

# 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  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



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

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Monday, 26 September 2022

Dear Councillor,

#### **STANDARDS COMMITTEE**

A meeting of the Standards Committee will be held remotely - via Microsoft Teams on **Friday, 30 September 2022 at 15:30.**

#### **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 21 09 21 and 23 06 22.
4. Standards of Conduct 7 - 10  
The three Political Group Leaders will be in attendance for this item.
5. Amendments to the Standards Committee Terms of Reference 11 - 14
6. Appointment to the Standards Committee 15 - 18
7. Ombudsman Annual Letter 2021-2022 19 - 32
8. Adjudication Panel for Wales - Code of Conduct Decision 33 - 38
9. 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.

**By receiving this Agenda Pack electronically you will save the Authority approx. £2.00 in printing costs**

10. Exclusion of the Public

The Minutes relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as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.

11. Approval of Exempt Minutes

39 - 40

To receive for approval the exempt Minutes of 23 06 22

Note: Please note: Due to the current health and safety requirements 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 and Regulatory Services, HR and Corporate Policy

Councillor MJ Williams  
Mr G Thomas  
Mr P Clarke

Mrs J Kiely  
Mr C Jones OBE  
Mr J Baker

Councillor G Walter

Present

Councillor Mr C Jones OBE – Chairperson

Mr P Clarke

MC Clarke

Mrs J Kiely

Mr J Baker

Apologies for Absence

G Thomas and P Davies

Officers:

Mark Galvin

Interim Democratic Services Manager

Kelly Watson

Chief Officer Legal, HR and Regulatory Services

Andrew Rees

Democratic Services Officer – Committees

93. DECLARATIONS OF INTEREST

None.

94. APPROVAL OF MINUTES

RESOLVED:

That the minutes of a meeting of the Standards Committee dated 29 June 2021, be approved as a true and accurate record.

95. REAPPOINTMENTS TO THE STANDARDS COMMITTEE

The Monitoring Officer submitted a report, the purpose of which, was to note the extension of the term of office of two Independent Members of the Standards Committee.

She confirmed that in accordance with the Standards Committee (Wales) Regulations 2001, the Standards Committee shall consist of not less than five, nor more than nine, members at least two of which shall be County Borough Councillors. The Committee currently comprises seven members, as was detailed in paragraph 3.1 of the report.

The Monitoring Officer explained, that the term of office for two of the Independent Members expires in October 2021. The Members were eligible to be reappointed for a further term. Thereafter they must stand down as they cannot serve more than two terms of office under the Regulations. In addition, the Regulations specify that the second term of office can be a maximum of four years. The Members have made a beneficial contribution to the governance of the Council and were in agreement to standing for a further term.

Therefore, on 15 September 2021 Council approved the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE for a further term of four years on the Committee, the Monitoring Officer confirmed.

RESOLVED:

That the Committee noted the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE to the Committee for a further term.

96. **WHISTLEBLOWING POLICY**

The Monitoring Officer submitted a report, so as to enable the Standards Committee to review the operation of the Council's Whistleblowing Policy.

She stated that as Members were aware, the Council has a Whistleblowing Policy (attached as Appendix 1 to the report), which is designed to encourage and reassure employees who genuinely and reasonably believe 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 and operation of the policy is one of the functions delegated to the Standards Committee. The policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice. No amendment is therefore proposed to the Policy, at this stage.

The Committee was therefore asked to note that the policy is published on the Council's website and all new employees are informed about it as part of their induction process.

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

97. **URGENT ITEMS**

None.

The meeting closed at 10:10

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 23 JUNE 2022 AT 10:00**

Present

C Jones – Chairperson

Members

MJ Williams                      G Thomas                      Mr P Clarke                      G Walter

Apologies for Absence

J Kiely and J Baker

Officers:

Mark Galvin                      Senior Democratic Services Officer - Committees  
Kelly Watson                      Chief Officer Legal, HR and Regulatory Services  
Michael Pitman                      Democratic Services Officer – Committees

98.    DECLARATIONS OF INTEREST

Cllr G Walter declared a prejudicial interest in Item 8 of the agenda as the subject of the referral was a close personal friend. He therefore left the meeting when this item was being considered.

