

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### 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  
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#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for:

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 13 November 2020

Dear Councillor,

#### **STANDARDS COMMITTEE**

A meeting of the Standards Committee will be held remotely via Microsoft Teams on **Thursday, 19 November 2020 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 12/12/19
4. Ombudsman Annual Letter 2019-2020 7 - 14
5. 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.
6. Exclusion of the Public  
The Reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

**By receiving this Agenda Pack electronically you will save the Authority approx. £5.04 in printing costs**

7. Shortlisting Of Candidates For The Position Of Town & Community Councillor On The Standards Committee 15 - 58
8. Referral By Ombudsman Of Investigation Under S69 Of The Local Government Act 2000 59 - 252

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal, HR & Regulatory Services

Committee Members

Mr P Clarke

Councillor MC Clarke

Mrs J Kiely

Mr C Jones OBE

Mr J Baker

Councillor P Davies

## STANDARDS COMMITTEE - THURSDAY, 12 DECEMBER 2019

### MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 12 DECEMBER 2019 AT 14:00

#### Present

Mr P Clarke  
Mr G Walter

MC Clarke  
P Davies

Mrs J Kiely

Mr J Baker

#### Apologies for Absence

Mr C Jones OBE, Kelly Watson

#### Officers:

Andrew Rees  
Michael Pitman

Democratic Services Manager  
Business Administrative Apprentice

#### 53. ELECTION OF CHAIRPERSON

RESOLVED: That in the absence of the Chairperson, that Mr Jeff Baker be elected Chairperson for the meeting.

(Mr Jeff Baker in the Chair)

#### 54. DECLARATIONS OF INTEREST

None

#### 55. APPROVAL OF MINUTES

RESOLVED: that the minutes of the 07/03/2019 be approved as a true and accurate record.

#### 56. LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

The Democratic Services Manager presented a report which outlined the key proposals of the Local Government and Elections (Wales) Bill.

He advised that the Bill was published in November this year and presented a number of proposals, as follows:

#### **Local Government Electoral Arrangements**

- The voting age for local government elections will be lowered from 18 to 16 and the right to stand and vote in local government elections will be extended to qualifying foreign citizens residents in Wales.
- Local authorities and community councils will be put on a permanent five year electoral cycle, powers will be given to the Welsh Government to establish an all Wales digital electoral register and pilots of new ways to hold local elections will be allowed (i.e all postal voting, new voting hours, electronic voting, electronic counting).

#### **Disqualification criteria to stand as a councillor**

- People who have been declared bankrupt, are registered sex offenders, have served a prison (suspended or not) sentence of 3 months or more will be disqualified.
- Council staff will be allowed to stand in elections to their employer local authority but will be required to resign if elected.

### **Governance Arrangements**

- The Bill will introduce a general power of competence for local authorities and eligible community councils, giving the power to act in their respective community's best interests, generate efficiencies and secure value for money.
- Local authorities will still need to appoint a Chief Executive but must publish arrangements for managing their performance. The Bill introduces job sharing for Cabinet level positions and places a requirement on councils to have provision for maternity leave for councillors.
- Standard Committees will be required to publish an Annual Report, while community councils will need to draft and publish a training plan for councillors and staff

### **Mergers**

- There will be provision for regional working by more than one local authority through corporate joint committees. It also gives the Welsh Government the power to intervene or order one local authority to assist another one if it is believed a council is not meeting performance requirements (based on self-assessment and peer review).
- Any mergers will be wholly voluntary. Two or more local authorities can apply to Welsh Government with a merger application. The Bill sets out the formal public consultation process and regulations required to create a merged local authority. Councils can also request to be abolished.

### **Public engagement**

- Local authorities will be required to publish a public participation strategy. There will also be a duty placed on local authorities to encourage local people to participate in local government.
- Local authorities will need to introduce public petition schemes, webcast all public meetings (subject to regulations) and make arrangements for remote attendance by councillors. These provisions will not apply to community councils.
- Community Councils will be required to allow members of the public to make representations during meetings and publish annual reports at the end of each financial year.

The Democratic Services Manager explained that Councils will also be allowed to choose their own voting systems in which elections can be contested, either the existing simple majority system or single transferable vote system

The Democratic Services Manager informed Members that for Councils to change their voting system, it would need to be the subject of a vote at Council, with a minimum of two thirds of Members voting in favour of a change.

The Democratic Services Manager explained that there were also changes to the name of Audit Committee, with its new name being Governance and Audit Committee. A lay person would be the Chairperson and a third of the Committee would be lay members. Details of the new functions of the Governance and Audit Committee were detailed at section 114 of the bill.

The Democratic Services Manager added that the Council will be required to webcast all public meetings, details surrounding this are currently unknown.

A Member asked when the Bill was to be implemented. The Democratic Services Manager confirmed that the Act was likely to be in place by the Summer of 2020.

A Member welcomed the proposals of the new Bill and stated that a benefit of one of them is the requirement to make remote attendance available to all Members. He stated that as many of the Members work, they may struggle to make it to the meeting, but with remote attendance being made available and a proper structure in place, they could potentially attend, improving overall attendance by working Members.

