

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
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County Hall, Carmarthen. SA31 1JP

**WEDNESDAY, 6 SEPTEMBER 2017**

**TO: ALL MEMBERS OF THE STANDARDS COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON FRIDAY, 15TH SEPTEMBER, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
<b>Telephone (direct line):</b>	<b>01267 224027</b>
<b>E-Mail:</b>	<b><a href="mailto:kjthomas@carmarthenshire.gov.uk">kjthomas@carmarthenshire.gov.uk</a></b>
<b>Ref:</b>	<b>AD016-001</b>

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

1. Mrs Mary Dodd
2. Mr M. Andre Morgan Vice Chair of the Committee
3. Mr Alun Williams
4. Vacancy
5. Vacancy

### Community Committee Member (1)

1. Vacancy

### Elected Members of the County Council (3)

1. Councillor Susan Allen
2. Councillor Louvain Roberts
3. Councillor Gareth Thomas

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. ELECTION OF CHAIR AND VICE CHAIR 5 - 8
4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE :-
  - 4 .1 1ST JUNE, 2017 9 - 10
  - 4 .2 9TH JUNE, 2017 11 - 18
5. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2016/2017 19 - 142
6. CODE OF CONDUCT CASEBOOK 143 - 182
7. CODE OF CONDUCT TRAINING FOR COUNTY COUNCILLORS 183 - 186
8. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS. 187 - 192
9. WELSH GOVERNMENT WHITE PAPER ON REFORMING LOCAL GOVERNMENT 193 - 262
10. COMPLAINTS AND COMPLIMENTS 263 - 292
11. APPLICATION FOR DISPENSATION BY COUNCILLOR G SQUIRES 293 - 300
12. APPLICATION FOR DISPENSATION BY COUNCILLORS GARETH THOMAS, JEAN LEWIS, KEN HOWELL, TYSSUL EVANS, MANSEL CHARLES, EIRWYN WILLIAMS AND ANN DAVIES 301 - 312
13. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

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## STANDARDS COMMITTEE 15<sup>th</sup> SEPTEMBER 2017

### ELECTION OF CHAIR AND VICE CHAIR

#### Recommendations / key decisions required:

That the Committee appoint a new Chair from amongst the independent co-opted members who have expressed an interest.

#### Reasons:

The Chair and Vice Chair of the committee may only be drawn from the independent members of the committee.

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                         NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

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# EXECUTIVE SUMMARY STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

## ELECTION OF CHAIR OF STANDARDS COMMITTEE

Following the resignation of Mr Downward, the committee is required to elect a new Chair from amongst those independent co-opted members of the committee that have expressed an interest.

All members of the committee will be entitled to participate in the vote should the role of Chair be contested.

In the event that the current vice-chair of the committee is elected as chair, it will also be necessary to elect a new vice-chair.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-154	Legal Services, County Hall

Thursday, 1 June 2017

**PRESENT:** Mr C.A. Downward (Chair)

**Independent Members:**

M. Dodd, M.A. Morgan and A. Williams

**The following Officers were in attendance:**

L.R. Jones, Head of Administration and Law/ Monitoring Officer

R. Edgecombe, Legal Services Manager

M.S. Davies, Democratic Services Officer

**Democratic Services Committee Room, County Hall, Carmarthen - 10.00 - 10.15 am**

**1. APOLOGIES / OTHER MATTERS**

Apologies for absence were received from Councillors S.M. Allen and B.A.L. Roberts.

The Chair congratulated Councillors S.M. Allen, B.A.L. Roberts and G.B. Thomas on their re-election and congratulated Cllr. J. Gilasbey on her election to County Council and thanked her for her work on the Committee whilst a community representative.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. APPLICATION FOR DISPENSATION BY COUNTY COUNCILLOR E. DOLE**

The Committee considered an application by County Councillor E. Dole, who had been appointed as leader of the Council on the 24<sup>th</sup> May 2017, for the grant of a dispensation to appoint to the Executive Board his sister-in-law Councillor L. Evans, who he wished to assume the role of Executive Board Member for Housing, a post which carried a senior salary as opposed to a basic salary. Councillor Dole had been granted a dispensation to appoint Cllr. Evans to the Executive Board in the previous Administration in this role and Cllr. Evans had also previously served as opposition spokesperson for the Housing portfolio since 2012, having been appointed to that position by the then leader of the opposition Cllr P. Hughes-Griffiths. Cllr. Evans had also previously held the salaried post of Chair of a Scrutiny Committee, having been nominated to that role by full council.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted to Councillor E. Dole under Regulation 2(d) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001, to enable him to appoint Councillor L. Evans to the Executive Board if he considers it appropriate to do so.**

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**CHAIR**

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**DATE**

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Friday, 9 June 2017

**PRESENT:** Councillor C.A. Downward (Chair)

**Independent Members**

M. Dodd, M.A. Morgan and A. Williams,

**Councillors:**

S.M. Allen, B.A.L. Roberts and G.B. Thomas

**The following Officers were in attendance:**

S. Murphy, Senior Solicitor

M.S. Davies, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 am - 10.30 am**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES - 17TH MARCH, 2017**

**RESOLVED** that the minutes of the meeting of the Committee held on the 17<sup>th</sup> March 2017 be signed as a correct record.

**4. REVIEW OF CORPORATE WHISTLEBLOWING POLICY**

The Committee considered a report on the annual review of the Corporate Whistle Blowing Policy, with a view to incorporating relevant information thereon within the Chair's Annual Report to the Council. It was noted that the Council had continued to take steps to raise staff awareness of the policy and ensure managers were fully trained to recognise whistle blowing complaints and deal with them properly. The corporate Whistle blowing Policy had been updated to reflect organisational changes and feedback from the elected members briefing session earlier in the year.

**RESOLVED** that the report be received and the revised policy approved.

**5. CODE OF CONDUCT CASEBOOK**

The Committee considered the Public Services Ombudsman for Wales' latest issue of the 'Code of Conduct Casebook' containing summaries of 13 code investigations relating to members of both County and Community Councils which had been brought to a conclusion during the preceding quarter.

**RESOLVED** that the report be noted but that further clarification be sought on the 5 cases referred to Standards Committee in 2016/17 and the finding by the Adjudication Panel for Wales.

**6. APPLICATION FOR DISPENSATION BY COUNCILLOR G. HOWELLS**

The Committee considered an application submitted by Councillor Gerald Howells of Llansteffan and Llanybri Community Council, for the grant of a dispensation

under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llansteffan and Llanybri Community Council in respect of matters relating to Llansteffan Primary School, Llansteffan Parish Church and the Carmarthen Bay Ferries Community Interest Company.

It was reported that a dispensation was sought as Councillor Howells had a personal interest in these matters by virtue of paragraph 10(2)(ix)(aa) of the Code of Conduct in respect of the school, 10(2)(ix)(ee) in respect of the Parish Church and 10(2)(ix)(bb) in respect of the Carmarthen Bay Ferries Community Interest Company in that:-

- (1) The school is a body exercising functions of a public nature in which, as Chairman of Governors, he holds a position of general control or management. Councillor Howells was appointed to his current position as a school governor by his Community Council;
- (2) The church should be considered as a private association in which, as a Church Warden, he is a member;
- (3) He is a Director of the Company.

Councillor Howells' interests were also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interests as being so significant that they would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Howells had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Howells had previously been granted a dispensation to speak but not vote in respect of matters (1) and (2) above in June 2016 and that dispensation had expired in May 2017.

Following a detailed discussion it was

#### **UNANIMOUSLY RESOLVED**

**6.1 that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gerald Howells to SPEAK AND TO MAKE WRITTEN REPRESENTATIONS BUT NOT VOTE at meetings of the Llansteffan and Llanybri Community Council in relation to any discussion regarding Llansteffan Primary School, Llansteffan Parish Church and the Carmarthen Bay Ferries Community Interest Company and that the dispensation be valid until the end of his current term of office;**

**6.2 Councillor Howells be advised to notify the Monitoring Officer of any material change in his Directorship of the Carmarthen Bay Ferries Community Interest Company.**

#### **7. APPLICATION FOR DISPENSATION BY COUNCILLOR I. R. LLEWELYN**



The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 9 refers) it had granted Councillor I.R. Llewellyn, a member of Llandybie Community Council, dispensation, until the end of the electoral term ending in May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Llewellyn seeking dispensation to speak and vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee thereupon considered the application submitted by Councillor Llewellyn, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of County Council Assets to the Community Council.

It was reported that a dispensation was sought as Councillor Llewellyn had a personal interest in the matter by virtue of paragraph 10(2)(ii) of the Code of Conduct in that it related to or was likely to affect his employer, namely Carmarthenshire County Council.

Councillor Llewellyn's interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Llewellyn had accordingly requested that a dispensation be granted under regulation 2 (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations on the basis his participation in any debate at meetings of the Community Council would not damage public confidence.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor I.R. Llewellyn to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of County Council assets to the Llandybie Community Council, and that the Dispensation be valid until the end of his current term of office.**

**8. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R. A. DAVIES**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 10 refers) it had granted dispensation to Councillor W.R.A. Davies, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Davies seeking dispensation to speak but not vote at

meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon considered an application submitted by Councillor W.R.A. Davies, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Davies had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was Secretary and Treasurer of the Llandybie Tennis Club.