99.    APPROVAL OF MINUTES

RESOLVED:                      This item was adjourned as the Committee was inquorate.

100.   ADJUDICATION PANEL FOR WALES - CODE OF CONDUCT DECISION

This item was adjourned as the Committee was inquorate.

101.   AMENDMENTS TO THE STANDARDS COMMITTEE TERMS OF REFERENCE

This item was adjourned as the Committee was inquorate.

102.   URGENT ITEMS

None

103.   EXCLUSION OF THE PUBLIC

RESOLVED:                      That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business, as the report contains exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under mentioned item in private with the

public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

104. REFERRAL BY OMBUDSMAN OF INVESTIGATION UNDER S69 OF THE LOCAL GOVERNMENT ACT 2000

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

### REPORT OF THE MONITORING OFFICER

#### STANDARDS OF CONDUCT

##### 1. Purpose of report

- 1.1 The purpose of this report is to apprise the Committee of the new duties under the Local Government and Elections (Wales) Act 2021 in relation to leaders of political groups taking steps to promote and maintain high standards of conduct of their members.

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

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
  2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  3. **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 Part 3 of the Local Government 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee. The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'):

- Selflessness
- Honesty
- Integrity and propriety

- Duty to uphold the law
- Stewardship
- Objectivity in decision-making
- Equality and respect
- Openness
- Accountability
- Leadership

These are included in the statutory Model Code of Conduct (as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity as well. It also guides members on the declaration and registration of interests. All elected members must give a written undertaking to observe the Code before they can take up office.

3.2 The provisions in the Local Government and Elections (Wales) Act 2021 build on this by supporting a culture where members have a responsibility to act in a manner which respects and values all people. A new duty under the Act is placed on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members. Under the Local Government (Committees and Political Groups) Regulations 1990 a political group is constituted where the Proper Officer is notified of two or more members who wish to be treated as a political group, the name of the group and the name of the one member of the group who is to act as its leader. At the Annual Meeting on 18 May 2022, the Proper Officer was informed in writing of the following political groups and leaders:

- **Labour** – Group Leader: Cllr Huw David, Leader of the Council
- **Bridgend County Independents** – Group Leader: Cllr Amanda Williams
- **Democratic Alliance Group** – Group Leader: Cllr Ross Penhale-Thomas

3.3 The duty under the Act recognises those in positions of leadership and influence within a principal council should have responsibility for combating bullying and harassment amongst elected members and council staff, and must act as a positive role model. Among other things, this duty is designed to support Welsh Government's diversity in democracy agenda and actions in its Race Equality Action Plan. The 2021 Act also requires that a leader of a political group, must co-operate with the Standards Committee in the exercise of the Committee's functions.

3.4 Standards Committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct. The 2021 Act also extends the specific functions of a Standards Committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the Act to promote and maintain high standards of conduct by members of their group.

#### 4. **Current situation/proposal**

4.1 Welsh Government draft guidance has been issued to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local



circumstances and best practice. The draft guidance is available via the following link: <https://gov.wales/consultation-local-government-and-elections-wales-act-2021-standards-conduct-statutory-guidance>.

- 4.2 Group Leaders are required to report compliance with their duty to the Standards Committee. This could take the form of a short letter or report at a frequency agreed by the political Group Leaders in the Council and its Standards Committee. Group Leaders should also report any serious concerns about members' behaviour which has not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches. It is recommended that the Council's political Group Leaders and the Standards Committee agree on the form and frequency of a report from each Group Leader to the Committee. The Committee should then consider each report and provide feedback to the Group Leaders. The Chair of the Standards Committee has therefore invited the three Group Leaders to attend the Committee meeting on 30<sup>th</sup> September 2022. The Chair may also wish to meet with Group Leaders privately and periodically to review behaviour.
- 4.3 The Committee is also required to provide advice and training, or arrange to train Group Leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually. Training on the new duties has been arranged for the Committee and Group Leaders on 30<sup>th</sup> September 2022 by an external facilitator.

