

Public Pack

**Pennaeth Gwasanaethau Cwsmeriaid a Chorfforaethol/
Head of Corporate and Customer Services**
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Dear Councillor

You are requested to attend a **Meeting** of the **STANDARDS COMMITTEE of Wrexham County Borough Council** to be held in **MEETING ROOM 2, GUILDHALL, WREXHAM** on **THURSDAY, 6 SEPTEMBER 2018** at **3.30 pm** for the transaction of the business specified below.

Yours faithfully

Head of Corporate and Customer Services

AGENDA

- Apologies for Absence**
- Declarations of personal interests, if any**
Members are reminded of their responsibility, under Paragraph 11 of the Members' Code of Conduct, to declare the existence and nature of any personal interest in respect of any of the business to be transacted at this meeting
- Confirmation of Minutes**
To sign as a correct record the Minutes of the Meeting held on 7 June 2018
(Pages 3 - 6)
- Public Service Ombudsman for Wales Annual Report**
To consider the report of the Monitoring Officer (Pages 7 - 10)

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

- 5 **Public Services Ombudsman for Wales - The Code of Conduct Casebook**
To consider the report of the Monitoring Officer (*Pages 11 - 14*)
- 6 **Any other items which the Chair decides are urgent**

TO: THE CHAIR AND MEMBERS OF THE STANDARDS COMMITTEE

Ms Julie Adams

Councillor Andrew Atkinson

Mr Neil Benson

Councillor I David Bithell, MBE

Mrs Claire Blanchard

Councillor Kevin Hughes

Mrs Sandra Hunt

Mr Geoff Edwards – Community Councillor

Mr Michael Pugh

Item 3

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN MEETING ROOM 2, GUILDHALL, WREXHAM ON THURSDAY, 7 JUNE 2018

MEMBERS

*Mr Michael Pugh, Chair
*Mr Neil Benson, Vice-Chair

Ms Julie Adams
*Mrs Claire Blanchard
Mrs Sandra Hunt

*Councillor Andrew Atkinson
Councillor I David Bithell, MBE
*Councillor Kevin Hughes
Mr Geoff Edwards - Community Councillor

*Absent

1 APPOINTMENT OF CHAIR

RESOLVED – That Mrs Sandra Hunt be appointed to Chair the meeting.

2 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Mr Neil Benson, Mrs Claire Blanchard, Mr Michael Pugh and Councillor Kevin Hughes. To achieve a quorum Councillor Andrew Atkinson was not required at the meeting.

3 DECLARATIONS OF PERSONAL INTERESTS, IF ANY

There were no declarations of interest

4 CONFIRMATION OF MINUTES

RESOLVED - That the Minutes of the Meeting held on 7 December 2017 be signed as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - THE CODE OF CONDUCT CASEBOOK

The Monitoring Officer submitted a report (HCCS/21/18) to enable Members to consider the recent decisions of the Public Services Ombudsman for Wales published in the Code of Conduct Casebook. The latest editions covered the periods July – September 2017 and October – December 2017.

The Deputy Monitoring Officer drew Members attention to an interesting case in a neighbouring authority where the Ombudsman had considered that the potential breaches, of a former member of the County Council who had not sought re-election at the May 2017 election, were sufficiently serious for it to be in the public interest to pursue the matter further. The unanimous decision of a Case Tribunal, in October 2017, was that the former Councillor should be disqualified for a period of 14 months from being or becoming a member of that County Council or of any other relevant authority.

The Deputy Monitoring Officer referred to a second case which highlighted the need for County Councillors, Community Councillors and co-opted members to take care when expressing personal opinions on social media.

RESOLVED – That the decisions reported in the Code of Conduct Casebook be noted.

Reason for decision

To inform Members of the work undertaken by the Public Services Ombudsman for Wales.

6 WHISTLEBLOWING POLICY

As required by the Council's Whistleblowing Policy the Monitoring Officer submitted an annual report (HCCS/39/18) on the operation of the Policy and any changes in practice introduced as a result of concerns raised under the Policy.

The Deputy Monitoring Officer reported that during the period since the Committee last received a report (July 2017) seven concerns had been reported. Two independent investigations had been carried out, but had not given rise to any significant corporate concerns.

It was noted that any concerns raised anonymously were always brought to the attention of the relevant Head of Department and any concerns which were found to be malicious were taken up through the necessary HR processes.

RESOLVED – That the report be noted.

Reason for decision

To fulfil the Standards Committee function of overseeing the Council's Whistleblowing regime.

7 ADJUDICATION PANEL FOR WALES ANNUAL REPORT

The Monitoring Officer submitted a report (HCCS/36/18) informing Members of the publication of the Adjudication Panel for Wales Annual Report which covered the period April 2016 – March 2017.

