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Standards Committee

Meeting Venue

**Committee Room A - County Hall,
Llandrindod Wells, Powys**

Meeting date

Wednesday, 2 October 2019

Meeting time

10.00 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact

Carol Johnson

01597 826206

carol.johnson@powys.gov.uk

26 September, 2019

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddua ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

AGENDA

| | |
|-----------|------------------|
| 1. | APOLOGIES |
|-----------|------------------|

To receive apologies for absence.

| | |
|-----------|----------------|
| 2. | MINUTES |
|-----------|----------------|

To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 5 June, 2019 as a correct record.

(Pages 3 - 6)

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| 3. | DECLARATIONS OF INTEREST |
|-----------|---------------------------------|

To receive any declarations of interest from Members relating to items to be considered on the agenda.

| | |
|-----------|---|
| 4. | REPORT OF THE SOLICITOR TO THE COUNCIL |
|-----------|---|

To receive the report of the Solicitor to the Council.

(Pages 7 - 30)

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT
COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON
WEDNESDAY, 5 JUNE 2019**

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Jackson, Mrs J Evans, Mrs C Moore and Mrs C Mulholland

County Councillors: S McNicholas, S Lewis, K M Roberts-Jones and K S Silk

In attendance: Ms D Jones (Deputy Monitoring Officer) and Miss C Johnson [Democratic Services Officer]

1. APPOINTMENT OF CHAIR

RESOLVED that Independent Member Stephan Hays be appointed as Chair for his term of office.

2. APPOINTMENT OF VICE CHAIR

The Committee noted that the Independent Member Claire Jackson would continue as Vice Chair for her term of office.

3. APOLOGIES

There were no apologies for absence.

4. MINUTES

The Chair was authorised to sign the minutes of the meeting held on 20 February, 2019 as a correct record subject to the spelling of Stephan Hays' surname being corrected to the former.

In response to a question, the Committee noted that no response had been received from the Ombudsman in respect of the Committee's comments on the Public Services Ombudsman for Wales' [PSOW] Draft Corporate Plan 2019/20 – 2021/22.

5. DECLARATIONS OF INTEREST

During the meeting County Councillor S Lewis declared a personal interest in the Supplementary report – Member Attendance, as she was identified in the report. The Deputy Monitoring Officer advised that individual cases were not being discussed at this meeting and that the Committee was being asked to agree the next action to be taken.

6. REPORT OF THE SOLICITOR TO THE COUNCIL

The Committee received the report of the Head of Legal and Democratic Services (copy filed with signed minutes).

A. General Standards Issues for County Councillors and Co-opted
Page 3

Members

A1. Code of Conduct Training

There was nothing to report.

A2. Mandatory Training

There was nothing to report.

B. Referral of Councillors to the Public Services Ombudsman

B1. County Council Referrals

The current position regarding matters with the Ombudsman is detailed below, subject to the Committee noting the changes since the Committee report had been published as indicated * :

02/CC/2017 Ombudsman investigating

01/CC/2018 Referred to APW

08/CC/2018 Ombudsman deciding whether or not to investigate

09/CC/2018 Ombudsman deciding whether or not to investigate

10/CC/2018 * Concluded no action

11/CC/2018 * Concluded no action

12/CC/2018 Ombudsman investigating

02/CC/2019 * Concluded no action

C. Dispensations

C1. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

D. Late Payment of Expenses

One claim for late payment of expenses had been received but had been returned to the Councillor, as the form was incomplete.

E. Ombudsman's Casebook

The Ombudsman had published the October – December 2018 Code of Conduct Casebooks. A copy of the Casebook was attached at Appendix A to the report.

The following items were taken next.

G. The North Wales Standards Committee Forum – 24 June, 2019 10 a.m. – 2.0 p.m. – Delyn Committee Room, Flintshire County Council, Mold

The Committee noted that the Ombudsman was to attend the Forum meeting and the Chair and Vice Chair advised that they could attend.

