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Standards Community Sub-Committee

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

Meeting date
Wednesday, 2 October 2019

Meeting time
10.30 am

For further information please contact
Carol Johnson
01597 826206
carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

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, ddau 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
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To receive apologies for absence.

2.	MINUTES
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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 - 4)

3.	DECLARATIONS OF INTEREST
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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
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To receive the report of the Solicitor to the Council.

(Pages 5 - 10)

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-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

Town and Community Council Representatives: Councillors M Morris, J Shearer and
H Pattrick

County Councillors: County Councillor K M Roberts-Jones

In attendance: Ms D Jones (Deputy Monitoring Officer)

1.	APOLOGIES
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There were no apologies for absence.

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

3.	APPOINTMENT OF VICE-CHAIR
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The Sub-Committee noted that the Independent Member Claire Jackson would continue as Vice Chair for her term of office.

4.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 20 February, 2019 as a correct record subject to it being noted that the Town and Community Councillors were incorrectly shown in the list of Independent Members.

5.	DECLARATIONS OF INTEREST
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There were no apologies for absence.

6.	REPORT OF THE SOLICITOR TO THE COUNCIL
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The Committee received the report of the Head of Legal and Democratic Services (copy filed with signed minutes).

A Referral of Councillors to Public Services Ombudsman

A1. Town and Community Councillor Referrals

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

7/17/TCC Ombudsman investigating

7/18/TCC Complaint received – Ombudsman not investigating but now subject to review
8/18/TCC Ombudsman deciding whether or not to investigate
10/18/TCC Ombudsman deciding whether or not to investigate
11/18/TCC Ombudsman deciding whether or not to investigate
13/18/TCC Ombudsman investigating
15/18/TCC Ombudsman deciding whether or not to investigate
16/18/TCC Ombudsman deciding whether or not to investigate
17/18/TCC Ombudsman deciding whether or not to investigate
18/18/TCC Complaint received – not investigating

01/19/TCC *Concluded no action

02/19/TCC Ombudsman deciding whether or not to investigate

B. Dispensations

B1. Applications - Town and Community Councillors

No applications for dispensation have been received from Town or Community Councillors.

C Ombudsman's Casebook

The Ombudsman had published Code of Conduct Casebook for the period October – December 2018.

D Meeting Dates

It was noted that the next meeting is on Wednesday 2 October 2019.

Mr S Hays (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL.

**Standards Community Sub - Committee
2 October 2019**

REPORT BY: Head of Legal and Democratic Services

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A Referral of Councillors to Public Services Ombudsman

A1. Town and Community Councillor Referrals

The current position regarding existing matters with the Ombudsman is as follows:

7/17/TCC	Ombudsman investigating
7/18/TCC	Complaint received – Ombudsman not investigating but now subject to review
8/18/TCC	Ombudsman deciding whether or not to investigate
10/18/TCC	Ombudsman deciding whether or not to investigate
11/18/TCC	Ombudsman deciding whether or not to investigate
13/18/TCC	Ombudsman investigating
15/18/TCC	Ombudsman deciding whether or not to investigate
16/18/TCC	Ombudsman deciding whether or not to investigate
17/18/TCC	Concluded no action
02/19/TCC	Ombudsman deciding whether or not to investigate
03/19/TCC	Not investigating
04/19/TCC	Not investigating

B. Dispensations

B1. Applications - Town and Community Councillors

No applications for dispensation have been received from Town or Community Councillors.

C. 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 A.

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/>

D. Training of community councillors

A Committee member has raised an issue regarding this as follows:

“My broad understanding is that there is an expectation that One Voice Wales [OVW] provides training to this particular group but we do not seem to ever receive any feedback/information as to how successful this is. As OVW is a subscription provided organisation there is also an issue over how many of the councils are actually members and therefore what percentage of councillors have access to training.

As the Ombudsman has reported that the number of complaints about Community councillors is on the rise, now might be an appropriate time for us to kick start this debate?”

The Head of Democratic Services advises that the Council does not have the capacity to undertake the training of Town and Community on the Members’ Code of Conduct. However, if it did have capacity there would be a charge for such training. The Council took a decision in 2017 to advise Town and Community Councils that they would have to pay for training provided by us and they should look to One Voice Wales for Code of Conduct Training as they provided that training. The County Council also did not want to be in competition with One Voice Wales for the provision of training.

E. 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 and Democratic Services	01597 826746	01597 826220	clive.pinney@powys.gov.uk

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

Contents

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.