It was noted that the most common breaches of the Code related to

- failure to show respect/equality/bullying
- bringing office/authority into disrepute
- failure to disclose an interest and/or withdraw

A summary of the cases determined during the relevant period was provided in the annual report and Members noted that in the case of two appeals by members of decisions by Local Authority Standards Committees, the Adjudication Panel had upheld the breaches of the Code of Conduct and in both cases recommended suspension from office for periods of 3 months.

RESOLVED – That the report be noted.

Reason for decision

To inform Members of the work undertaken by the Adjudication Panel for Wales.

8 FORWARD WORK PROGRAMME - SEPTEMBER 2018 TO JUNE 2019

The Deputy Monitoring Officer submitted a report (HCCS/35/18) to enable consideration to be given to proposed items for inclusion in the Forward Work Programme for the period September 2018 to June 2019.

RESOLVED – That the items identified, in report HCCS/35/18, for inclusion in the Forward Work Programme be approved.

Reason for decision

To approve the list of items for inclusion in the Forward Work Programme.

9 DATES AND TIMES OF MEETINGS

Members noted that the Quarterly Meetings of the Standards Committee in 2018/2019 would be held on:

1 September 2018 at 3.30pm
1 December 2018 at 2.00pm
2 March 2019 at 3.30pm
8 June 2019 at 3.30pm

All meetings will be held in the Guildhall, Wrexham.

10 PAYMENTS TO MEMBERS OF COMMUNITY AND TOWN COUNCILS

Community Councillor Geoff Edwards referred to the determinations of the Independent Remuneration Panel for Wales, in relation to Payments to Members of Community and Town Councils, and advised the Committee of Community Councillors concerns regarding public perception.

Mrs Sandra Hunt
Chair

REPORT TO:	Standards Committee
REPORT NO:	HCCS /48/18
DATE:	6 September 2018
LEAD:	Sioned Wyn Davies, Monitoring Officer
CONTACT OFFICER:	Linda Roberts, Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Public Services Ombudsman for Wales Annual Report
WARD:	N/A

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the publication of the Annual Report and Accounts of the Public Services Ombudsman for Wales 2017/18 entitled “Innovation, Improvement, Influence”.

2. EXECUTIVE SUMMARY

- 2.1 The Public Services Ombudsman for Wales (“The Ombudsman”) has published his Annual Report for 2017/18. The report can be viewed by Members by visiting the Ombudsman’s website www.ombudsman-wales.org.uk and searching under Annual Reports in the Publications tab. This is the fourth report produced by Nick Bennett who took up office as Public Services Ombudsman for Wales in August 2014 and is the second combined annual report and accounts.
- 2.2 The Ombudsman has two specific roles, firstly to consider complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of the public body and the second role is to consider complaints that Members of Local Authorities and other public bodies have breached their adopted Codes of Conduct.
- 2.3 In his Annual Report, the Ombudsman reports substantial progress in the activities of the office over the past year, with specific reference to three year strategic themes of innovation, improvement and influence, which have led to substantial increases in outcomes for complainants and, he hopes, positive impacts on public services.

3. RECOMMENDATION

3.1 To note the contents of the report.

REASON FOR RECOMMENDATIONS

To inform Members of the work undertaken by the Public Services Ombudsman for Wales.

4. BACKGROUND INFORMATION

4.1 The Ombudsman's Annual Report contains details of the Code of Conduct complaints received in respect of members of different types of public bodies as follows:

<u>Type of Body</u>	<u>2017/18</u>	<u>2016/17</u>
Community Council	167	126
County/County Borough Council	102	108
Fire Authority	0	0
National Park Authority	1	2
Police and Crime Panels	0	0
TOTAL	270	236

4.2 The nature of the Code of Conduct complaints received is broken down according to the Principles of Conduct in Public Life as follows:

<u>Description of Nature of Complaint</u>	<u>Percentage (17/18)</u>
Accountability and Openness	8%
Disclosure and Registration of Interests	19%
Duty to uphold the law	7%
Integrity	16%
Objectivity and Propriety	7%
Promotion of Equality and Respect	42%
Selflessness and stewardship	1%

4.3 With regard to the Code of Conduct closed cases, fewer were fully investigated this year (26) than in 2016/17 (34).

4.4 Consistent with previous years the vast majority of complaints (213 of them) were closed under the category "closed after initial consideration" (184 were closed in this way in 2016/17).