Councillor Davies' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor W.R.A Davies to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term.**

#### **9. APPLICATION FOR DISPENSATION BY COUNCILLOR E. W. NICHOLAS**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 11 refers) it had granted dispensation to Councillor E.W. Nicholas, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Nicholas seeking dispensation to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon considered an application submitted by Councillor E.W. Nicholas, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Nicholas had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was Chairman of the Llandybie Tennis Club.

Councillor Nicholas' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so

significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor E.W. Nicholas to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term.**

**10. APPLICATION FOR DISPENSATION BY COUNCILLOR B. REES**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 12 refers) it had granted dispensation to Councillor B. Rees, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Rees seeking dispensation to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon considered an application submitted by Councillor B. Rees, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Rees had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of Llandybie Bowls Club.

Councillor Rees' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor B. Rees to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term.**

**11. APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON**

The Committee considered an application submitted by Councillor Phillip Nigel Thompson of Kidwelly Town Council for the grant of a dispensation under the

Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to speak and make written representations at meetings of Kidwelly Town Council in relation to the following:-

- 1) Councillor Thompson's involvement with the Ynghyd Community Interest Company (of which he is a director);
- 2) Councillor Thompson's involvement with the Kidwelly Community Hub of which he is a member of the Management Committee.
- 3) Kidwelly Luncheon Club (which was jointly run by the above organisations).

It was reported that a dispensation was sought on a similar basis to that granted at the meeting held on 13th January 2017 [minute 5 thereof refers] in that Councillor Thompson had a personal interest in the matters by virtue of the following paragraphs of the Code of Conduct:-

- 1) 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management;
- 2) 10(2)(a)(ix)(ee) as the matter relates to or is likely to affect a private association in which he holds a position of general control or management.

Councillor Thompson's interest was also prejudicial as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

Councillor Thompson had accordingly requested that a dispensation be granted under regulation 2 (d)(f)(g) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Following a detailed discussion it was;

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f)(g) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor Philip Nigel Thompson to SPEAK BUT NOT MAKE WRITTEN REPRESENTATIONS at meetings of Kidwelly Town Council in relation to any discussion regarding Ynghyd CIC, Kidwelly Community Hub and Kidwelly Luncheon Club and that the Dispensation be valid until the end of the current electoral term.**

## **12. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL - SCHOOL GOVERNING BODIES**

The Committee considered an application submitted by the Clerk to Gorslas Community Council on behalf of the following councillors, being members of Gorslas Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak and vote at meetings of Gorslas Community Council in respect of their involvement with four schools in the area as detailed below:-

Maes y Gwendraeth School – Councillor A.V. Owen;

Cefneithin School – Councillor S.D. Martin;

Drefach School – Councillors D. Price and N. Lewis;

Gorslas School – Councillor J. Price.

It was reported that dispensation was sought on the basis all five councillors were, or had expressed a wish to be, members of the governing bodies of the above schools, but not appointed by the Community Council, and that, as such, they had, or would have, a personal interest in matters appertaining thereto under 10(2)(a)(ix)(ee) of the Code. That interest was also prejudicial as a member of the public with knowledge of the facts could reasonably regard it as so significant that it was likely to prejudice the Councillor's judgement of the public interest.

It was reported that in view of the continuing nature of the interest, the applicants had requested that if the Committee was minded to grant the dispensation, it be for the remainder of their current term of office i.e. until the local government elections in May 2022.

Following a detailed discussion, it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2(d) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001, to Councillors A.V. Owen, S.D. Martin, D. Price, N. Lewis and J. Price to SPEAK AND VOTE at meetings of the Gorslas Community Council in relation to any discussions regarding their position as governors of Ysgol Maes y Gwendraeth, Cefneithin Primary, Drefach Primary and Gorslas Primary schools until the end of the current electoral term.**

### **13. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL - PARKS**

The Committee considered an application submitted by the Clerk to Gorslas Community Council, on behalf of the following councillors for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak and vote at meetings of Gorslas Community Council in respect of matters relating to the 3 recreation parks indicated which were owned and maintained by the Community Council.

Cefniethin Park – Cllrs. Simon Martin, Terry Jones, David Mervyn Evans, Brian Kirby and Darren Price;

Drefach Park – Cllrs. Wyn Edwards, Clive Green, Anthony Rees, Tina Jukes and Nia Lewis;

Gorslas Park – Cllrs. Aled Owen and Janice Price.

It was reported that a dispensation was sought as all 12 councillors had a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the Code in that they were members of local Welfare Association Committees which were involved in the running of those parks. The Councillors had not been appointed to their roles on those committees by the Community Council.

The Councillors' interests were prejudicial as a member of the public with

knowledge of the relevant facts would reasonably regard that interest as so significant that it was likely to prejudice the councillors' judgement of the public interest. For example, when the Community Council is deciding whether or not to spend monies on the parks a member of the public could reasonably conclude that the fact a councillor is a member of the relevant Welfare Association Committee would influence their view as to whether the money should be spent on the park or on some other issue unconnected with the Association. It was noted that the councillors had no direct financial interest in their respective Welfare Associations. Following a detailed discussion, it was

**RESOLVED that dispensation be granted until the end of the current electoral term to the above-mentioned 12 members of Gorslas Community Council to SPEAK AND VOTE at meetings of Gorslas Community Council in relation to any discussions regarding the three recreation parks owned and maintained by the Community Council under Regulation 2(a) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.**

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**CHAIR**

---

**DATE**



## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

### PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2016/2017

#### Recommendations / key decisions required:

To consider the report

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                         NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Legal Services Manager

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**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT  
2016/2017**

The Public Services Ombudsman for Wales (PSOW) has published his annual report and accounts for 2016/2017. A copy of the report is attached.

The key points from the report are as follows;

1. A 13% increase in maladministration enquiries and complaints across Wales
2. A 14% reduction in code of conduct complaints across Wales
3. A 19% increase in the number of code complaints investigated
4. A 38% increase in the number of code investigations which uncovered evidence of a breach of the code

Of the case where evidence of a breach was uncovered, six cases were referred either to the relevant local authority standards committee or the Adjudication Panel for Wales, the same figure as in the previous year.

The bulk of code complaints related to the promotion of equality and respect (37%) and declaration of interests (23%)

Looking specifically at Carmarthenshire County Council a total of 47 maladministration complaints were concluded during the year of which 40 were either out of jurisdiction, premature or closed after initial consideration. A further 5 were resolved voluntarily, one upheld and one not upheld.

The Ombudsman also concluded 1 code complaint against a County Councillor, which was closed after initial consideration

The Ombudsman also dealt with code complaints against Town and Community Councillors from Cwmamman Town Council (1), Kidwelly Town Council (1), Llanelli Rural Council (6), Llanelli Town Council (1) and Llangennech Community Council (2). None of these cases involved any disciplinary action being taken against the Councillors concerned

**DETAILED REPORT ATTACHED ?**

**YES**





# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Legal file</b>	<b>DPSC-154</b>	<b>Legal Services, County Hall</b>

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# ANNUAL REPORT AND ACCOUNTS

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2016/17





# Annual Report & Accounts

of

The Public Services Ombudsman for Wales  
for the year ended  
31 March 2017

Laid before the National Assembly for Wales  
under paragraphs 14,16 and 17 of Schedule 1  
of the Public Services Ombudsman (Wales) Act 2005





# Contents

<b>Performance Report.....</b>	<b>1</b>
Ombudsman’s Review of the Year.....	2
Who we are, what we do .....	8
The Complaints Service .....	12
Overall Casework Statistics.....	14
Cases of Note .....	24
Annual Sustainability Report .....	27
Annual Equality Report.....	29
Key Financial Data .....	35
<b>Accountability Report.....</b>	<b>37</b>
Corporate Governance Report .....	38
Statement of Accounting Officer’s Responsibilities.....	42
Annual Governance Statement 2016/17.....	43
Remuneration Report.....	54
National Assembly for Wales Accountability and Audit Report.....	58
Reconciliation of Net Resource to Net Cash Requirement.....	59
The Certificate and Report of the Auditor General for Wales to the National Assembly for Wales..	60
<b>Financial Statements.....</b>	<b>63</b>
Statement of Comprehensive Net Expenditure.....	64
Statement of Financial Position.....	65
Statement of Cash Flows .....	66
Statement of Changes in Taxpayers’ Equity .....	67
Notes to the Financial Statements .....	68
Pensions Disclosures .....	82
<b>Annexes .....</b>	<b>93</b>
Annex A: Public Body.....	94
Complaints closed – Statistical Breakdown by outcomes by public body .....	94
Annex B: Code of Conduct Complaints closed – Statistical Breakdown by outcomes by local authority.....	105
Annex C: Complaints About PSOW service.....	109





**Performance  
Report**

## Ombudsman's Review of the Year

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It is with great pleasure that I present the first combined annual report and accounts for the Public Services Ombudsman for Wales (PSOW) for the year ended 31 March 2017, which was my second full year in office. In accordance with paragraph 18 of Schedule 1 to the Act, I have personal responsibility for the overall organisation, management and staffing of the office and for its procedures in relation to financial and other matters.

### **Progress in Innovation, Improvement and Influence: A Review of 2016/17**

I am delighted to be able to report substantial progress in the activities of the office over the past year, with specific reference to our three year strategic themes of *innovation*, *improvement* and *influence*, which have led to substantial increases in outcomes for complainants and, I hope, positive impacts on public services.