The Committee raised concerns about reports about cases in the press before they were reported to the Standards Committee. The Deputy Monitoring Officer advised that members, who are the subject of a complaint, are notified directly by the Ombudsman when investigated and when an investigation is completed. Comment was made that the Ombudsman should advise councillors not to comment on a decision, until after the Committee had been officially notified of the decision. Further comment was made that the Ombudsman had advised the press that an investigation into another councillor was still ongoing. The Committee queried this and commented that councillors involved in an investigation are advised that they would be in breach of the Code of Conduct if they discuss anything about it until it is concluded. It was agreed that the Chair and Vice Chair would raise these concerns with the Ombudsman at the Forum meeting.

Supplementary report - Member attendance

County Councillor S Lewis declared a personal interest in the item, as she was identified in the report. The Deputy Monitoring Officer advised that the Committee was not discussing individual cases. It was being asked to consider the process and whether it wished to contact the Councillors regarding the reasons for absence.

| Resolved | Reason for decision |
|---|---|
| That a letter is sent to the 10 Councillors regarding the reasons for their absence and that their responses' be considered at the Committee meeting on 2 October, 2019. | To obtain the reasons for absence from the relevant Councillors. |

F. Whistleblowing Policy and Procedure

The Chair welcomed Steve Holcroft, Employment Policy & Service Development Business Partner to the meeting, he advised that because of a recent follow-up review of the whistleblowing and grievance arrangements by Wales Audit Office the policy had been reviewed.

The Committee noted that due to the managerial structure changes the references to Strategic Directors would be changed to Corporate Directors.

The Committee made the following comments:

- Definition of volunteers needs to be included as this can mean many things [paragraph 3.1]
- Concerns were raised about using the Police 101 telephone number. If individuals used this, members queried how there was feedback to the Council [paragraph 7.1]
- The parties identified in Step 3 [paragraph 6.4] were all internal to the Council and it was questioned whether they would have a

conflict of interest. Steve Holcroft advised that the Council's Auditors were external to the Council. The Deputy Monitoring Officer advised that, if for example, the Monitoring Officer considered he had a conflict of interest he would pass a case to her or another appropriate person identified under the policy. Steve Holcroft advised where an individual is dissatisfied with a local response they can contact external organisations as listed in paragraph 12. It was noted that many individuals seek advice from their Trade Union on the best way to resolve concerns.

The Chair advised it was important to show that the Whistleblowing Policy worked. He asked if details of the number of concerns raised and the comments from those who had raised concerns could be published. Steve Holcroft advised that this could be done as the number of cases concluded satisfactorily was high.

| RESOLVED | Reason for decision |
|---|--|
| The revised policy, taking into account comments from the Committee, be circulated to the Committee for further comment. | To seek the views of the Committee. |

H. Correspondence

There was no correspondence.

I. Meeting dates

To note the date of the next meeting: Wednesday 2 October, 2019.

Mr S Hays (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee
2 October, 2019

REPORT BY: **Head of Legal and Democratic Services**

SUBJECT: **Standards Issues**

REPORT FOR: **Decision, Information and Discussion**

A. General Standards Issues for County Councillors and Co-opted Members

A1 Code of Conduct Training

Refresher training on Code of Conduct will be arranged in 2020 for all Members and co-opted members.

A2 Mandatory Training

A2.1 As part of the ongoing Member development programme, Equalities and Diversity training has been provided. Seven half day sessions have been provided [three in February, two in March and one in both June and September 2019]. The sessions were provided by Council Training Officers and a maximum of 15 Members could book onto a session. Members were advised of the dates and that they had to book on a session and diary invitations were sent confirming their bookings.

Although booked onto the final session in September, the following Members did not attend this: Councillors Rosemarie Harris, Liam Fitzpatrick and Gareth Pugh. In addition Councillor Myfanwy Alexander left the training at 11.30am due to a pressing engagement. The session was scheduled for 10.00 a.m. – 12.30 p.m.

Where Members do not attend mandatory development, the Council agreed on 15 July, 2015 that:

- (i) Where a Member does not attend/complete a “Mandatory development” session they will receive an email from the Standards Committee advising them that they need to attend the next session. They will be given details of the session or how to access an appropriate session from another source and the required date for completion.
- (ii) Where a Member does not complete the second session they will be required to provide a verbal/written explanation of why they have failed to attend/complete the required development to the Standards Committee. The Standards Committee will require the Member to agree to complete the required “mandatory development” within a specified timescale.

