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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

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let us know if your language choice is Welsh.*



**Gwasanaethau Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date: Thursday, 7 June 2018**

Dear Councillor,

**STANDARDS COMMITTEE**

A meeting of the Standards Committee will be held in the Committee Rooms 2/3 - Civic Offices  
Angel Street Bridgend CF31 4WB on **Thursday, 14 June 2018 at 10:00.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in  
accordance with the provisions of the Members' Code of Conduct adopted by Council on 1  
September 2008.
3. Approval of Minutes 3 - 6  
To receive for approval the Minutes of 08/03/18
4. Appointment to the Standards Committee 7 - 8
5. Standards Conference Wales 2018 9 - 10
6. Obmudsman Code of Conduct Casebook 11 - 20
7. Urgent Items  
To consider any item(s) of business in respect of which notice has been given in  
accordance with Rule 4 of the Council's Procedure Rules, and which the person presiding at  
the meeting is of the opinion should by reason of special circumstances be transacted at the  
meeting as a matter of urgency.

Yours faithfully

**P A Jolley**

Corporate Director Operational and Partnership Services

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printing costs**

Mr P Clarke  
Councillor MC Clarke  
Mrs J Kiely

Mr C Jones OBE  
Councillor DRW Lewis  
Mr J Baker

Mr G Walter

## STANDARDS COMMITTEE - THURSDAY, 8 MARCH 2018

### MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 8 MARCH 2018 AT 10:00

#### Present

Mr C Jones OBE – Chairperson

Mr P Clarke

DRW Lewis

Mr J Baker

Mr G Walter

#### Apologies for Absence

MC Clarke

#### Officers:

Mark Galvin

Senior Democratic Services Officer - Committees

Laura Griffiths

Principal Solicitor

Andrew Jolley

Corporate Director Operational & Partnership Services

#### 20. DECLARATIONS OF INTEREST

None

#### 21. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Standards Committee dated 30 November 2017, be approved as a true and accurate record, subject to the word 'Councillor' being omitted from the title of the Chairperson in that part of the Minutes that related to the attendees at the meeting.

#### 22. WHISTLEBLOWING POLICY

The Monitoring Officer submitted a report, that updated Members upon the application of the Whistleblowing Policy across the Authority.

The report gave some background information which reminded Members that the purpose of a Whistleblowing Policy, was to encourage and reassure employees who genuinely and reasonably believed that there are concerns which they should disclose by enabling them to do so within a framework, which ensures they are protected from reprisals or victimisation.

The Monitoring Officer confirmed that the Whistleblowing Policy had now been reviewed, and a copy of the amended Policy was attached at Appendix 1. The monitoring and operation of the Whistleblowing Policy is one of the functions delegated to the Committee he added.

The Policy was scheduled to be presented to Cabinet for approval, following which it would then be published on the Council's website.

The Monitoring Officer advised that there were currently no whistleblowing complaints outstanding at the present time, aside of one which was under investigation, which proved to a significant degree, that the Policy was working effectively.

A Member asked what amendment(s) to the Whistleblowing Policy had been made as part of its review.

The Monitoring Officer advised that this was in the main, that any whistleblowing concern be reported to himself in his capacity as Monitoring Officer, and that he shares this with other members of the Corporate Management Board (CMB), prior to deciding what course of action should be taken (if any) regarding the issue raised.

RESOLVED: That Members noted the report.

23. MONITORING REPORT - COMPLAINTS, FREEDOM OF INFORMATION AND DATA PROTECTION

The Monitoring Officer presented a report, which outlined the performance of the Authority in processing Corporate Complaints, Freedom of Information (FOI) requests, and other such associated information requests.

The report confirmed that there is a legislative requirement to respond to FOI requests within a 20 working day period and to data subject access requests made under the Data Protection Act 1998 in 40 calendar days.

He also advised that information requests from public bodies do not have a statutory response deadline; however, the Information team endeavoured to respond to these requests as quickly as was reasonably practicable. He added that in line with the Corporate Complaints Policy, the Authority should respond to a formal complaint in 20 working days.