In terms of *innovation* the office made further progress on compliance, ensuring that recommendations for improvement are implemented and that we ensure that the learning from complaints is acted upon. We also continued to make progress with changes emerging from our paperless project.

This year I established Sounding Boards for the first time, holding meetings with voluntary sector representatives and the health sector, providing a “safe space” where bodies in jurisdiction, or key representative bodies, can challenge me about what we do and how we do it.

One area of particular improvement was the improvement on timescales – with a move towards *complainant centred timescales* and I am pleased that the Complaints Advice Team succeeded in ensuring that targets are met from when we receive complaints, rather than

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when we have gathered sufficient information in order to investigate. The establishment of the Code Advisory Group has meant the proactive oversight of code of conduct complaints, and a seven per cent reduction in cases taking longer than six months. I was delighted that the introduction of the Public Interest Test has reduced the number of low-level complaints being considered by my office and that in the very rare occasions where we do refer more serious matters to the Adjudication Panel for Wales, it has found breaches of the code.

A new Quality Assurance Framework was developed with staff so that as well as coping with ever increasing quantities of work, the qualitative aspects of what we do are also supported. There have also been a range of good practice seminars for staff and a Staff Risk Workshop to

help support a new approach to Risk Management. We also appointed ICRS in order to undertake independent review of complaints about our services and also undertook a review of our information security.

The *improvement* function has started well. All Improvement Officers have developed specific action plans for the relevant bodies in jurisdiction this has led to a number of specific improvements in their complaint handling cultures:

Ceredigion County Council accounted for 28 per cent of upheld local government closed complaints in 2014/15; in 2016/17 this figure was 17 per cent.

Abertawe Bro Morgannwg University Health Board saw a substantial reduction of more than 25 per cent of their complaints received.

There was a small reduction in overall complaints closed against Aneurin Bevan University Health Board, which included a 14 per cent reduction in upheld complaints.

Whilst both Hywel Dda and Cwm Taf University Health Boards saw a significant increase in their complaint volumes, I am pleased to see that there was no corresponding increase in upheld complaints for Hywel Dda. In fact, there was a 50 per cent reduction. However, Cwm Taf saw a slight increase in upheld reports.

Unfortunately complaint volumes, upheld complaints, and public interest reports all increased for Betsi Cadwaladr University Health Board in 2016/17.

Given the variance in Health Board performance in complaint handling my office will be organising a special seminar for health complaints and best practice.

I was delighted that my first thematic report on Out of Hours services led to a peer review by the Welsh Government to be implemented throughout 2017. I produced a further thematic report *Ending Groundhog Day, Lessons from Poor Complaint Handling* in March 2017.

In 2016/17 there was a further increase in the use of Voluntary Settlement , an increase of some 26% per cent on the previous year. However, whilst this can lead to speedier resolution for complainants and cheaper processes for public services, it is important that Early Resolution is not seen as some form of easy escape for bodies in my jurisdiction. In May 2016 I issued a Section 22 report against Hywel Dda University Health Board when it failed to comply with an Early Resolution agreement. I expect the same level of compliance to an Early Resolution as with a recommendation emanating from an investigation.

I published six public interest reports in the course of the year, three of which were in relation to Betsi Cadwaladr University Health Board, a number of health reports also related to Out of Hours services.

In order to meet the needs of the people of Wales, my office can only function effectively through getting the best out of the talented people in its employ. During 2016/17 further developments were made to a new performance review and development planning system with further investment in training including HR support, Management Training and Coaching. We conducted a Staff Survey which led to an action plan which is being implemented. We have also looked at the structure of the organisation with further changes in relation to policy, communications, data, HR, information and ICT to ensure that we are fit for the future. In terms of staffing costs of particular note was the confirmation by the Cardiff and Vale of Glamorgan Pension Fund that the long standing pension deficit has been eradicated with the office intending to return £292,000 of the cash allocated in the 2017/18 Estimates. No further deficit payments are required.

In terms of our *influence* and collaboration with other bodies inside and outside Wales 2016/17 was a busy year. We implemented joint Internal Audit arrangements with the Older People and the Children's Commissioners and also implemented payroll arrangements for the Future Generations Commissioner. I was also delighted to participate in Wales Audit Office events on complaints in both North and South Wales. Memoranda of Understanding were signed with a number of Commissioners and Healthcare Inspectorate Wales.

I also met with NHS Chief Executives, Medical Directors and the NHS Confederation ensuring robust but constructive engagement and discussion.

During the course of the year I had positive appearances at the Equality, Local Government and Communities Committee and the Finance Committee of the National Assembly for Wales (NAW).

I was delighted to be elected to both the European and World Boards of the International Ombudsman Institute (IOI) and to continue as vice Chair of the Ombudsman Association (OA). PSOW staff have also played a key part in broader networks, with Chris Vinestock, the Chief Operating Officer, contributing to work on Service Standards across the sector, Katrin Shaw, Assistant Director of Investigations, chairing the Ombudsman Association Legal Interest Group and Marilyn Morgan providing PA services on a part time basis to the OA. One Investigation Manager, Claire Beynon, provided direct training to the new Northern Ireland Public Service Ombudsman and Jenny Strinati and Susan Hudson collaborated with other jurisdictions on Equality and Human Rights issues.

In October 2016 the IOI and OA held a seminar at Aberystwyth University which looked at the differing jurisdictions emerging in Scotland, Ireland and Northern Ireland in the context of draft PSOW legislation and the event was addressed by Rafael Ribó, Catalan Ombudsman and President of the European IOI, as well as Simon Thomas AM Chair of the NAW Finance Committee.

During 2016/17 we submitted a Regulatory Impact Assessment to the Finance Committee and I am very hopeful that the legislation will now be taken forward in 2017/18.

Finally, 2016/17 was a year of not just positive activity, but of positive outcomes. Despite the challenge of increasing workloads the number of complainants who received a positive outcome from my office, either through voluntary settlement or an upheld complaint, increased by 16 per cent!



Nick Bennett  
Ombudsman

# SNAPSHOT OF THE YEAR 2016/17

## April

Published our new three-year strategic plan 'Innovation, Influence and Improvement'



## May

Issued the first ever special report against a Health Board under Section 22 of the PSOW Act



## June

Held our first meeting of the Service User Sounding Board comprising representatives from voluntary and advocacy groups to feedback on accessibility and of our service and processes

Chaired the Academi Wales summer school

Participated in Wales Audit Office complaints seminars



## July

Our annual report highlighted a 4% rise in Welsh NHS complaints

Issued the Annual Letters to Health Boards and County Councils



## August

Exhibited at the National Eisteddfod in Abergavenny

Issued updated Code of Conduct Guidance for county and town/community councillors



## September

Took steps to improve transparency and openness by publishing our first open data spreadsheet – a list of all complaints closed by the office during 2015/16





# SNAPSHOT OF THE YEAR 2016/17

## October

Held a joint seminar with The WISERD-Centre for Welsh Politics and Society, Aberystwyth University, the Ombudsman Association and the International Ombudsman Institute to discuss the Ombudsman in a decade of public policy change

Elected as a Director of International Ombudsman Institute



## November

Held our first Health Sector Sounding Board meeting

Issued three public interest reports against Health Boards



## December

Welsh Government committed to conducting a peer review of out of hours care following a recommendation in our thematic report last year

Issued a public interest report against Bridgend County Borough Council for not monitoring a looked-after child's savings while he was in care, eventually resulting in him receiving the full amount back



## January

Held awareness session on the role of the Ombudsman for Assembly Members



## February

Launched the pilot of a tool to help investigators consider human rights in Ombudsman casework



## March

Raised awareness of our work at the first Wales Council for Voluntary Action's annual conference

Published the second thematic report in 12 months - 'Ending Groundhog Day: Lessons from Poor Complaint Handling' which looked at failings in investigations by public bodies in Wales



## Who we are, what we do

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### Role of the Public Services Ombudsman for Wales

As Ombudsman, I have two specific roles. The first is to consider complaints about public services providers in Wales; the second role is to consider complaints that members of local authorities have broken the Code of Conduct. I am independent of all government bodies and the service that I provide is free of charge.

### Complaints about public service providers

Under the PSOW Act 2005, I consider complaints about bodies which, generally, are those that provide public services where responsibility for their provision has been devolved to Wales. The types of bodies I can look into include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations) and
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services.

When considering complaints, I look to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the service provider. Attention will also be given to whether the service provider has acted in accordance with the law and its own policies. If a complaint is upheld I will recommend appropriate redress. The main approach taken when recommending redress is, where possible, to put the complainant (or the person who has suffered the injustice) back in the position they would have been in if the problem had not occurred. Furthermore, if from the investigation I see evidence of a systemic weakness, then recommendations will be made with the aim of reducing the likelihood of others being similarly affected in future.

### Code of Conduct Complaints

Under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act, I consider complaints that

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members of local authorities have breached their authority's Code of Conduct. I can consider complaints about the behaviour of members of:

- county and county borough councils
- community councils
- fire authorities
- national park authorities and
- police and crime panels.

All these authorities have a code of conduct which sets out in detail how members must follow recognised principles of behaviour in public life.

If a county councillor wishes to make a complaint about another county councillor within their own authority, then I expect them to first of all make their complaint to that authority's Monitoring Officer, as it may be possible to resolve the matter locally without my involvement.