- (iii) If a Member continues to fail to attend/complete the required training the Standards Committee can suspend that Member for a period of up to one month. During this period the individual will not receive their allowance and will not be able to act as a Councillor.
- (iv) The Standards Committee will however, take into account a Member's individual circumstances when considering the above.

The Standards Committee is asked to agree that an email be sent, as i) above, to the Members who did not attend or failed to complete the training session in September, advising them that they need to attend the next session. A session will be arranged with the Training Officers.

- A2.2** At the mandatory Corporate safeguarding – adults & children session on 2 September County Councillor Fitzpatrick signed the attendance sheet and then left at 1018 hrs. The session started at 1000 hrs. The time of his departure was noted on the attendance sheet by a number of members.

The Committee should note that the session was recorded to enable those Members who could not/did not attend to complete the mandatory development. Those doing this will be required to complete a questionnaire about the topics covered.

The Standards Committee is asked to:

- i. agree that an email be sent to Councillor Fitzpatrick advising him that he needs to complete this mandatory training. As this training was recorded and he will need to watch the recording and complete the questionnaire associated with this.
- ii. agree to send an email to all members to remind them that mandatory training sessions must be completed in full.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

- B1.1** The current position regarding matters with the Ombudsman is as follows:

02/CC/2017 Concluded no breach

01/CC/2018 Referred to APW

08/CC/2018 Concluded not investigating

09/CC/2018 Concluded not investigating

12/CC/2018 Concluded no breach. Review requested.

03/CC/2019 Concluded not investigating

C Dispensations

C1 Applications - County Councillors

No applications for dispensation have been received from County Councillors.

D Late Payment of Expenses

One claim for late payment of expenses has been received from County Councillor Les George for travel claims. A copy of the claim will be circulated at the meeting.

E Member attendance

The Committee was advised at the last meeting that 10 Councillors have attendance below 60% for main Committees for the period 17 May 2018 to 15 May 2019. As agreed at the previous meeting, these Members were asked to provide an explanation as to their absences.

The Committee should note that:

- Councillor Mackenzie's attendance level is now above the required 60% after adjustments have been made to rectify recording errors and
- Neil Morrison resigned as a Councillor in September, 2019 and
- Councillor Sarah Lewis is resigning as of 27 September, 2019.

The responses from the other Members will be reported verbally to the meeting.

F Whistleblowing Policy and Procedure

At the last meeting the Committee made comments on the draft Whistleblowing Policy and Procedure. Since this meeting officers have considered the report further. The Committee is asked to consider the final draft [Appendix 1] prior to it being considered by Policy Forum.

G Ombudsman's Casebook

The Ombudsman has published Code of Conduct Casebooks for the following period:

- January – March 2019

A copy of the Casebook is attached at Appendix 2.

Back copies of the casebooks can be accessed from the website of the Public Services Ombudsman for Wales at:

<https://www.ombudsman.wales/code-of-conducts/>

H The North Wales Standards Committee Forum

The Chair attended the Forum meeting on 24 June, 2019. The Chair's notes of the meeting and the minutes of the meeting are attached as Appendix 3.

At this meeting it was suggested that the next meeting in November, could be hosted by Powys in Machynlleth. The Committee should note that the Standards Committee does not have a budget and so if the Committee does host the meeting, it will need to take place in the Council office in Welshpool. If the meeting is to be hosted the Committee is asked to consider whether it wishes refreshments to be provided.

I Correspondence

There was no correspondence.

J Meeting dates

To note dates of future meetings as follows:

Wednesday 12 February 2020

Wednesday 10 June 2020

Wednesday 7 September 2020

| Contact Officer Name: | Tel: | Fax: | Email: |
|--|--------------|--------------|--|
| Clive Pinney – Head of Legal & Democratic Services | 01597 826746 | 01597 826220 | clive.pinney@powys.gov.uk |



| | |
|------------------------|--------------------------|
| Status | Version 3 |
| Policy Author | S Holcroft |
| Date of Issue | TBC |
| Date of Previous Issue | 6 February 2017 |
| Agreed by | Employment Policy Forum |
| Formal Review Date | TBC |
| Authorisation | Solicitor to the Council |