The Chairperson considered that remote attendance would be beneficial; however, good internet connectivity was essential to make it a success.

A Member stated that he was in favour of the new Bill but would like to see more clarity on the voting systems.

The Chairperson referred to the requirement for a Standards Committee Annual Report and believed that it may be a short report as the Standards Committee did not have a significant caseload.

**RESOLVED:** That Members noted the contents of the report.

57. **STANDARDS COMMITTEE TRAINING**

The Democratic Services Manager presented a report which requested the Committee consider appropriate training programmes for the Committee.

He advised that all Members of the Committee had undertaken a comprehensive induction programme which included training on the Code of Conduct. Members had the opportunity to participate in a variety of workshops at the Standards Conference Wales held at the University of Wales in 2018. This covered topics such as; sharing best practice in the role of the standards committee, personal and prejudicial interests and dispensations; the practical aspects of holding a Standards Hearing and Social Media and Bullying.

The Democratic Services Manager explained that consideration would also be given to holding joint training sessions with other Standards Committee across Wales and for Members of the Committee to observe other local authorities' Standards Committees. The Chairperson explained that it would be beneficial for members of this Committee to be able to observe the proceedings and hearings at other local authorities' Standards Committees.

A Member explained that the Ombudsman had advised Monitoring Officers that Councillors would be the subject of criticism which had led to complaints not being taken forward.

The Chairperson stressed the importance that Members understand how to conduct themselves at meetings as they need to be robust and formal.

**RESOLVED:** That Members noted the contents of the report.

58. **OMBUDSMAN ANNUAL LETTER 2018/19**

The Democratic Services Manager presented a report which provided Members with a copy of the Ombudsmen's Annual Letter 2018/19.

He explained that the Public Service Ombudsman for Wales (PSOW) reported annually on the number of complaints against public bodies received by its office. The number of complaints against the authority had decreased in the period 2018-29, from 40 in 2017-18 to 33 in 2018-19. He advised that none of the complaints received proceeded to investigation with the PSOW intervening in 6 of the cases.

A Member asked about the details surrounding the complaint from 2017/18 where no action was taken. The Democratic Services Manager stated that he would ask the Monitoring Officer to provide detail of this complaint for the Committee.

A Member asked for details surrounding the complaints that were not progressed, as it would provide a flavour for what types of complaints are actually made.

**RESOLVED:** That the Committee noted the contents of the report.

59. **OMBUDSMAN CASEBOOK**

The Democratic Services Manager presented a report which summarised the cases that had been undertaken by the Ombudsman's Office.

He advised that the consultation was now open on principles and procedures relating to the new powers created by the public Services Ombudsman (Wales) Act 2019, which came into force on July 23<sup>rd</sup> 2019.

He stated that it had been made easier to complain about public services with a range of new powers designed to widen access to justice and reduce poor service delivery. The Ombudsman now accepted verbal complaints, has the power to conduct 'Own Initiative' investigations. The new Act had created the Complaints Standards Authority for Wales.

The Democratic Services Manager referred to the Appendix 1 to the report which provided the Casebook for April - June 2019.

**RESOLVED:** That Members noted the report.

60. **URGENT ITEMS**

None

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

20 NOVEMBER 2020

### REPORT OF THE MONITORING OFFICER

### OMBUDSMAN ANNUAL LETTER 2019-2020

#### 1. Purpose of report

- 1.1 The purpose of the report is to present the Ombudsman's Annual Letter for 2019-2020 to the Committee.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the Well-being of Future Generations (Wales) Act 2015:-
1. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 The Public Service Ombudsman for Wales (PSOW) is independent of all government bodies and has legal powers to investigate complaints about public services and independent care providers in Wales. They also investigate complaints that Members of local government bodies have breached their authority's Code of Conduct.
- 3.2 The PSOW reports annually on the number of complaints against public bodies received by its office.
- 3.3 The Authority's Complaints Officer is the Contact Officer for the PSOW and the Monitoring Officer is responsible for liaising with the PSOW regarding Member Code of Conduct complaints.

#### 4. Current situation/proposal

- 4.1 **Appendix A** provides the Ombudsman's Annual Letter for 2019-2020.
- 4.2 The number of complaints against the Authority for the period 2019-2020 was 34 compared with 33 in 2018-19. The figure for 2019-20 represents 0.23 complaints received per 1000 residents. None of the complaints against the Authority proceeded to investigation. The PSOW intervened in 1 of these cases. Children's Services attracted the largest number of complaints at 15 followed by Adult Services with 4. By its nature Children's Services attracts a higher number of complaints than other service areas, and a number of the complaints relate to the decisions made by Children's Social Services under safeguarding legislation.

4.3 7 Code of Conduct complaints against the Authority's Councillors were received by the Ombudsman's Office in this period and all were closed after initial consideration. 3 Code of Conduct complaints were received against Town and Community Councils in Bridgend County, 2 of which required no further action, and the other was closed after initial consideration.