### **Management Team**

The Management Team has continued to support and advise me in relation to strategic direction as well as the operational, day to day, running of the office.

### **Shared Services and Collaboration**

My Finance, ICT and HR staff, who enable the delivery of our objectives, already work collaboratively when appropriate, sharing professional knowledge through a network comprising Welsh Government sponsored bodies plus Commissioners and they will continue to do so.

We continue to look to identify opportunities to work towards any pooled arrangement for sharing knowledge, skills and experience to achieve cost savings.

### **Improvement Officers**

Last year I introduced into the roles of a number of investigation staff in my office, the additional role of 'improvement officer'. Whilst the main element of their role remains the investigation of complaints, their improvement role will include stakeholder engagement with certain bodies in jurisdiction as well as subject leads for areas which continue to affect quality public services.

I am pleased to say that I do not consider Cardiff & Vale University Health Board a priority for improvement engagement with my office any longer and so it no longer has an improvement officer linked to it. However, an improvement officer has been assigned to one new body for the coming year.

So for 2017/18 those organisations assigned an Improvement Officer are:

- Abertawe Bro Morgannwg University Health Board
- Aneurin Bevan University Health Board
- Betsi Cadwaladr University Health Board
- Ceredigion County Council
- Cwm Taf University Health Board
- Hywel Dda University Health Board
- Powys County Council

In engaging with these bodies we hope to see ongoing improvements in complaints handling, learning and putting things right, along with the governance arrangements necessary for continuous improvement. We will regularly review our data, and the insights we gain from these arrangements, to identify areas for improvements. I will in due course consider whether it would be beneficial to extend this approach to other bodies.

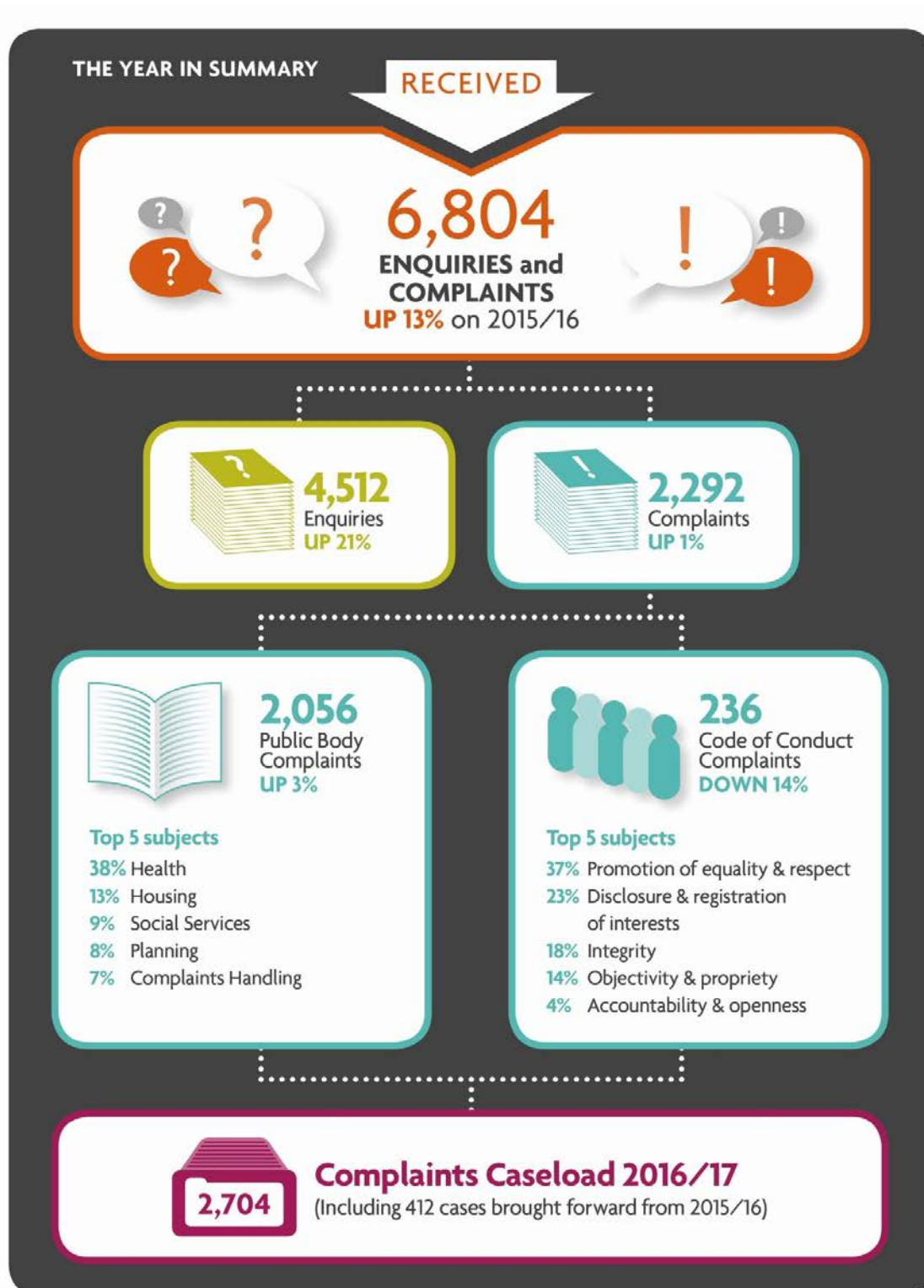
Subject leads are in place for:

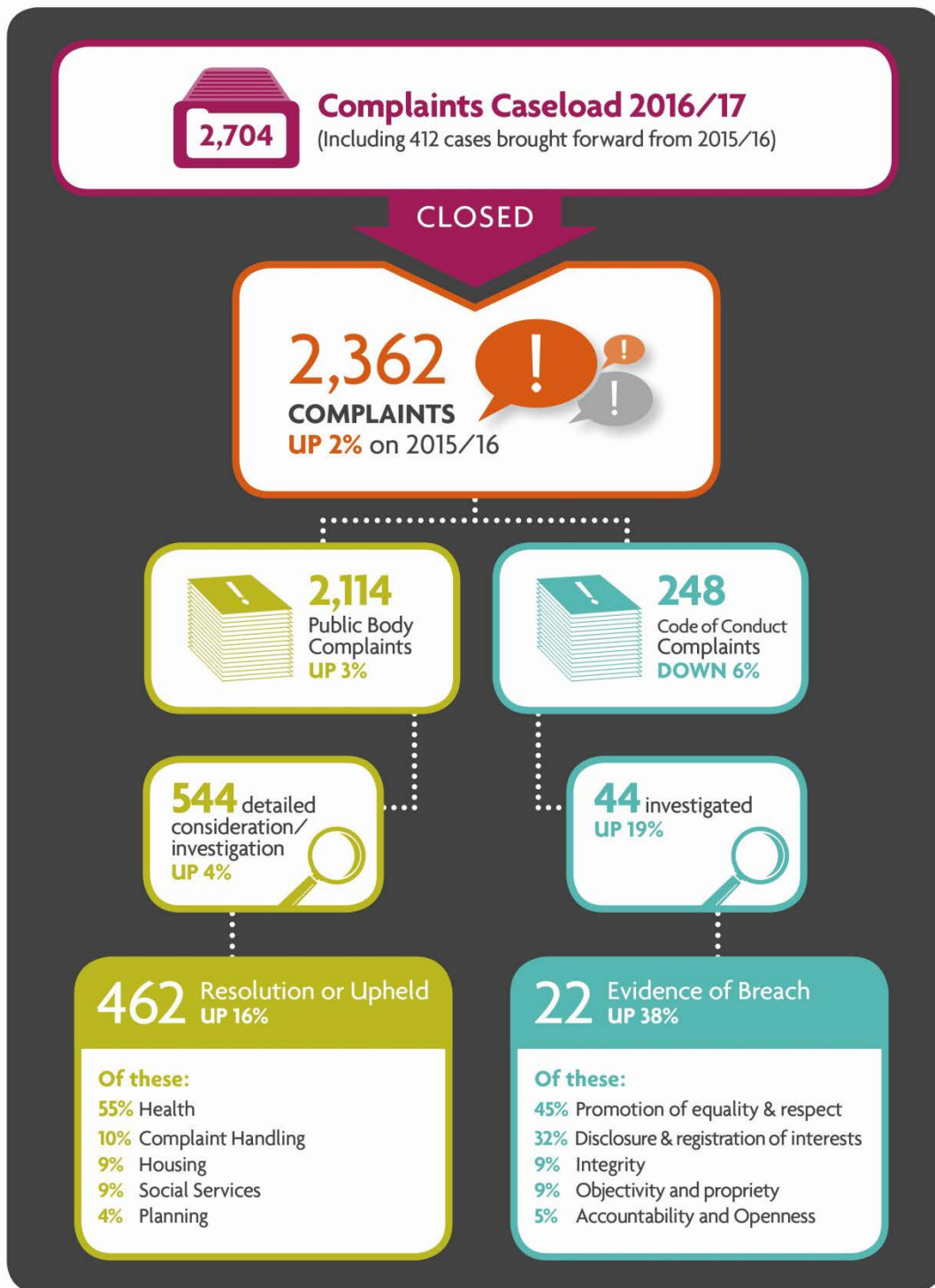
- health
- housing
- local government planning services
- social services
- school appeals
- the code of conduct for local authority members
- our service provision on the Welsh language, and
- recommendations and compliance

Subject leads are specifically tasked with identifying trends from casework across the office, leading on thematic reports, and monitoring legislative and other developments affecting the subject areas.