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Cyngor Sir Powys County Council

Whistleblowing Policy & Procedure

1. Introduction

- 1.1 This Council has introduced this Whistleblowing policy to enable all workers to safely “blow the whistle” without fear of any repercussions so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes receipt of your concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.
- 1.2 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a **danger (to public or colleagues), professional misconduct or financial malpractice**, it can be difficult to know what to do.
- 1.3 To meet the requirements of this policy, a qualifying or “protected disclosure” is a disclosure of information made in the public interest which in the reasonable belief of the worker tends to show one or more of the following in terms of the Public Interest Disclosure Act 1998:
 - illegal practices (for example, a criminal offence);
 - a failure to comply with a legal obligation;
 - the health and safety of an individual, whether this is a member of the public or staff being endangered;
 - damage to the environment;
 - miscarriage(s) of justice; and
 - deliberate concealment of any of the above.
- 1.4 Note that the Public Interest Disclosure Act 1998 protects whistle blowers from detrimental treatment from their employer (in this case the Council).

2. Principles

- 2.1 This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the Council. Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply.
- 2.2 In circumstances where unwanted conduct or unnecessary behaviour is displayed to exert power, fear or anxiety on yourself or a work colleague(s), the provisions of the Council’s Grievance Policy can be used. There is of course a need to ensure

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that any investigation process is not misused and therefore any abuse such as raising unfounded malicious allegations may be treated as a serious disciplinary matter, possibly amounting to gross misconduct.

3. Scope

- 3.1 This policy applies to all workers and as such, includes permanent employees, temporary (fixed-term) employees, agency workers, secondees, contractors and voluntary staff working for the Council.
- 3.2 Schools-based staff (teaching and non-teaching) have their own policy – see <http://intranet.powys.gov.uk/index.php?id=7602>

4. Protection of the Whistle-Blower

- 4.1 The Council will not tolerate the harassment or victimisation of anyone raising a concern. The Council hopes that staff feel able to voice their concerns openly. However, we recognise that you may nonetheless be anxious. If so, you can ask to talk privately to a senior officer within your Service or to one of the persons identified in section 6. If you want to raise your concerns confidentially, we will make every effort to ensure that your name will not be revealed without your consent, unless it is required by law. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.
- 4.2 There may be occasions when it may become necessary to disclose your personal details. This could be for a variety of reasons depending upon the nature of the concerns raised. For example, it could be to ensure fairness for all involved.
- 4.3 The Council will seek to withhold personal details being released; it cannot guarantee that others will not try to deduce (correctly or otherwise) your identity. This may be the case where the worker has already voiced their concerns to colleagues or their manager. In addition, at the appropriate time you may need to come forward as a witness. Where it is necessary for your identity to be disclosed we will discuss this with you, explaining the reasons why your identity needs to be disclosed. We will also discuss and provide any reasonable support to try to alleviate concerns that you may have regarding the need to make the disclosure.

5. Anonymous Concerns

- 5.1 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the facts to be taken into account would include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from available sources. It is better that concerns are raised anonymously rather than not at all.

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6. How to Raise a Concern Internally

6.1 The following must be adhered to in order for the concern to be raised in a safe and protected way:

- You should not attempt to investigate suspected malpractice yourself;
- You should raise the matter promptly if you feel your concerns are warranted, involving your recognised trade union or professional body as necessary;
- You should make an immediate note of your concerns (taking note of all relevant details such as what was said in a telephone discussion or other conversations), the date, time and the names of any parties involved particularly details of any witnesses.

6.2 Step 1

If you have a concern, you should feel able to raise it with your line manager so that, as far as reasonably possible, it can be resolved locally. If the concern involves your line manager, it will be appropriate to move to step 2.

6.3 Step 2

If you don't feel step one is appropriate or it hasn't worked, please raise the matter with your Head of Service or Corporate Director (as appropriate). Please indicate if you want to raise the matter in confidence so that they can make appropriate arrangements. We may ask if you would like us to write to you summarising your concern and the action we propose to take.