Attached to the report at Appendix A was a Monitoring Report for the period 1 January – 31 December 2017.

The Monitoring Officer then, for the benefit of Members, gave a resume of the key elements that were contained in the attached Appendix A, particularly with regard to:-

- The difference between the Informal and Formal Complaint stages;
- The number of complaints received in the calendar year of 2017, including the split of these on a Directorate by Directorate basis and how many aligned to each service area comprising the Authority and each County Borough Council Ward;
- Complaints made to the Public Services Ombudsman for Wales;
- Code of Conduct Complaints;
- FOI requests;
- Data Subject Access requests, and
- Information Requests from Public Bodies

Members were of the opinion that future such reports to the Standards Committee on this topic contain a further breakdown of information, for example, where the complaints originated from; the nature of these, the number made by Town/Community Councils, and if any were from one Councillor against a fellow Councillor, etc. Members also felt that the data be compared with that of the previous year, in order to gauge if complaints and other requests were following any sort of trend, particularly in relation to the number of complaints being received year on year.

The Monitoring Officer agreed with this request, adding that dependent upon the extent and nature of this more expansive information, it may be necessary for the Committee to consider such future reports in closed session, should they contain information of an exempt nature.

RESOLVED: That Members noted the report.

24. OMBUDSMAN CASEBOOK

The Monitoring Officer reported to the Committee so as to provide Members with a summary of cases that have been undertaken by the Ombudsman's Office.

By way of background information, he confirmed that the Ombudsman's Casebook is published on a quarterly basis and contains the summaries of all reports issued during the quarter, as well as a selection of summaries relating to 'quick fixes' and voluntary settlements.

The Casebook for January 2018 was attached at Appendix 1 to the report, and illustrated the cases closed between October and December 2017.

The Chairperson noted from the Casebook that a considerable number of complaints included therein were not upheld, and that a fairly large proportion of these were made against various Health Boards.

Members were also pleased to note that there were no complaints made against BCBC in the Ombudsman Casebook.

RESOLVED: That Members noted the report.

25. URGENT ITEMS

None

The meeting closed at 10:45

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

14 JUNE 2018

### REPORT OF THE MONITORING OFFICER

#### APPOINTMENT TO THE STANDARDS COMMITTEE

##### 1. Purpose of Report

1.1 Members will be aware that there is a vacancy for a Town and Community Councillor on the Standards Committee. It is therefore necessary for an appointment to be made to fill this vacancy.

##### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The Standards Committee functions directly support the Corporate Priorities.

##### 3. Background

3.1 The Standards Committees (Wales) Regulations 2001 provide for the membership of Standards Committees. The Standards Committee of this Council has a current membership of seven members comprised as follows:

- Cllr M Clarke (County Borough Councillor)
- Cllr D Lewis (County Borough Councillor)
- Mr J Baker (Independent Member)
- Mrs J Keily (Independent Member)
- Mr C Jones (Chair, Independent Member)
- Mr P Clarke (Independent Member)
- Cllr G Walters (Town/Community Councillor)

##### 4. Current situation / Proposal

4.1 At the Annual Meeting of Council on 16<sup>th</sup> May 2018, Council delegated authority to the Monitoring Officer to oversee a recruitment process and appointment and to report to Council any successful appointment.

4.2 For the vacancy of Town and Community Councillor, the Monitoring Officer will contact all Town & Community Councils within the administrative area of the County Borough and seek expressions of interest.

4.3 The following criteria will be adopted for the appointment:

- Understanding of the Model Code of Conduct.
- Understanding / experience of undertaking investigative hearings.
- Understanding of Local Government and the role of Members.
- Acceptance of the values required within public office.

4.4 The expressions of interest received will then be reported back to the Committee for

shortlisting.

## **5. Effect upon Policy Framework & Procedure Rules**

5.1 There is no effect upon the Policy Framework and Procedure Rules; however the Standards Committee contributes to the maintenance of probity in the Authority.