# The Complaints Service

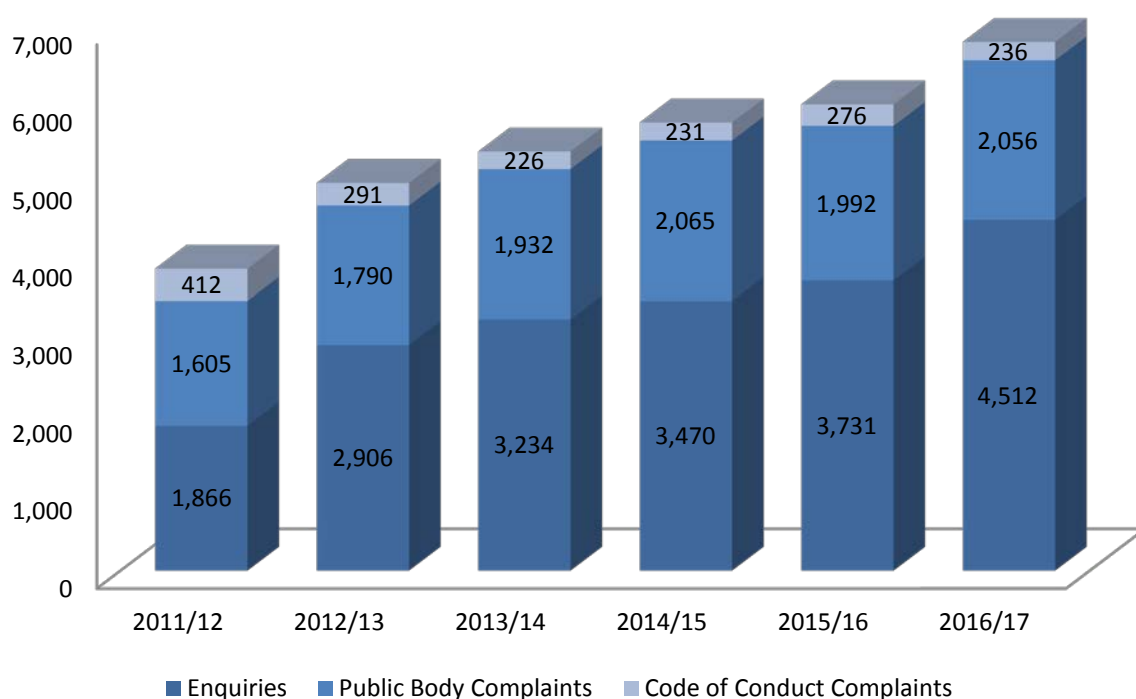




## Overall Casework Statistics

The number of enquiries and complaints (public body complaints, and complaints about the conduct of members of local authorities) totalled 6804 during 2016/17 which is a 13% increase on the position for 2015/16. Over the past six years, overall casework has increased by 75%.

**Total Enquiries and Complaints received by year**



### Enquiries

The office dealt with 4,512 enquiries during 2016/17 compared with 3,731 the previous year. This is a 21% increase. Despite this increase we have continued to maintain a fast and efficient service at the frontline.

We set ourselves the target of answering our main line reception calls within 30 seconds in 95% of cases. The Team performed impressively in this regard, answering 98% of calls within this timescale.



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An enquiry is a contact made by a potential complainant asking about the service provided, which does not, result in a formal complaint being made to me at that time. At this point in our service we will advise people how to make a complaint to me or, where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them. Where appropriate, the Complaints Advice Team will also seek to resolve a problem at enquiry stage without taking the matter forward to the stage of a formal complaint.

### Public Body Complaints

During 2016/17 we received 2,056 complaints about public sector providers – a 3% increase on the previous financial year. This brings public body complaints to a similar level as 2014/15 when my office received 2,065 complaints.

### Sectoral breakdown of complaints received

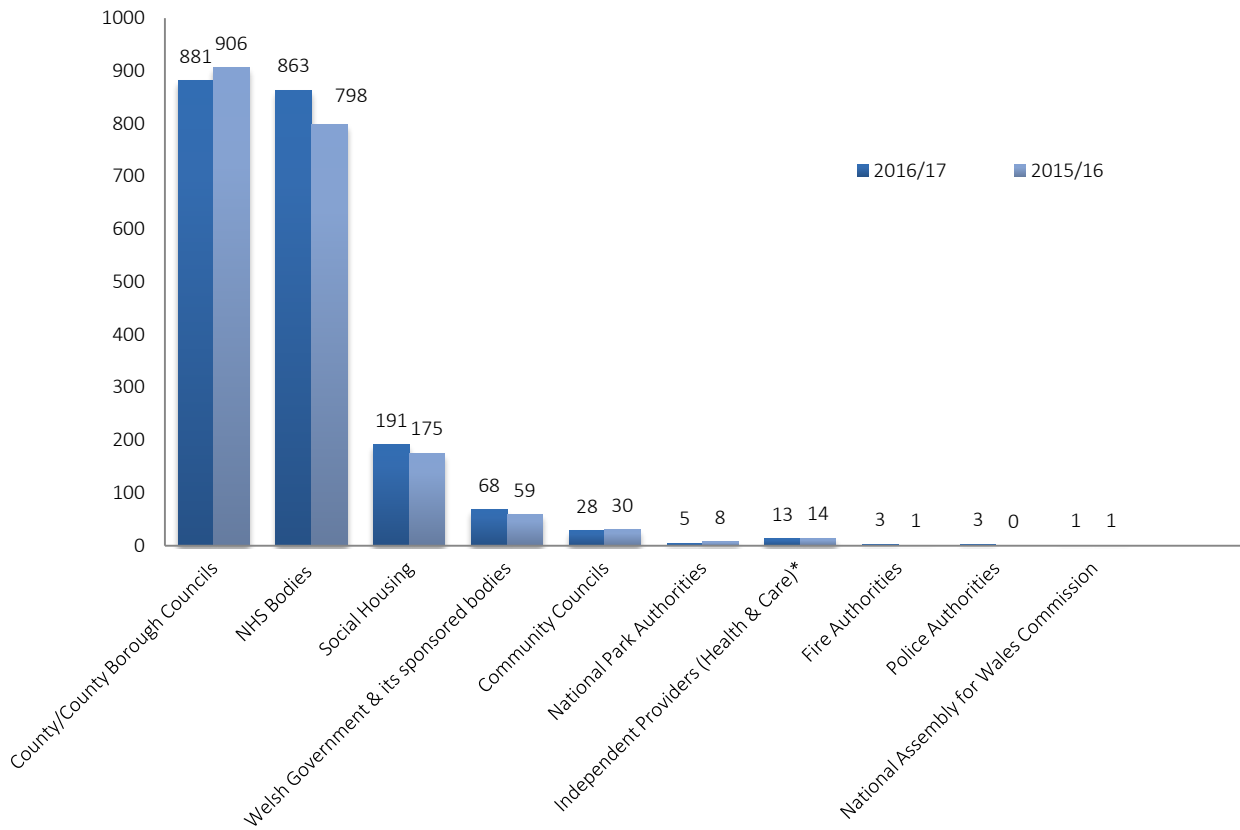
County councils have always generated the most complaints to this office due to the wide range of services they provide. However, for the second year running there has been a decrease in the number of complaints – down from 906 during 2015/16 to 881 in 2016/17.

Once again there has been an increase in complaints about NHS bodies. These include complaints about Local Health Boards, NHS trusts, GPs and dentists. There was a 8% increase in complaints about health bodies compared with 2015/16 (863 compared with 798)

Complaints about NHS Bodies have increased by 8% from 798 in 2015/16 to 863 in 2016/17. A large proportion of that increase is due to a rise in complaints **received** about Betsi Cadwaladr University Health Board of 23%.

The chart on page 16 shows the distribution of the complaints received by sector.