6.4 Step 3

If these steps have been followed but you remain dissatisfied, or you feel that the matter is so serious or due to the sensitivity of the issues involved, you can confidentially report your concerns to:

- The Council's auditors: Ian Halstead, South West Audit Partnership (SWAP), Abbey Manor Business Centre, The Abbey, Preston Road, Yeovil, BA20 2EN, telephone: 01597 826 809;
- The Council's Monitoring Officer/ Head of Legal and Democratic Services, telephone: 01597 826746.;
- The Council's Head of Financial Services/ Section 151 Officer, telephone 01597 827789 ;
- The Leader or Deputy Leader of the Council, telephone 01597 826199.

(See sections 11 and 12 for independent external bodies that can advise workers).

7. Protection of Children and/or Vulnerable Adults

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- 7.1 If you witness or have concerns about the safety or welfare of a child or vulnerable adult or if you suspect that abuse may be taking place, please report your concerns immediately to the Front Door (Children) 01597 827 666 or Assist (adults) at 0345 602 7050. Alternatively, you can call the Police by 'phoning 101 (non-emergencies) and asking for your local police station or 'phoning 999 in the case of emergencies. .

8. How the Council will Handle the Matter

- 8.1 Once you have told us of your concern, the concern will be looked into to assess what action should be taken. This may involve an informal review, an internal inquiry or an investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance will be required. We will write to you summarising your concern and setting out how we propose to handle it.
- 8.2 When you raise the concern we may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures we will inform you.
- 8.3 Your concerns will be dealt with as quickly as possible and normally any investigation will be concluded within 6 to 8 weeks.

9. Responsibility for this Policy

- 9.1 All whistleblowing complaints will be co-ordinated by the Council's Monitoring Officer who has operational responsibility for the policy. In exceptional circumstances and where appropriate, other persons identified at 6.4 can be contacted.
- 9.2 The HR Department is responsible for reviewing and distributing this policy as and when required.

10. Response Time

- 10.1 Matters which have been raised under this policy can often be difficult matters to investigate. However, in all cases, whistle blowers will receive a written acknowledgement of the concern(s) raised within 10 working days.
- 10.2 Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within 4 to 6 weeks.
- 10.3 The outcome of the investigation will be notified to the whistle-blower in writing within 10 working days of the completion of the investigation although it may not be

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possible to fully disclose what outcomes were reached in respect of all the issue(s) raised.

11. Independent Advice

11.1 If a worker is unsure whether or how to raise a concern or whether they want free independent advice at any stage, they may wish to contact:

- Their trade union or professional association;
- The whistleblowing charity, Protect (formerly known as Public Concern at Work) at 020 3117 2520 or via their website: <http://www.pcaw.org.uk>. E-mail: whistle@pprotect-advice.org.uk

12. External Contacts

12.1 The Policy is intended to provide the worker with an avenue within the Council by which to raise their concerns. However and whilst the Council hopes the worker will be satisfied with any action taken, they may wish to contact specific prescribed persons (under the legislation) such as:

12.2 The Health and Safety Executive can be contacted at:

<http://www.hse.gov.uk>

Incidents can be reported online or for reporting serious incidents, the Incident Contact Centre can be contacted at 0345 300 9923.

12.3 Wales Audit Office can be contacted at:

<http://www.audit.wales/whistleblowing>

Telephone: 029 20 320 522

PIDA Officer
The Auditor-General for Wales
24 Cathedral Road
Cardiff
CF11 9LJ

whistleblowing@audit.wales

12.4 The Care Inspectorate Wales can be contacted for social services concerns

<http://careinspectorate.wales/raiseaconcern/whilstblowing/>

Telephone: 0300 7900 126

12.5 Dyfed-Powys Police can be contacted to report a crime or incident:

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Non-Emergency 101

Call **101** to report:

- Non-emergency enquiries
- An incident that has already happened
- For advice or help

If you're deaf or hard of hearing, you can contact them by text on **07811 311 908**.

Emergency 999

Call **999** if:

- a serious offence is in progress or has just been committed
- someone is in immediate danger or harm
- property is in danger of being damaged
- a serious disruption to the public is likely

If you're deaf or hard of hearing, **contact 999 by text (but you must have registered with [emergencySMS](#) for this service)**.