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

- 5.1 There is no effect upon policy framework and procedure rules.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of 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. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8.1 Financial implications**

- 8.1 The training is being funded from existing budgets.

## **9. Recommendation**

- 9.1 It is recommended that the Committee note the report.

**K Watson**  
**Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and**  
**Monitoring Officer**  
**20 September 2022**

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Group Manager - Legal and Democratic Services

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**Background documents:** None

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

### REPORT OF THE MONITORING OFFICER

#### AMENDMENTS TO THE STANDARDS COMMITTEE TERMS OF REFERENCE

##### 1. Purpose of report

- 1.1 The purpose of this report is to apprise the Committee of amendments to the Standards Committee Terms of Reference as a result of the Local Government and Elections (Wales) Act 2021 which came into force on 5<sup>th</sup> May 2022.

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

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
  2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  3. **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 A report was presented to full Council on 20<sup>th</sup> January 2021 detailing the main provisions of the Local Government and Elections (Wales) Act 2021 coming into force from 5<sup>th</sup> May 2022.
- 3.2 Section 37 of the Local Government Act 2000 requires Welsh County Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the Authority's standing orders, a copy of the Authority's code of conduct for Members and such other information as the Authority considers appropriate. Each County Council has its own individual constitution to reflect that Council's particular circumstances with differences as to the documents it believes appropriate to include in its constitution. The Welsh Monitoring Officers Group commissioned a firm of solicitors to review the national model constitution due to provisions coming into force under the Local Government

and Elections (Wales) Act 2021. The new model has been considered by each local authority and has become common place. It is proposed that the new model is locally reviewed and updated and reported to the Democratic Services Committee on 7<sup>th</sup> July 2022 for their initial consideration and thereafter a future meeting of Cabinet and Council for approval.

#### **4. Current situation/proposal**

4.1 The following paragraphs detail some of the requirements of the 2021 Act relevant to the Standards Committee which took effect on 5<sup>th</sup> May 2022:

- Section 14 - Term of Office for Elected Members is amended from four to five years.
- Broadcasting of meetings – A Multi-Locations Meetings Policy was presented to Council on 15<sup>th</sup> June 2022. Under sections 45 and 46 of the Act where meetings are broadcast, speakers must be able to speak to and be heard by each other and to be seen and be heard by each other.
- Section 62 introduces duties of leaders of political groups in relation to standards of conduct. Leaders must promote and maintain high standards of conduct by the members of the group and must co-operate with the Council's Standards Committee in the exercise of the Committee's functions.
- The Committee has the specific function of monitoring compliance by Group Leaders of the above duties and advising, training or arranging to train the leaders of political groups of the Council about matters relating to those duties. It is recommended that arrangements are made for the Chair of the Committee and the Monitoring Officer to meet with the three newly appointed Group Leaders as soon as possible.
- Section 63 – As soon as reasonably practicable after the end of each financial year (31<sup>st</sup> March), the Committee will make an annual report to the Authority in respect of that year. In particular the report must include a summary of:
  - (i) What has been done to discharge the general and specific functions conferred on the Committee
  - (ii) Reports and recommendations made or referred to the Committee
  - (iii) Action taken by the Committee following its consideration of such reports and recommendations
  - (iv) The Committee's assessment of the extent to which Leaders of political groups have complied with their duties under the Act during the financial year
  - (v) Any recommendations the Committee wish to make to the Authority about any matter which the Committee has functions.

4.2 Welsh Government consulted on the standards of conduct draft statutory guidance for Leaders of political groups in Principal Councils about how they should meet their new duties as outlined above. The consultation document can be accessed via the Welsh Government website: <https://gov.wales/consultation-local-government-and-elections-wales-act-2021-standards-conduct-statutory-guidance> and includes guidance for Standards Committees in relation to their extended functions. The guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The consultation period ran from 16 February 2022 to 16 May 2022 and the final guidance will be reported to a future meeting of the Committee.