## **6. Equality Impact Assessment**

6.1 None.

## **7. Financial Implications**

7.1 None.

## **8. Wellbeing of Future Generations (Wales) Act 2015**

8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **9. Recommendation**

9.1 It is recommended that the Committee note the report.

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**Background documents:** None



## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

14 JUNE 2018

### REPORT OF THE MONITORING OFFICER

#### STANDARDS CONFERENCE WALES 2018

##### 1. Purpose of Report

- 1.1 The purpose of this report is to inform Members of the forthcoming Standards Conference in September 2018.

##### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 Standards are an implicit requirement in the successful implementation of the Corporate Themes.

##### 3. Background

- 3.1 The Monitoring Officer has been advised that the 2018 Standards Conference Wales will be held on Friday 14<sup>th</sup> September 2018 at Aberystwyth University.

##### 4. Current Situation / Proposal

- 4.1 Full details of the conference have not yet been received, but the Monitoring Officer is aware that the key speaker is to be Mr N Bennett, the Public Services Ombudsman for Wales.
- 4.2 The conference is an opportunity for all those in promoting high standards of conduct in Welsh authorities to come together and discuss current issues and share best practices. The conference will also provide an opportunity to hear directly from senior officials involved in the adjudication of the Code of Conduct, to question them on matters of concern and to enable delegates to debate current issues on the Code of Conduct.
- 4.3 It is anticipated that up to three places will be offered to each Local Authority within Wales however, further details in regard to this will be provided when known. It is recommended that the Chair of the Committee and one County Borough Councillor Member attend the Conference with the Monitoring Officer.

##### 5. Effect upon Policy Framework & Procedure Rules

- 5.1 There is no effect upon the Policy Framework and Procedure Rules.

##### 6. Equality Impact Assessment

- 6.1 None.

## **7. Financial Implications**

7.1 The cost of the event is yet to be confirmed but will be met from existing budgets.

## **8 Wellbeing of Future Generations (Wales) Act 2015 Implications**

8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **9. Recommendation**

9.1 It is recommended that the Committee note the report.

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## **Background documents**

None

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO THE STANDARDS COMMITTEE**

**14 JUNE 2018**

**REPORT OF THE MONITORING OFFICER**

**OMBUDSMAN CODE OF CONDUCT CASEBOOK**

**1. Purpose of Report**

- 1.1 To provide Members with a summary of cases that have been undertaken by the Ombudsman's Office.

**2. Connection to Corporate Improvement Plan / Other Corporate Priority**

- 2.1 Standards are an implicit requirement in the successful implementation of the Corporate Themes.

**3. Background**

- 3.1 The Code of Conduct Casebook is published quarterly and contains the summaries of all reports issued under section 69(4) of the Local Government Act 2000.

- 3.2 Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Act, 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 defence 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.

**4. Current situation / proposal**

- 4.1 The Code of Conduct Casebook (attached as **Appendix 1**) 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. The Casebook covers October to December 2017.

**5. Effect upon Policy Framework & Procedure Rules**

5.1 None.

**6. Equality Impact Assessment**

6.1 None.

**7. Financial Implications**

7.1 None.

**8 Wellbeing of Future Generations (Wales) Act 2015 Implications**

8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

**9. Recommendation**

9.1 The Committee is recommended to note the report.

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**Background Documents:** None

# The Code of Conduct Casebook

Issue 15 January 2018

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## 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 defence 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 October to December 2017.

## Case summaries

### No evidence of breach

#### Cardiff Council – Promotion of equality and respect

Case Number 201606695 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Cardiff Council (“the Council”) breached the Authority’s Code of Conduct for elected members when he allegedly made comments to a former Councillor on two occasions about a local religious association.

The complaint was investigated on the basis that the member may have breached paragraphs 4(a), 4(b), 4(d) and 6(1)(a), relating to equality, respect, impartiality and bringing their office or authority into disrepute.

The investigation found that there were no witnesses to either of the conversations the member had with the former Councillor. The member also strongly denied the allegations. Therefore, under section 69(4) (a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the member failed to comply with the Code of Conduct.

#### Merthyr Tydfil County Borough Council - Integrity

Case Number 201700102 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Merthyr Tydfil County Borough Council (“the Council”) breached the Authority’s Code of Conduct for elected members when she made comments about a member of the public in a Facebook messenger group chat.