<https://www.dyfed-powys.police.uk>

13. Policy History

| Policy Date | Summary of change | Contact | Version/ Implementation Date | Review Date |
|----------------|---|------------|------------------------------------|----------------|
| September 2019 | Changes required to contact information (e.g. WAO, PCAW, etc.) and general review | S Holcroft | 3 | April 2020 |
| | | | | |

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The Code of Conduct **Casebook**

Issue 20 May 2019

Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman 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 Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- 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 for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers January to March 2019.

The Code of Conduct

Casebook

Issue 20 May 2019



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| No evidence of breach..... | 1 |
| No action necessary | 1 |
| Referred to Standards Committee | 2 |
| Referred to Adjudication Panel for Wales | 2 |

Case summaries

No evidence of breach

There are no summaries in relation to this finding.

No action necessary

Pembroke Dock Town Council - Promotion of equality and respect

Case Number: 201706079 - Report issued in January 2019

The Ombudsman received a complaint that a Member ("the Member") of Pembroke Dock Town Council ("the Council") had breached the Code of Conduct ("the Code") for members. It was alleged that the Member had acted in a disrespectful and bullying manner towards the previous Clerk to the Council, both in Council meetings and when communicating with her by email, between 2014 and her resignation from the Council in 2017.

The Ombudsman investigated whether the Members actions amounted to a breach of the parts of the Code that concern showing respect and consideration, bullying and harassment, bringing the Council into disrepute and a Member's duty to disclose an interest if they have one in any Council business. Information was sought from the Council, Pembrokeshire County Council and the Member. Interviews were also undertaken with relevant witnesses.

Having considered the evidence, the Ombudsman concluded that he was not persuaded that the Member acted in a disrespectful or bullying manner towards the Clerk at meetings or when communicating with her by email. He also decided that the evidence was not suggestive of a breach of the Code that the Member had not brought the Council into disrepute. The Ombudsman further concluded that it was likely that the Member may have breached the Code when failing to declare a personal interest at meetings.

Saltney Town Council - Promotion of equality and respect

Case Number: 201800177 & 201800178 & 201800179 & 201800180 - Report issued in January 2019

The Ombudsman received a complaint that Members ("the Members") of Saltney Town Council ("the Council") had breached the Code of Conduct by engaging in an argument with other councillors in front of members of the public, following a Town Council meeting.

The Ombudsman commenced an investigation on the basis that there may have been breaches of paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

The Ombudsman found that the behaviours complained about was below the standard that he would expect from elected members but that their behaviour was petty and immature and therefore to take further action and use further public resources would not be in the public interest.

Referred to Standards Committee

There are no summaries in relation to this finding.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding.

Notes on North Wales Standards Committee Forum 24th June 2019

At Flintshire CC Offices in Mold

Present: Representatives from Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire Wrexham, Ceredigion and Powys Standards Committees. Plus Flintshire Monitoring Officer.

Apologies: N Wales Fire & Rescue

Presentation by Nick Bennett the Welsh Ombudsman, see slides.

Most complaints are from Town & Community Councils.

Health related complaints have doubled.

If complaints involve bullying then this is a HR matter.

Examples of complaints dismissed include: pen clicking, handshaking, 'unfriending' on social media.

Code complaints down, others about equality & respect. There were only 8 serious issues out of 288 (<3%)

On sanctions we cannot suspend a suspension pending a member honouring an undertaking.

Some discussion on sanctions, such as restrict access to computers, phones, people, premises, etc. is practically impossible as it would require legislation.

Police not interested (lack of resource?) in any breaches

Parish clerks should be qualified. Clerks could be shared.

Display Code of Conduct in various places and on websites.

It would be good practice to email SC members before information released to the public (Chris' point).

Talk of providing training for Town & Community Councillors such as at area fora.

Flintshire to produce a document on what good behaviour looks like.

