for declaring gifts/hospitality has been £10 since the code was adopted in 2001. Had that sum kept pace with inflation (measured by the Consumer Prices Index) over that time it would now be £17.94. By adopting £25 as the value the Committee will be slightly easing the duty on councillors but by a small amount that might be deemed insignificant compared the benefit to be derived by the application of consistent requirements/expectations across the whole of Wales.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Review of the Ethical Framework by Richard Penn</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Penn Review - a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour.

<p>Committee on Standards in Public Life – originally known as the Nolan Committee after its first chair this committee was established to advise on ethics in public life. Its original recommendations gave rise to the Nolan Principles on which the councillors’ and officers’ codes are based.</p>
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STANDARDS COMMITTEE

Date of Meeting	Monday, 6th November 2023
Report Subject	Feedback from the Ethical Liaison Meeting
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The fourth Ethical Liaison Meeting (ELM) was held on 6th October 2023. The meeting discussed:

1. Feedback on the process for preparing the annual report (including reporting on the group leaders' duty);
2. The updated statutory guidance on how Group Leaders and the committee should work together; and
3. Requested training and development for Group Leaders and councillors.

RECOMMENDATIONS

1	That the Committee oversees the development of a training programme for county councillors and group leaders.
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REPORT DETAILS

1.00	EXPLAINING THE ETHICAL LIAISON MEETING
1.01	The fourth Ethical Liaison Meeting took place on 6 th October 2023. It was attended by the Leader of Council and all the Group Leaders as well as the Chair and Vice Chair of the Standards Committee.
1.02	The ELMs have been used a forum to discuss how to implement the new duty on Group Leaders to promote ethical behaviour, and how that should be reported as part of the Standards Committee annual report. The first topic of discussion was to seek feedback on how group leaders felt the

	process had worked this year (being the first year such a report was prepared). The consensus was that the process had worked well.
1.03	Welsh Government has issued updated guidance on the group leaders' duty (amongst other things). The guidance has been considered before by the Committee but the updated guidance can be found here . The revised guidance recommends that group leaders meet with the whole committee (not just chair and vice chair) at the start of each year to discuss how to work together to discharge their duty. Our process already includes a meeting between group leaders and the whole committee in around March/April, and so is already compliant. We can use the suggested list of items from the guidance as the agenda for those meetings and review how the previous year has gone whilst looking ahead to the coming year.
1.04	The bulk of the meeting was given over to talking about a programme of training and development for group leaders and councillors. Without revealing the content of the conversation (which is private to ensure that group leaders can speak frankly and openly), it was agreed that the Monitoring Officer would draw up a programme of development and training to include: <ol style="list-style-type: none"> 1) A refresher on the code of conduct, Flintshire Standards and Member/Officer protocol for all councillors 2) A session on respecting diversity (in all its guises, including diversity of opinion); and 3) Skills training/development for group leaders who need to be able to encourage group members to comply with the code. Such training and development to include such topics as mentoring, facilitation and conflict resolution.
1.05	It was also agreed that following the training would be an opportune time to review the Flintshire Standard. That document was due to be reviewed at this meeting. In light of the agreement at the ethical liaison meeting, that work has now been moved back to next year. It was also agreed that, again following the training, it would be appropriate to look at whether a role description should be prepared for group leaders to include the expectations of them under the group leaders' duty.

2.00	RESOURCE IMPLICATIONS
2.01	The training/development programme will need to be delivered by a mix of internal and external training providers. The capacity in house for such training is limited but can be provided within existing resources. It is hoped that the bulk of the externally provided training can be sourced via WLGA and WG's Improvement Programme for local government. An overall cost for the programme will be reported to the committee in due course.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All Group Leaders were at the ELM and so have been consulted.

4.00	RISK MANAGEMENT
4.01	The process supporting group leaders to fulfil the new duty should in turn reduce the risk of non-compliance. The duty itself should help to reduce the chance that councillors will act in unethical manner or breach the code.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Insert any hyperlinks to supporting documents if necessary.</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Ethical Liaison Meetings – meetings between senior councillors and the Chair and Vice Chair of the Standards Committee to discuss ethical behaviour within the Council.

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

Date of Meeting	Topic	Notes/Decision/Action
3 June 2024	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Protocol for Members in their dealings with contractors/developers. • Members’ Code of Conduct. • Draft Annual Report 2023-2024 • Forward Work Plan 	
4 March 2024	<ul style="list-style-type: none"> • Training • Dispensations • Review of the Flintshire Standard – moved as agreed at the Ethical Liaison Meeting • Forward Work Plan 	
8 January 2024	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Confidential Reporting Procedure • Protocol on Member/Officer Relations • Feedback on Meetings of the National Standards Forum • Feedback from Independent Member Attendance at Meetings of the County Council • Forward Work Plan 	

<p>6 November 2023 Joint meeting with T&CCs</p>	<ul style="list-style-type: none"> • Training • Dispensations • Items raised by Town and Community Councils • Rolling review of the Members Code of Conduct • Suggested items for the National Forum for Chairs of Standards Committees • Feedback from the Ethical Liaison Meeting with Group Leaders • Summary of Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan 	<p>Verbal Report by Gareth Owens Verbal</p> <p>Report by Gareth Owens</p> <p>Verbal</p>
<p>4 September 2023</p>	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Public Services Ombudsman for Wales (PSOW) Findings • Results of Survey on Councillors Newsletters • Agenda items for the next Ethical Liaison Meeting • Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan 	<p>Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Report by Gareth Owens Verbal</p>
<p>3 July 2023</p>	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Visit Schedules for County Council Meetings • Feedback from National Standards Forum • Feedback from Independent Member Visits to Town and Community Councils • Forward Work Plan 	<p>Report by Gareth Owens Report by Gareth Owens Verbal Verbal</p>

Reports to be scheduled –

Welsh Government decision following consultation on implementing the Penn Review

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