- 4.5 A breakdown of the outcomes of all complaints made to the Ombudsman is as follows:

<u>Complaint about a Public Body</u>	<u>2017/18</u>	<u>2016/17</u>
Closed after initial consideration	213	184
Complaint withdrawn	4	20
Investigation discontinued	4	10
Investigation completed – no evidence of breach	13	12
Investigation completed – no action necessary	10	16
Investigation completed – referred to Standards Committee	0	5
Investigation completed – referred to Adjudication Panel	3	1
TOTAL OUTCOMES	247	248

- 4.6 Members will be pleased to note that during the reporting period there was only 1 complaint to the Ombudsman in respect of a Member of Wrexham County Borough Council, which was closed after initial consideration. There were 4 complaints in respect of Llay Community Council which were closed after initial consideration, and 1 complaint in relation to that Community Council which required no further action.

5. IMPLICATIONS

- 5.1 **Policy Framework** – A strong ethical framework and governance arrangements support the Council Plan objective of building an efficient and effective organisation that can best support local well-being.
- 5.2 **Budget** – There are no immediate budgetary implications arising from this report.
- 5.3 **Legal** – By virtue of the Local Government Act 2000, Members are required to comply with the Council's Code of Conduct for Members. The Code is supplemented by the guidance issued from time to time by the Public Services Ombudsman for Wales whose Annual Report is under consideration in this report.
- 5.4 **Staffing** – There are no staffing implications arising from this report.
- 5.5 **Equality/Human Rights** – Members are required to observe the provisions of the Code of Conduct for Members which includes an obligation that their duties and responsibilities be carried out with due regard to the principle of equality and opportunity for all. There are no specific issues raised in this report which would impact on those obligations and duties. CCS/EIA00165/2017.
- 5.6 **Risks** – This report does not give rise to any specific risks.

6. CONSULTATION

- 6.1 This report has not been the subject of consultation as it does not involve any decision making or recommendations.
- 6.2 This matter has not been subject to scrutiny.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Public Services Ombudsman for Wales publications	See website	https://www.ombudsman.wales/



REPORT TO:	Standards Committee
REPORT NO:	HCCS/49/18
DATE:	6 September 2018
LEAD:	Sioned Wyn Davies, Monitoring Officer
CONTACT OFFICER:	Linda Roberts, Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Public Services Ombudsman for Wales – The Code of Conduct Casebook
WARD:	N/A

1. PURPOSE OF THE REPORT

- 1.1 To consider the recent decisions of the Public Services Ombudsman for Wales (PSOW) published in the Code of Conduct Casebook.

2. EXECUTIVE SUMMARY

- 2.1 The Public Services Ombudsman for Wales periodically publishes a Casebook of Code of Conduct matters referred to his office. The latest editions cover the period from January to March 2018 (see Appendix 1) and April to June 2018 (see Appendix 2)
- 2.2 Members are invited to consider the details of cases set out in the Casebook in order to inform their understanding of the PSOW's approach to allegations of breach of the Code of Conduct and in those cases which were considered by a Standards Committee or the Adjudication Panel for Wales to note the penalties imposed.

3 RECOMMENDATION

- 3.1 **To consider and note the decisions reported in the Code of Conduct Casebook.**

REASON FOR RECOMMENDATION

To inform Members of the work undertaken by the Public Services Ombudsman for Wales.

4. BACKGROUND INFORMATION

4.1 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.

4.2 The Code of Conduct Casebook contains summaries of reports issued by the PSOW for which the findings were one of the following:-

- 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).

4.3 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.

5. IMPLICATIONS

5.1 **Policy Framework** – A strong ethical framework and governance arrangements supports the Council Plan objective of building an efficient and effective organisation that can best support local well-being. The effective operation of the Standards Committee is an essential part of that framework.

5.2 **Budget** – There are no immediate budgetary implications arising from this report.

5.3 **Legal** – By virtue of the Local Government Act 2000, Members are required to comply with the Council's Code of Conduct for Members. The Code is supplemented by the guidance issued from time to time by the Public Services Ombudsman for Wales and other publications including the Code of Conduct Casebook which is under consideration in this report.

5.4 **Staffing** – There are no staffing implications arising from this report.

5.5 **Equality/Human Rights** – Elected Members are advised of their duty to consider the full Equality Impact Assessment which is available at:
http://vmwinsqld/equalityisalive/Menu.aspx?report_number=CCS/EIA00135/2016.
Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

5.6 **Risks** – This report does not give rise to any specific risks.

6. CONSULTATION

6.1 This report has not been the subject of consultation as it does not involve any decision making or recommendations.

6.2 **Scrutiny Committee** – The matter has not been subject to scrutiny.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Public Services Ombudsman for Wales publications	See website	https://www.ombudsman.wales/