Stephan Hays – Chair Powys County Council Standards Committee

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MINUTES OF THE NORTH WALES STANDARDS COMMITTEES FORUM MEETING HELD IN THE DELYN COMMITTEE ROOM, COUNCIL OFFICES, MOLD ON MONDAY, 24 JUNE, 2019

PRESENT

Ceredigion County Council – Hywel Jones (Chair)
Conwy County Borough Council – John Roberts (Chair) and Iain Moore (Vice Chair)
Denbighshire Council - Julia Hughes (Vice-chair) and Anne Mellor (Independent Member)
Flintshire Council – Gareth Owens (Monitoring Officer), Matthew Georgiou (Deputy Monitoring Officer), Robert Dewey (Chair), Julia Hughes (Vice Chair), Ken Molyneux (Independent Member), Phillipa Earlam (Independent Member)
Gwynedd Council - Einir Young (Chair) and Margaret E.Jones (Vice-chair)
North Wales Fire and Rescue Authority – Julia Hughes (Vice-Chair)
Powys – Stephan Hays (Chair)
Wrexham County Borough Council - Neil Benson (Vice-chair) Sandra Hunt (Independent Member)
Isle of Anglesey County Council - Mike Wilson (Chair) and Islwyn Jones (Vice-chair)
Public Ombudsman for Wales – Nick Bennett

1. ELECTION OF CHAIR FOR THE MEETING

Robert Dewey, Chair Flintshire County Council Standards Committee, was elected chair of the meeting.

2. APOLOGIES

Apologies were received from:-

Ceredigion County Council - Caroline White (Vice-Chair)
Denbighshire Council - Ian Trigger (Chair)
Powys – Claire Jackson (Vice Chair) Debby Jones (Monitoring Officer)
Wrexham County Borough Council - Michael Pugh (Chair)

3. MINUTES OF THE MEETING HELD ON 29 JUNE, 2018

Submitted - the minutes of the North Wales Standards Committees Forum meeting held on 29 June 2018.

RESOLVED to accept the minutes of the meeting held on 29 June 2018 as an accurate record.

4. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES – NICK BENNETT

PSOW Code – the Ombudsman explained his new powers to

- i. Consider oral complaints
- ii. Complaints about Private Health Care

iii. Own initiative

There have been an increasing number of service complaints especially in health, but there has been a similar increase in code complaints. There is a small office in North Wales which may grow over time. Of the large number of code complaints, the vast majority are found to be meritless. There are a relatively small number of serious issues – 8 out of 288 referred for a hearing, which demonstrates the high standards in Wales.

Two out of three complaints were about Town and Community Councils - previously more. This was more balanced with an equal number coming from County Councils. The Ombudsman believes this shows that LRP is working but still more work is still needed in Town and Community Councils.

The 2 stage test is important, it allows more time for more serious cases and fewer vexatious complaints.

In North Wales, 32% of complaints but only 22% of the population. Only 17% were referred for hearings. There is work to do on lower level complaints.

Mr Bennett gave some examples of absurd complaints received by his office.

There has been a reduction in Member vs Member complaints at County level. This needs to be extended to Town and Community Council level.

What can the PSOW do to support local leadership? Ynys Môn, Monmouth and Swansea have done some good work to promote training and would have no problem coming to speak.

Powys raised questions about how to enforce promises made by Members as part of an Ethical process. They want more power to require compliance. Flintshire's Monitoring Officer said he had asked Welsh Government for more flexible sanction powers but this was refused.

Mike Wilson, Ynys Môn, said that the problem with Town and Community Councils is that County has no jurisdiction over them. They are trying to get the message across in order to help with local resolution. We have no investigative powers so have to accept what we're told. The PSOW agreed that soft power and influence was equally important. He said his help was not going to resolve every problem.

Einir Young, Gwynedd, said she would like the power to require an apology. Mr Bennett would like to explore this more with Welsh Government but said legislation takes a long time. Cheap solutions could be enshrined in legislation. The costs of appeals could be published – the PSOW thought this might reduce vexatious behaviour.

Conwy suggested attendance at training can be low - was there any scope for toughening obligation to attend training? Mr Bennett thinks that it is interest to attend. In Monmouthshire they have had presentations on –

1. The role of the MO
2. WLGA on future role of Town and Community Councils
3. How OVW can help
4. Role of Standards Committees
5. Introduction to WAO
6. Work of the PSOW

Flintshire asked whether there could be clarity or guidance on what amounts to bullying, which is the biggest single type of complaint. Gwynedd suggested seeking advice from

HR.