## **5. Effect upon policy framework and procedure rules**

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

## **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 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.

## **8. Financial implications**

8.1 The PSOW has the legal power to require authorities to make payments to complainants where they have suffered financial loss, or in compensation for distress and inconvenience.

## **9. Recommendation**

9.1 It is recommended that the Committee note the Annual Letter attached as **Appendix A.**

Kelly Watson  
Chief Officer, Legal, HR and Regulatory Services  
13 October 2020

**Contact officer:** Kelly Watson  
Chief Officer – Legal, HR and Regulatory Services and  
Monitoring Officer

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**Email:** Kelly.watson@bridgend.gov.uk

**Postal address:** Civic Offices, Angel Street, Bridgend, CF31 4WB

**Background documents:** None



**Factsheet****A. Complaints Received**

<b>Local Authority</b>	<b>Complaints Received</b>	<b>Complaints received per 1000 residents</b>
Blaenau Gwent County Borough Council	17	0.24
Bridgend County Borough Council	34	0.23
Caerphilly County Borough Council	49	0.27
Cardiff Council*	122	0.33
Carmarthenshire County Council	42	0.22
Ceredigion County Council	31	0.42
Conwy County Borough Council	29	0.25
Denbighshire County Council	32	0.34
Flintshire County Council	61	0.39
Gwynedd Council	37	0.30
Isle of Anglesey County Council	26	0.37
Merthyr Tydfil County Borough Council	13	0.22
Monmouthshire County Council	16	0.17
Neath Port Talbot County Borough Council	22	0.15
Newport City Council	39	0.25
Pembrokeshire County Council	25	0.20
Powys County Council	72	0.54
Rhondda Cynon Taf County Borough Council	39	0.16
Swansea Council	92	0.37
Torfaen County Borough Council	5	0.05
Vale of Glamorgan Council	30	0.23
Wrexham County Borough Council	33	0.24
<b>Wales</b>	<b>866</b>	<b>0.28</b>

\* inc 1 Rent Smart Wales

**B. Complaints Received by Subject**

<b>Bridgend CBC</b>	<b>Complaints Received</b>	<b>Complaint Share</b>
Adult Social Services	4	11.76%
Benefits Administration	1	2.94%
Children's Social Services	15	44.12%
Community Facilities, Recreation and Leisure	1	2.94%
Complaint Handling	1	2.94%
Education	1	2.94%
Environment and Environmental Health	1	2.94%
Finance and Taxation	2	5.88%
Housing	3	8.82%
Planning and Building Control	2	5.88%
Roads and Transport	2	5.88%
Various Other	1	2.94%

**C. Complaint Outcomes**

(\* denotes intervention)

<b>Complaints Closed</b>	<b>Out of Jurisdiction</b>	<b>Premature</b>	<b>Other cases closed after initial consideration</b>	<b>Early Resolution/voluntary settlement*</b>	<b>Discontinued</b>	<b>Other Reports-Not Upheld</b>	<b>Other Reports Upheld - in whole or in part*</b>	<b>Public Interest Report *</b>	<b>Grand Total</b>
Bridgend County Borough Council	11	2	20	1	0	0	0	0	34
Percentage Share	32.35%	5.88%	58.82%	2.94%	0.00%	0.00%	0.00%	0.00%	

**D. Number of cases with PSOW intervention**

	<b>No. of interventions</b>	<b>No. of closures</b>	<b>% of interventions</b>
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	1	34	3%
Caerphilly County Borough Council	6	50	12%
Cardiff Council	21	120	18%
Cardiff Council - Rent Smart Wales	-	1	0%
Carmarthenshire County Council	6	46	13%
Ceredigion County Council	4	30	13%
Conwy County Borough Council	6	34	18%
Denbighshire County Council	2	32	6%
Flintshire County Council	8	57	14%
Gwynedd Council	4	39	10%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	15	13%
Monmouthshire County Council	2	15	13%
Neath Port Talbot Council	4	25	16%
Newport City Council	4	38	11%
Pembrokeshire County Council	7	29	24%
Powys County Council	14	71	20%
Rhondda Cynon Taf County Borough Council	5	40	13%
Swansea Council	4	93	4%
Torfaen County Borough Council	1	5	20%
Vale of Glamorgan Council	4	27	15%
Wrexham County Borough Council	4	33	12%
<b>Grand Total</b>	<b>113</b>	<b>879</b>	<b>13%</b>

**E. Code of Conduct Complaints Closed**

<b>County/County Borough Councils</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Bridgend	7	-	-	-	-	-	-	7

**F. Town/Community Council Code of Complaints**

<b>Town/Community Council</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Bridgend Town Council	1	-	-	2	-	-	-	3

## Appendix

### Explanatory Notes

Section A provides a breakdown of the number of complaints against the Local Authority which were received during 2019/20, and the number of complaints per 1,000 residents (population).

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2019/20. The figures are broken down into subject categories with the percentage share.

Section C provides the complaint outcomes for the Local Authority during 2019/20, with the percentage share.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2019/20.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

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of the Local Government Act 1972.

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