The complaint was investigated on the basis that the Councillor may have breached paragraph 6(1)(a) of the Code, by bringing her office or authority into disrepute.

The Ombudsman considered that the Councillor’s comments were made in extremely bad taste. However, he took into account that the Facebook messenger group in which the Councillor posted her comments only consisted of three members. It was clear that the Councillor deeply regretted her actions and when she realised that the subject of her comments had become aware of what she had posted, she provided a fulsome apology.

The investigation found that, whilst the Councillor’s actions may have brought herself into disrepute, for the reasons outlined above, she had not brought her office or authority into disrepute. Therefore, under section 69(4)(a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct. However, the Councillor was advised of her responsibility to take care when expressing her personal opinions.

#### Tywyn Town Council and Gwynedd Council – Promotion of Equality and Respect

Case Number 201607353 & 201607357 – Report issued in November 2017

Councillor X complained that a member (“Councillor Y”) of Tywyn Town Council and Gwynedd Council breached the Code of Conduct for elected members by making personal allegations about her. Councillor

X provided evidence that Councillor Y made comments about her in various emails, which he had sent to members of Tywyn Town Council and Gwynedd Council.

The complaint was investigated on the basis that Councillor Y may have breached paragraphs 4(b) (failure to show respect and consideration), 4(c) (bullying and harassment), and 6(1)(a) (bringing his office or authority into disrepute).

The Ombudsman did not consider that the comments made by Councillor Y were so offensive as to amount to a breach of paragraph 4(b) of the Code of Conduct. Neither did he consider that his actions were sufficiently serious to amount to a breach of paragraph 4(c) of the Code.

In relation to paragraph 6(1)(a) of the Code, there was no evidence to suggest that Councillor Y had shared emails with members of the public. He had sent one email to a member of the press, and whilst the Ombudsman considered it was unwise for him to do so, it did not appear that the email was acted upon or shared further. That being so, the Ombudsman did not consider that the consequences of his actions were sufficiently serious to have brought his office or authority into disrepute.

Whilst the Ombudsman's finding was that there was no evidence that Councillor Y had failed to comply with the Code of Conduct, he was advised of his responsibility to be mindful of how his comments are perceived by others in future.

#### Llansannan Community Council – Promotion of Equality and Respect Case Number 201700953 – Report issued in November 2017

Mr X complained that a member ("the Councillor") of Llansannan Community Council ("the Community Council"), breached the Code of Conduct for members when he asked Mr X to leave a meeting of the Community Council and used the words "for your own safety," which Mr X considered to be a threat.

The complaint was investigated on the basis that there may have been a failure to comply with the following paragraph of the Code of Conduct for elected members:

- 4(b) – you must show respect and consideration for others; and
- 4(c) – you must not use bullying behaviour or harass any person.

There was no evidence to suggest that the Councillor's behaviour towards Mr X was in any way threatening and the Ombudsman was satisfied that his actions were reasonable under the circumstances.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct.



## No action necessary

Conwy County Borough Council - Disclosure and registration of interests

Case Number 201702250 – Report issued in October 2017

The Ombudsman received a complaint that a member of Conwy County Borough Council (“the Councillor”) had breached the Code of Conduct when he submitted a written objection, in an official capacity, to a planning application which the complainants had made to the Council. The Councillor lives near the application site, and could be personally affected by it.

The Ombudsman concluded that it was likely that the Councillor had breached the Code given the proximity of the development site to his home and the fact his objections were sent from his Council email address and signed off “Councillor [Name]”. However, the Ombudsman decided to take no action in this case on the basis that the Councillor had shown remorse and apologised, his explanation that he had accidentally selected his Council email address from a drop down box when writing his email was plausible, he had acted swiftly to withdraw his objection when concerns were raised, and his actions did not adversely affect the planning application, which was granted permission.

## 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

## More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to [Matthew.Aplin@ombudsman-wales.org.uk](mailto:Matthew.Aplin@ombudsman-wales.org.uk) or sent to the following address:

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