Ceredigion give high profile to importance training. They had held a series of sessions where Independent Members attend. They had also had 4 area meetings to do the training. Not everyone attended but this is helping set a tone. The PSOW agreed culture is important. The Monitoring Officer at Gwynedd also does a lot of training but those who least need training are the ones who attend. There can be a flip side of over cautious behaviour and unnecessary declarations of interest.

Flintshire are developing an increasingly detailed list of expected behaviours.

Julia Hughes, Vice Chair of Flintshire and Denbighshire, described the process of visits to Town and Community Councils to better understand how meetings are working and pick up areas of good/bad practice. She explained that feedback was then given to all the clerks.

Hywel Jones, Ceredigion, asked about a report on reform of Town and Community Councils and whether there was any progress. Mr Bennett thinks that proposals for reform can give rise to a lack of clarity and accountability. However, there is potential to develop Town and Community Councils but there would need to be an improvement in behaviours.

Islwyn Jones, Ynys Môn, made the point that the Commissioner remains responsible for any service delivered (Mr Bennett agreed but stated this was not always the case). Ynys Mon have reviewed five or six of their biggest – looked at websites, minutes and Declarations of Interest with them and given specific feedback as well as a generic letter.

Flintshire asked whether the PSOW keeps records of low level complaints in order to see a pattern in the event of subsequent complaints. Mr Bennett suggested all complainants should keep a log.

Conwy raised a question regarding Social Media – Members were not attending training so were not finding out about the help that is available. Independent Members have been asked to leave some Councils as outsiders because they are a challenge to longstanding Councillors. Mr Bennett said it was important for that elections are important as a means of ensuring that there is accountability.

Powys raised a question about when matters are made public. Mr Bennett stated you cannot gag Members who choose to confirm the existence of a complaint. His office will confirm existence of an investigation. If nothing is confirmed, this leads to speculation. Rather than report matters publicly, Council could e mail Standards Committee members so that they are confidentially made aware of complaints.

5. LESSONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REVIEW OF THE CODE OF CONDUCT IN ENGLAND

<https://www.gov.uk/government/collections/local-government-ethical-standards>

Flintshire confirmed patchy practice on displaying the Code of Conduct – promotion of easy access is required.

Gwynedd asked to what extent there are matters which should be but have not been reported.

Ynys Môn asked whether standards might slip if there was more joint working.

6. NAME OF THE FORUM

Standards Forum for North and Mid Wales.

7. JOINT STANDARDS COMMITTEE

Ynys Môn meet informally to undertake tasks in between meetings.

Conwy have reduced their meetings so they can meet informally within the budget.

Ynys Môn has a sub-committee to consider dispensation requests. There is a 30 minute training session prior to each meeting – JH suggests sharing members across Committees.

Welsh translation would be essential.

There was a discussion considering dispensations and how to handle them with Infrequent meetings of the Standards Committee.

The potential disadvantage would be cost and travel.

Training – a lay member from each of the Counties plus an elected representative From each Council.

We might want to consider different models e.g. 1, 2 or 3 options.

Gwynedd thinks the same things are common to everyone and could be shared e.g. training based around geography.

Mike Wilson, Ynys Môn, saw potential advantages (e.g. cost savings). Issues such as how Independent Members are appointed could then be considered. Ynys Môn will have an almost completely new Committee in November.

A local connection/link might be important to build confidence.

It would be interesting to see the pros and cons and whether it would then improve standards.

Robert Dewey of Flintshire wants to keep the opportunity to grant dispensations quickly.

A SWOT analysis was requested with answers to be fed back to Flintshire
Either – Yes, No or Maybe

8. WELSH AUDIT OFFICE REPORTS HAVE RECENTLY BEEN PUBLISHED IN RELATION TO TWO COMMUNITY COUNCILS WITHIN THE ISLE OF ANGLESEY

Welsh Audit Office have reported publicly on contrived audit failings dating back to 2013/14 and 2014/15. Is this a recurring pattern (of late reports) or is it a one off? In Flintshire there has been a recent public interest report where there was a history of discussion with the Town Council and that the issue was ‘taken to the next level’ because of a lack of resolution.

9. ANY OTHER BUSINESS

10. DATE AND LOCATION OF NEXT MEETING

It was suggested that Powys host in November at a venue in Machynlleth.

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