### Complaints received by public body sector

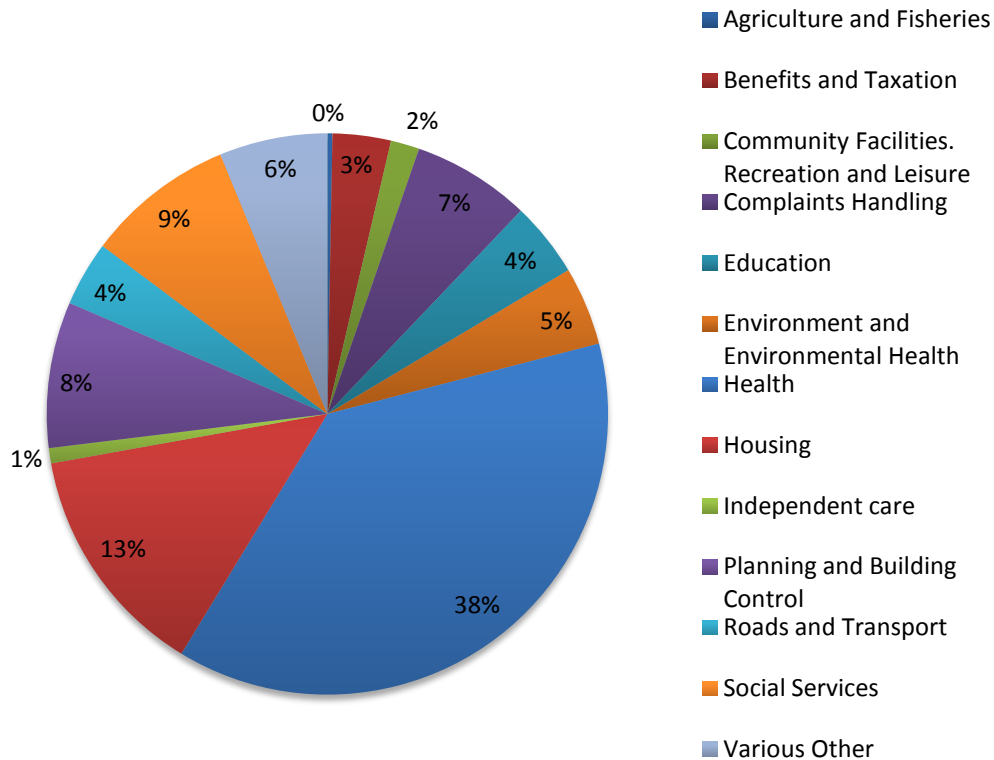


### Complaints received about public bodies by subject

As consistent with previous years, health was the major part of our office caseload, up from 36% last year to 38% this year. This was followed by housing (13%) and planning and building control (8%). Social Services remained at a similar proportion as the previous financial year at 9%.



**Complaints received about public bodies by subject**



**Outcomes of complaints considered**

We closed 2,114 complaints about public service providers during the past year compared with 2,050 in 2015/16 (an increase of 3%). A summary of the outcomes is set out in the table below and detailed breakdowns of the outcomes by public service provider can be found at Annex A.

I am pleased that staff have managed to achieve this level of case closures during the year, together with the fact that the number of cases on hand at the end of 2016/17 stood at 345, compared with 412 at the end of 2015/16 (which is a reduction of 13%). This is well within what I consider to be a reasonable caseload for the office to have open at any one time.

Complaint about a Public Body	2016/17	2015/16
Closed after initial consideration	1570	1488
Complaint withdrawn	0	41
Complaint settled voluntarily	287	227
Investigation discontinued	16	19
Investigation: complaint not upheld	66	105
Investigation: complaint upheld in whole or in part	168	163
Investigation: complaint upheld in whole or in part – public interest report	6	7
Investigation: complaint upheld in whole or in part – public interest report (S22)	1	0
<b>Total Outcomes – Complaints</b>	<b>2114</b>	<b>2050</b>

## Decision times

### Time taken to tell the complainant if I will take up their complaint

We set ourselves a target to tell complainants whether or not I will take up their complaint. This year we introduced new key performance indicators. Previously there was a blanket four week target for all complaints, regardless of complexity. This has been changed to ensure the focus is on measuring against the service user's experience rather than the previous internal focus.

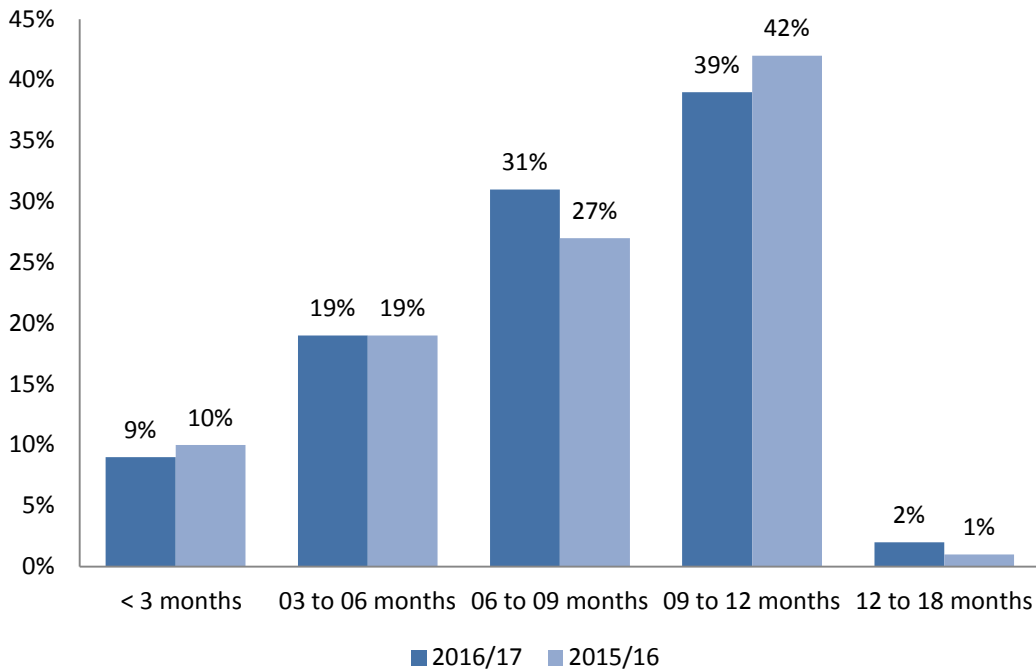
The new decision times are as follows:

- Decision on whether complaint within jurisdiction/premature - within 3 weeks.
- Decision on whether to investigate, following detailed assessment - within 6 weeks.
- Where decision to seek early resolution without need to investigate, resolution achieved - within 9 weeks.
- Date sufficient information received (DSIR) from complainant to investigation start date – within six weeks

	Percentage 2016/17
Decision on whether complaint within jurisdiction/premature – within three weeks	95%
Decision on whether or not to investigate, following detailed assessment - within six weeks.	92%
Where decision to seek early resolution without need to investigate, resolution achieved – within nine weeks	95%
DSIR to Investigation start date – within six weeks	80%

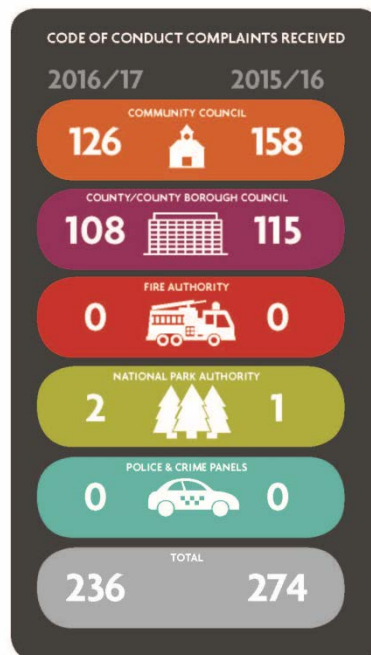
### Investigation Decision Times

In 2016/17 we completed 98% of investigations within 12 months, against the 100% target we set ourselves. There were seven investigations that went over 12 months. These cases were complex and required further investigatory work, or where there were significant challenges to draft findings by the complainant or public body. The chart below gives further details on investigation timescales.



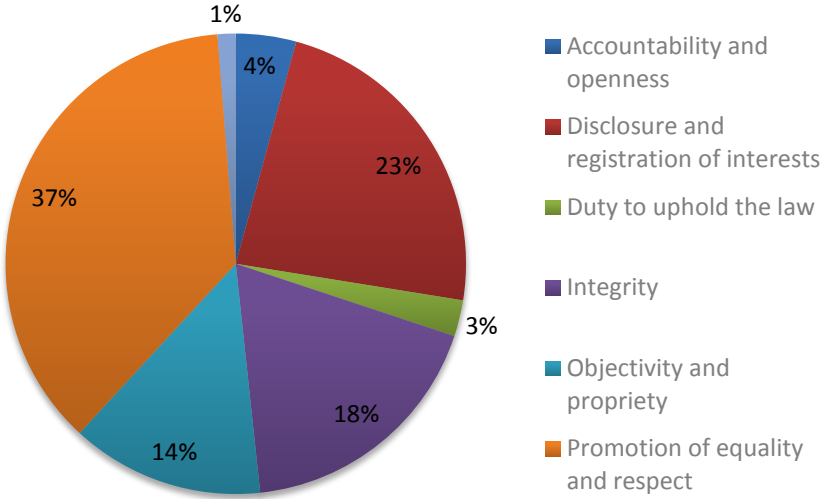
### Code of Conduct Complaints

The number of code of conduct complaints decreased by 14% compared with 2015/16 (236 in 2016/17 against 274). This is encouraging considering historically, code of conduct complaints increase in the period before local elections.



### Nature of Code of Conduct complaints received

The majority of complaints received during 2016/17 related to matters of ‘promotion of equality and respect’ accounting for 37% of the complaints made to me. (this was 41% in 2015/16). Disclosure and registration of interests (23%) and Integrity (18%) were the next largest areas of complaint which is consistent with the previous year.