4.3 The Committee is recommended to consider and note the provisions outlined at paragraph 4.1 and note that these revised provisions will be incorporated into the new model constitution to be formally approved by Cabinet and Council.

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

5.1 None.

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of 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. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8.1 Financial implications**

8.1 There are no financial implications arising from this report.

## **9. Recommendation**

9.1 It is recommended that the Committee note the report.

**K Watson**

**Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and  
Monitoring Officer  
September 2022**

**Contact Officer:** L Griffiths  
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**Background documents:** None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

### REPORT OF THE MONITORING OFFICER

#### APPOINTMENT TO THE STANDARDS COMMITTEE

##### 1. Purpose of report

- 1.1 The purpose of this report is to advise the Committee of an amendment to the size and membership of the Council's Standards Committee and of proposals to appoint an Independent Member (co-opted) 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 under the **Well-being of Future Generations (Wales) Act 2015**:-

- **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 membership of Standards Committees shall consist of not less than five nor more than nine members in accordance with the Standards Committees (Wales) Regulations 2001, and shall not consist of persons other than members of the relevant authority, independent members (co-opted) or community committee members.
- 3.2 The Standards Committee of this Council has a current membership of seven members comprised as follows:
- Cllr M Williams (County Borough Member)
  - Cllr G Walter (County Borough Member)
  - Mr J Baker (Independent Member)
  - Mrs J Keily (Independent Member)
  - Mr C Jones OBE (Chair, Independent Member)
  - Mr P Clarke (Independent Member)
  - Cllr G Thomas (Town and Community Council Member).
- 3.3 As prescribed by Regulations, where the total number of members of the committee is an even number at least half that number shall be independent members or if an odd number, a majority of that number shall be independent members.
- 3.4 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term. Members of local authorities who are Members of the Standards Committee will have a term of office

until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

#### **4. Current situation / proposal**

- 4.1 A meeting of the Standards Committee will only be quorate when at least three Members, including the Chairperson, are present; and at least half the Members present (including the Chairperson) are Independent Members. A quorum of the committee cannot therefore be constituted by the County Borough Members and Town and Community Council Member themselves as the majority should rest with the Independent Members. This places an unduly heavy burden on the Independent Members, and the committee being in danger of not having adequate or required numbers (a quorum) for meetings.
- 4.2 On 20 July 2022, Council approved that the membership of the Committee be increased to eight Members and an additional Independent Member (co-opted) be appointed to the Committee.
- 4.3 The Council has previously provided delegated authority to the Monitoring Officer to oversee recruitment processes and appointment to the Standards Committee, and to report back to Council any successful appointment.
- 4.4 In accordance with the Regulations, it is proposed that the Monitoring Officer go through the usual process of advertising the vacancy in two newspapers circulating in the area and that a Panel (consisting of not more than five Members and at least one Independent Member and one Town and Community Council Member) be convened to consider applications and conduct interviews. Following interviews, the Panel will make a recommendation on the appointment to Council.

#### **5. Effect upon policy framework and 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 Council.

#### **6. Equality Act 2010 Implications**

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of 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. 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 In accordance with the Independent Remuneration Panel for Wales Annual Report for 2022-23, the remuneration for Chairs of Standards Committees is £268 (4 hours and over), £134 (up to 4 hours) and for ordinary members of the Committee - £210 (4 hours and over) and £105 (up to 4 hours).
- 8.2 The changes to the remuneration of Elected Members for the 2022-23 financial year increased the financial commitment required from this Authority. Some of the cost was negated by members electing to forgo some or all of their salaries or choosing not to opt into the Local Government Pension Scheme. The additional costs are being met from the centrally held provision for pay and price increases during the 2022-23 financial year.

## **9. Recommendation**

- 9.1 It is recommended that the Committee note the report.

**Kelly Watson, Monitoring Officer**  
**September 2022**

**Contact Officer:** Kelly Watson, Monitoring Officer

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**Background documents:** None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

### REPORT OF THE MONITORING OFFICER

#### OMBUDSMAN ANNUAL LETTER 2021 - 2022

#### 1. Purpose of report

- 1.1 The purpose of this report is to present to the Committee the Ombudsman's Annual Letter for 2021-2022.

#### 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 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 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 1** provides the PSOW's Annual Letter for 2021-2022.
- 4.2 The number of complaints against the Authority for the period 2021–2022 was 55 compared with 31 in 2020-2021. The Ombudsman in his Annual Letter suggests that complaints about public bodies were suppressed during the pandemic and then came through in greater numbers. The figure for 2021-22 represents 0.37 complaints received per 1000 residents. The PSOW intervened in 7 of these cases, one complaint proceeded to investigation and was upheld. 9 cases were out of jurisdiction, 22 were premature, 16 were closed after initial consideration, and 5 were settled by working with the Ombudsman to agree an early resolution.

Children's Social Services and Education attracted the largest number of complaints at 8 apiece.

4.3 9 Code of Conduct complaints against the Authority's Councillors were received by the Ombudsman's Office in this period 1 of which was discontinued, 1 referred to the Adjudication Panel and in 7 cases no evidence of a breach of the Code of Conduct was found. 21 Code of Conduct complaints were received against Town and Community Councils in Bridgend County none of which were referred to the Standards Committee, 7 of which were discontinued, and in 14 cases no evidence of a breach of the code was found.

4.4 The Complaints Standards Authority has this year published the first datasets on complaints handled by local authorities which show that over 15,000 complaints were handled by local authorities. These datasets are published on the Ombudsman's website and on the Council's website.

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

5.1 There is no effect upon the policy framework or the procedure rules.

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of 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. Any payments are met from existing budgets. The Council was required to make one payment in 2021-22. Prior to this the last payment was made in 2016/17.

## **9. Recommendation**

9.1 It is recommended that the Committee note the Annual Letter attached as **Appendix 1**.

Kelly Watson

**Chief Officer, Legal and Regulatory Services, Human Resources and Corporate Policy and Monitoring Officer**

10 August 2022

**Contact officer:** Charlotte Branford  
Information and Data Protection Officer

**Telephone:** (01656) 643565


**Email:** Charlotte.Branford@bridgend.gov.uk

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


**Background documents:** None

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Ask for: Communications

 01656 641150

Date: August 2022

 communications@ombudsman.wales

Cllr. Huw David  
Bridgend County Borough Council  
By Email only: cllr.huw.david@bridgend.gov.uk

## Annual Letter 2021/22

Dear Councillor David

I am pleased to provide you with the Annual letter (2021/22) for Bridgend County Borough Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services

This is my first annual letter since taking up the role of Public Services Ombudsman in April 2022, and I appreciate that the effects of the pandemic are still being felt by all public bodies in Wales. Our office has not been immune from this, with records numbers of cases being referred to us over the last two years. The strong working relationships between my Office and local authorities continues to deliver improvements in how we are dealing with complaints and ensuring that, when things go wrong, we are learning from that and building stronger public services.

### Complaints relating to Maladministration & Service Failure

Last year the number of complaints referred to us regarding Local Authorities increased by 47% (compared to 20/21 figures) and are now well above pre-pandemic levels. It is likely that complaints to my office, and public services in general, were suppressed during the pandemic, and we are now starting to see the expected 'rebound' effect.

During this period, we intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where we have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.

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## **Complaints relating to the Code of Conduct for Councillors**

We also received a high number of Code of Conduct complaints last year, relating to both Principal Councils and Town and Community Councils. A record number (20) were referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code.

## **Supporting improvement of public services**

In addition to managing record levels of complaints, we also continued our work using our proactive powers in the Public Services Ombudsman (Wales) Act 2019. Specifically undertaking our first Own Initiative Investigation and continuing our work on the Complaints Standards Authority.