### Summary of Code of Conduct complaint outcomes

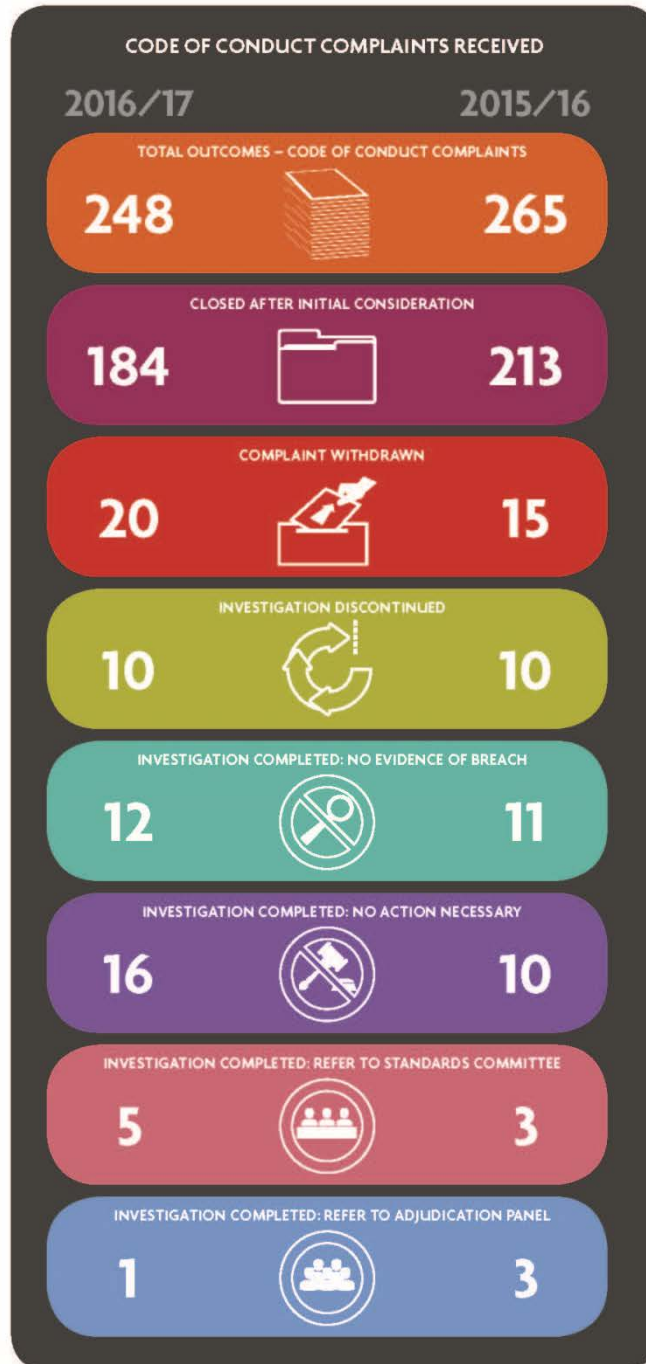
Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category ‘Closed after initial consideration.’

This includes decisions such as

- there was no ‘prima facie’ evidence of a breach of the Code
- the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)

With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority’s standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year. In these circumstances it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned. It is then for them to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed.

A breakdown of the outcomes is below:



A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2016/17 is set out in the Annex.

## Decision times

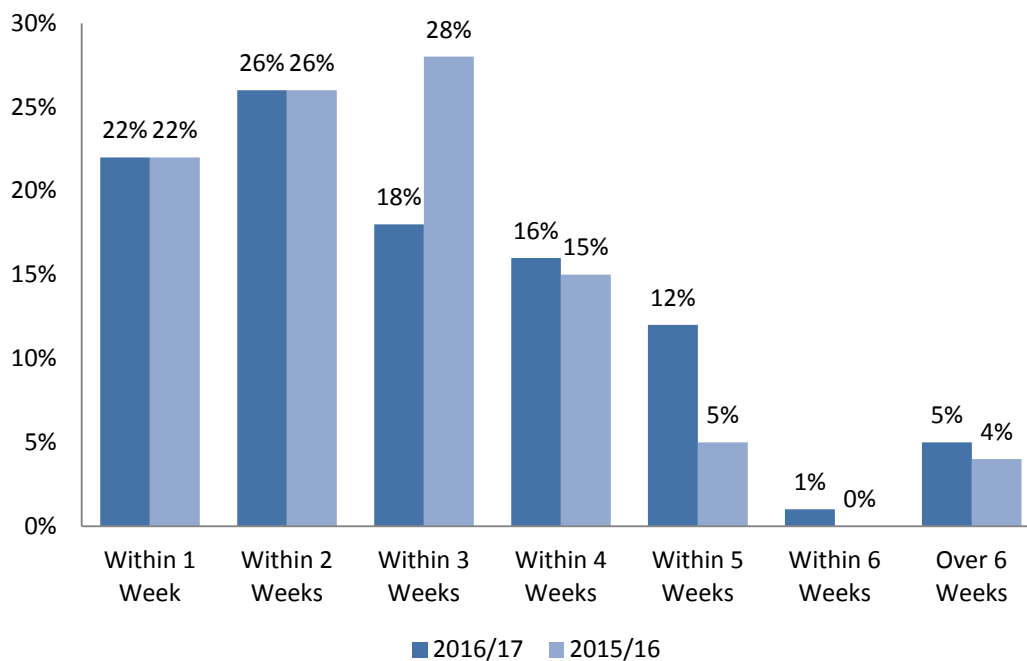
### Time taken to tell the complainant if I will take up their complaint

In respect of Code of Conduct complaints, 82% of complainants were informed within four weeks of whether I would take up their complaint (from the date that sufficient information is received). This is considerably lower than during 2015/16 where 91% were informed within four weeks.

However, this is partially explained by the fact that a greater number of complaints this year reached investigation. I consider that it is fairer for us to take into consideration what a member has to say before taking a decision and this process can take some time. This is because the commencement of a formal investigation against a member is a stressful and serious matter for the member being complained about.

Further details on these decision timescales are shown below.

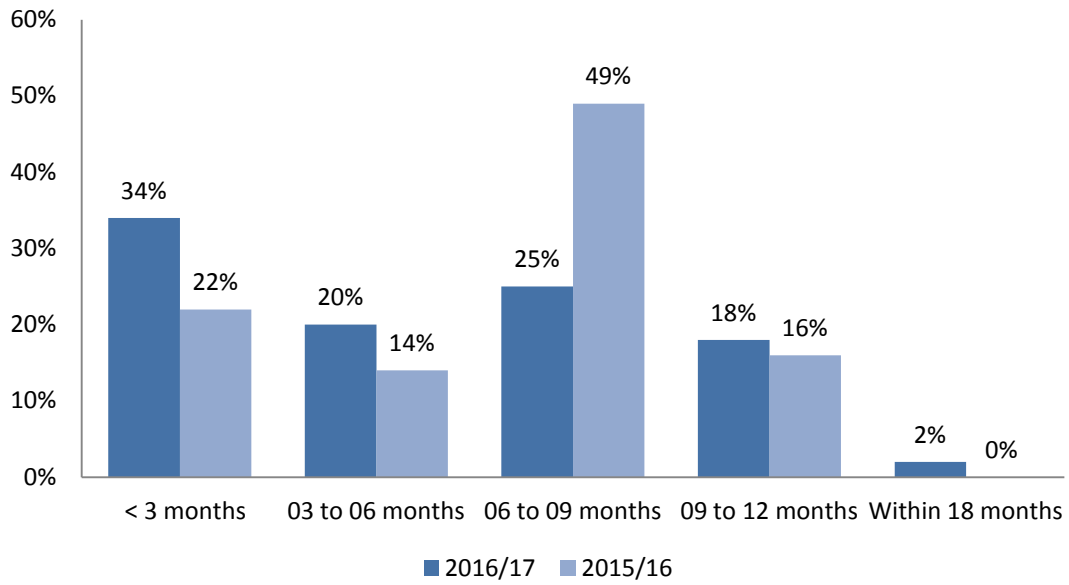
### Code of Conduct time taken to tell the complainant if I will take up their complaint





**Decision times for concluding Code of Conduct investigations**

Comparing performance against 2015/16, a greater percentage of investigations were closed within three months (34% compared to 22% in 2015/16.)



## Cases of Note

During 2016/17, I produced seven public interest reports, including one special report (see below).

All but one of the investigations were health related and worryingly, three of the cases were against the same hospital – Ysbyty Glan Clwyd run by Betsi Cadwaladr University Health Board.

The six health cases included:

- A patient with a history of chronic renal failure who waited 12 hours to see a consultant, and died a few hours later.
- A cancer patient who was left waiting 132 days to receive his first treatment.
- A patient at a South Wales hospital that died following a complete lack of medical staff involvement in his care over a weekend.

I am pleased that in all health cases, apologies were made to the families affected by shortcomings and recommendations were agreed to ensure the same mistakes are not repeated, although this will only ever provide some comfort to the families affected.

Another high profile investigation surrounded the monitoring of a looked-after child's savings accounts by Bridgend County Borough Council while he was in their care. While public interest reports from my office are anonymised, in this case, the complainant wished to speak to the media publicly.



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Rob Johnson, 18, complained to my office that the Council had not managed his savings properly and in accordance with its policy. He said that some of his savings were wrongly used to pay for trips for which he should have received a special allowance.

My investigation found that the Council had failed to keep adequate records or retain Mr Johnson's saving books at the end of his fostering placement and it was unclear why his savings were as low as they were. These failings, amongst others, amounted to maladministration and my office calculated a figure for appropriate recompense for his savings.

Initially Bridgend Council refused to pay the amount but at a later date did make the £3,310 payment in full.

Mr Johnson said he was "over the moon" with the outcome, adding:

*"It just shows that making a complaint does make a difference."*

All our public interest reports are publicly accessible and can be found [here](#).