October 2021 saw the publication of the first own initiative investigation in Wales: [Homelessness Reviewed](#). The investigation featured three Local Authorities and sought to scrutinise the way Homelessness assessments were conducted. The report made specific recommendations to the investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year. The model complaints policy has already been adopted by local authorities and health boards in Wales, we have now extended this to an initial tranche of Housing Associations and Natural Resources Wales. The aim being to implement this work across the Welsh public sector.

In addition to this, the CSA published information on complaints handled by local authorities for the [first time](#) – a key achievement for this work. The data for 21/22 showed:

- Over 15,000 complaints were recorded by Local Authorities
- 4.88 for every 1000 residents.
- Nearly half (46%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 8% of all complaints closed ended up being referred to PSOW.

The CSA has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular - so I would encourage Bridgend County Borough Council to engage as fully as possible.



## **Complaints made to the Ombudsman**

A summary of the complaints of maladministration/service failure received relating to your Council is attached, along with a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

In light of the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members, we look forward to working with you, your Monitoring Officer and standards committees to share any learning from the complaints we receive and to support your authority's work.

I would also welcome feedback on your Governance & Audit Committee's review of your authority's ability to handle complaints effectively so that we can take this into account in our work and support its work on the handling of complaints.


Finally, can I thank you and your officials for the positive way that local authorities have engaged with my Office to enable us to deliver these achievements during what has been a challenging year for everyone. I very much look forward to continuing this work and collaboration to ensure we further improve public services across Wales.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,



**Michelle Morris**

**Public Services Ombudsman**

cc. Mark Shephard, Chief Executive, Bridgend County Borough Council.

By Email only: [mark.shephard@bridgend.gov.uk](mailto:mark.shephard@bridgend.gov.uk)

## Factsheet

### Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	14	0.20
Bridgend County Borough Council	55	0.37
Caerphilly County Borough Council	60	0.33
Cardiff Council*	182	0.50
Carmarthenshire County Council	54	0.29
Ceredigion County Council	52	0.72
Conwy County Borough Council	27	0.23
Denbighshire County Council	34	0.36
Flintshire County Council	99	0.63
Gwynedd Council	39	0.31
Isle of Anglesey County Council	29	0.41
Merthyr Tydfil County Borough Council	27	0.45
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	45	0.31
Newport City Council	40	0.26
Pembrokeshire County Council	39	0.31
Powys County Council	55	0.42
Rhondda Cynon Taf County Borough Council	51	0.21
Swansea Council	71	0.29
Torfaen County Borough Council	18	0.19
Vale of Glamorgan Council	61	0.46
Wrexham County Borough Council	71	0.52
<b>Total</b>	<b>1143</b>	<b>0.36</b>

\* inc 17 Rent Smart Wales

Appendix B - Received by Subject

<b>Bridgend County Borough Council</b>	<b>Complaints Received</b>	<b>% Share</b>
Adult Social Services	5	9%
Benefits Administration	0	0%
Children's Social Services	8	15%
Community Facilities, Recreation and Leisure	2	4%
Complaints Handling	5	9%
Covid19	2	4%
Education	8	15%
Environment and Environmental Health	4	7%
Finance and Taxation	4	7%
Housing	6	11%
Licensing	1	2%
Planning and Building Control	6	11%
Roads and Transport	2	4%
Various Other	2	4%
<b>Total</b>	<b>55</b>	

Appendix C - Complaint Outcomes  
 (\* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Bridgend County Borough Council	9 17%	22 41%	16 30%	5 9%	0 0%	0 0%	1 2%	1 2%	54
% Share									

## Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	13	0%
Bridgend County Borough Council	7	54	13%
Caerphilly County Borough Council	7	58	12%
Cardiff Council	45	159	28%
Cardiff Council - Rent Smart Wales	1	16	6%
Carmarthenshire County Council	7	49	14%
Ceredigion County Council	13	46	28%
Conwy County Borough Council	2	24	8%
Denbighshire County Council	4	33	12%
Flintshire County Council	15	94	16%
Gwynedd Council	6	41	15%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	26	8%
Monmouthshire County Council	2	21	10%
Neath Port Talbot Council	5	45	11%
Newport City Council	4	36	11%
Pembrokeshire County Council	2	40	5%
Powys County Council	7	55	13%
Rhondda Cynon Taf County Borough Council	3	45	7%
Swansea Council	10	76	13%
Torfaen County Borough Council	2	20	10%
Vale of Glamorgan Council	9	62	15%
Wrexham County Borough Council	4	67	6%
<b>Total</b>	<b>160</b>	<b>1108</b>	<b>14%</b>

## Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bridgend County Borough Council	1	7	0	1	0	0	9

## Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bridgend Town Council	1	3	0	0	0	0	4
Coity Higher Community Council	0	2	0	0	0	0	2
Laleston Community Council	-	-	-	-	-	-	0
Llangynwyd Middle Community Council	-	-	-	-	-	-	0
Maesteg Town Council	5	1	0	0	0	0	6
Newcastle Higher Community Council	0	1	0	0	0	0	1
Pencoed Town Council	1	0	0	0	0	0	1
Porthcawl Town Council	0	7	0	0	0	0	7

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2021/2022. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2021/2022. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

### REPORT OF THE MONITORING OFFICER

#### ADJUDICATION PANEL FOR WALES – CODE OF CONDUCT DECISION

#### 1. Purpose of report

- 1.1 To notify the Committee of a recent Case Tribunal decision of the Adjudication Panel for Wales (APW) in respect of former Member Gordon Lewis.

#### 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 under the **Well-being of Future Generations (Wales) Act 2015**:-

**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 Council has a statutory duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committee Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 3.2 The APW is an independent tribunal set up to determine alleged breaches of an Authority's Statutory Members' Code of Conduct by Elected and Co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.
- 3.3 The APW has two statutory functions in relation to breaches of the Members' Code of Conduct:
- To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales ("the Ombudsman") following the investigation of allegations that a Member has failed to comply with their Authority's Members' Code of Conduct; and
  - To consider appeals from Members against the decisions of Local Authority Standards Committees that they may have breached the Members' Code of Conduct.

#### **4. Current situation/proposal**

- 4.1 By letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Ombudsman in relation to allegations made against former Member Gordon Lewis. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time.
- 4.2 Paragraph 6(1)(a) of the Code states that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 4.3 The Case Tribunal found that the Respondent had failed to comply with paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months from being, or becoming, a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of the Notice.
- 4.4 A copy of the APW's Notice to the Council is attached at **Appendix 1** to this report.

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

- 5.1 None.

#### **6. Equality Impact Assessment**

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

#### **7. Wellbeing 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. 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.
- 7.2 Compliance with the Code of Conduct by members ensures the Council maintains a high standard of behaviour and conduct and thereby encouraging and promoting democracy throughout society thereby contributing to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A more equal Wales
  - A Wales of cohesive communities

- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

## **8. Financial implications**

8.1 There are no financial implications.

## **9. Recommendation**

9.1 It is recommended that Members note the report and decision of the APW.

**Kelly Watson**  
**Monitoring Officer**  
**September 2022**

**Contact Officer:** Kelly Watson  
Monitoring Officer

**Telephone:** (01656) 643136

**E-mail:** Kelly.watson@bridgend.gov.uk

**Postal Address** Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

## **Background documents**

None

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**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/0010/2021-022/CT

**RESPONDENT:** Former Councillor Gordon Lewis

**RELEVANT AUTHORITY:** Pencoed Town Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. By letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against former Councillor Gordon Lewis.
2. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology.
3. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time.
4. Paragraph 6(1)(a) of the Code states that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
5. The Case Tribunal found that the Respondent had failed to comply with Paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected.
6. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months for being, or becoming a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of this Notice.

7. Pencoed Town Council and its Standards Committee are notified accordingly.
8. The Respondent has the right to seek the leave of the High Court to appeal this decision.
9. The full decision report will be published on the APW website in due course.

Signed *C Jones*

Date 10 June 2022

C Jones Chairperson of the Case Tribunal

S McRobie Panel Member

S Hurds Panel Member

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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