I am pleased to say in all of the code of conduct cases my office has referred to either local Standards Committees or the Adjudication Panel for Wales, the member has been found to have breached the code when the matter has been heard. This vindicates my decisions to investigate the complaints and refer them.

### **Thematic Reports**

March 2017 saw the publication of the second thematic report in 12 months. 'Ending Groundhog Day: Lessons from Poor Complaint Handling' comprises 18 cases from public services across Wales where the service user had been let down by inadequate investigations and a failure to take ownership of complaints.

Failings highlighted include the inappropriate involvement in the investigation of staff complained about, as well as delayed and inaccurate responses.

My report calls for an end to the fear and blame culture that exists in some public bodies, and a move towards seeing complaints as learning tools. I also identified improved data collection as a means of identifying patterns of poor complaint handling and tackling bad practice.

If the new Ombudsman legislation is passed this year, it will allow the gathering and reporting of consistent complaint data across Welsh public services.

### **Special Report**

Last year, a special report, under Section 22 of the Act, was issued against Hywel Dda University Health Board – the first time for a Health Board.

Under the provisions of the Public Services Ombudsman (Wales) Act 2005, pursuant to section 3, the Ombudsman is able to take any action he considers appropriate to resolve a complaint as an alternative to investigating it. This can include agreeing with a relevant body that it will take certain actions within a stipulated time. Where the Ombudsman is not satisfied that the relevant body has carried out the actions it explicitly agreed to undertake within the time specified he may issue a special report under s22(6) of the Act.

# Annual Sustainability Report

The Public Services Ombudsman for Wales and his staff aim to reduce the impact of the office on the environment and operate in a sustainable and responsible manner.

## Our Building

We have one office in Pencoed, near Bridgend. We originally took up the lease for the ground floor in 2005 and have, since then, expanded to occupy part of the first and second floors to accommodate 58 staff and visitors in a largely open plan office space.

Electricity is the only energy supply used and this provides lighting and heating/cooling as well as powering normal office equipment. The building is leased, which limits our ability to make changes to the energy efficiency of the building. Consequently our efforts focus on reducing material usage and waste.

## Building Statistics

Building	Constructed	No. of Floors	Total Usable Floor Area (ft <sup>2</sup> )	Heating Type	Electricity usage (Annual Av. kWh)
1 Ffordd yr Hen Gae	2004	3	16,460	Air Handling Units	102,577

## Accessibility

The offices have good transport links. The railway station at Pencoed (less than one mile away) together with bus services to/from the site, provide public transport options for staff and visitors. Our offices are also easily accessed by car from the M4 motorway.

## Progress

Staff are encouraged to use public transport where suitable, for business meetings and commuting. Showers and bicycle stands are provided at our offices.

Local suppliers are used where possible to help reduce carbon emissions.

In April 2016 the Public Services Ombudsman for Wales took its first steps to becoming a paperless office. A year on substantial progress has been made. So far:

- Our electronic case records are now the definitive case record, even where paper files exist
- Enquiries and initial assessment stages of our work are conducted using electronic documents only (emails, submissions via the internet and scanned documents)
- Letterhead details have been incorporated into electronic documents so that we do not need to print onto letterhead paper.
- Where possible we email rather than send correspondence by post.
- Staff have been provided with enhanced software to make it easier to work with electronic documents
- Bodies within the Ombudsman’s jurisdiction are asked for contact to be made electronically where possible.

Following these changes throughout 2017/18 the PSOW should expect to see a reduction in the amount of paper used and paper waste produced.

## Waste

We recycle all waste paper confidentially and recycle general waste such as plastic, cardboard and tins along with batteries and toner cartridges. We are continuing to remind staff to minimise waste, particularly that sent to landfill.

We produce little food waste, but used coffee grounds and tea bags are offered to staff for use in compost.

## Current Waste Figures

	Per week (average)	Per year (average)
Confidential Waste	600 litres	31200 litres
Mixed Recycling	300 litres	15600 litres
General Waste (including food waste)	1100 litres	57200 litres
<b>Total waste per year</b>		<b>104,000 litres</b>

We will be working to reduce waste in 2017/18.

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# Annual Equality Report

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Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 laid down by the National Assembly for Wales, the Ombudsman is required to produce an annual report in respect of equality matters. I do so here as part of my overall Annual Report and Accounts for 2016/17.

## Accessibility

As part of our complaint process, we do our very best to identify as early as possible any individual requirements that may need to be met so that a service user can fully access our services and, in particular, we ask people to tell us their preferred method of communication with us.

We continue to develop strong links with third sector organisations which support our service-users, using their expertise to advise on how we can make our services more accessible.

Where we can we make reasonable adjustments to help people make and present their complaint to us. Well established examples are: providing correspondence in Easy Read, a dedicated pool of Welsh language speakers to deal with enquiries from the public in Welsh, and the use of Language Line for interpretation where a complainant is not comfortable with making their complaint in English or Welsh, obtaining expertise to assist us to understand the particular requirements of complainants with certain conditions, such as Asperger's syndrome, and visiting complainants at their homes.

We produce key documents in alternative formats, such as CD/tape and Braille, and translate these into the eight key ethnic minority languages used in Wales. Our website has continually been upgraded, and now features an enhanced BrowseAloud service. Additionally, the GoogleTranslate service has been embedded meaning that the PSOW website content pages are automatically translated into any one of over 100 languages on selection, and the BSL video and SignVideo service.

The Complaints Advice Team also continues to provide information on advocacy and advice organisations to those people who may need assistance in making their complaint to me. This information is also readily available on our website.

## Equality Data Gathering / Monitoring – Service Users

We continued with our equality monitoring in respect of service users, which informs our annual outreach strategy. The outcome of the monitoring during 2016/17 in respect of the protected characteristic groups (as defined in the Equality Act) is set out below.

In view of the nature of the work of this office, we would expect the composition of people who complain to this office to, at the very least, mirror the national demographic position; in fact, we would expect the proportion of complainants from groups who could be considered to be at a disadvantage or vulnerable to exceed the national picture. In respect of each of the questions we asked, those who completed the form were given the opportunity to respond 'Prefer not to say'. Nevertheless, from the results below, the PSOW is relatively satisfied that in making comparisons with official data available (e.g. the Census 2011) the composition of our service users meets or exceeds national demographics in the way we would expect.

It is particularly good to see that of those who responded, 5% identified themselves as having a minority ethnic background, which is slightly higher than the demographic picture in Wales.

Protected characteristic group	Percentage Outcome
<b>Age</b>	
Under 25	3%
25-34	12%
35-44	20%
45-54	23%
55-64	20%
65-74	11%
75 or over	5%
Prefer not to say / No response	6%
<b>Disability</b>	
Yes	25%
No	65%
Prefer not to say/No response	10%
<b>Health problem or disability limiting day-to-day activities?</b>	
Yes, limited a lot	25%
Yes, limited a little	12%
No	51%
Prefer not to say/No response	12%
<b>Gender reassignment</b>	
Yes	1%
No	61%
Prefer not to say/No response	38%
<b>Religion or belief</b>	
No religion	38%
Christian (all denominations)	49%
Other religions	6%
Prefer not to say/No response	7%
<b>Married or same-sex civil partnership</b>	
Yes	49%
No	40%
Prefer not to say/No response	11%



<b>Race/Ethnicity</b>	
White	88%
Other ethnic background	5%
Prefer not to say/No response	6.7%
<b>Sex</b>	
Male	48%
Female	46%
Prefer not to say/ No response	6%
<b>Sexual orientation</b>	
Heterosexual or straight	83%
Gay or Lesbian	2%
Bisexual	1%
Other	0.5%
Prefer not to say/No response	13.5%

### Customer Satisfaction

We have continued with our satisfaction survey practice in relation to customer satisfaction for our first contact service. The table below gives details for 2016/17.

	% of respondents answering either 'strongly agree' or 'agree'
It was easy to find out how to contact the Public Services Ombudsman for Wales	93%
The service I have received has been helpful and sensitive	88%
Staff were able to understand my query / complaint	90%
I was given a clear explanation of what would happen to my query / complaint	91%

Complaints about the PSOW service can be found in Annex C.

### Outreach

For 2016/17 we focused on children and young people in our outreach work. This included liaising with colleagues at Children in Wales and the Children's Commissioner for Wales to produce a 'how to complain' leaflet aimed at children, as well as committing to exhibiting at the Urdd Eisteddfod for the first time.

In order to learn from our colleagues in the third sector, we established a Sounding Board comprising members of voluntary and advocacy organisations which support our service-users. We wanted to listen to their feedback on our processes and service. We have held two meetings of the board so far which have been a great success. As a result we established a similar board for the health sector and are currently developing the membership for a third, local government Sounding Board.

We also actively engaged with a range of third sector bodies including the British Deaf Association, Stonewall, Care Forum Wales and various housing associations, as well as hosting a stand at the Welsh Council for Voluntary Action's annual conference.

### Staff Equality Data Gathering/Monitoring

Our staff are asked annually to complete and return a monitoring form seeking information in respect of each of the protected characteristics That disclosure is, of course, on a voluntary basis. Most recent responses are set out below.

<b>Age</b>	The composition of staff ages is as follows: 25 to 34: 21% 35 to 44: 33% 45 to 54: 23% 55 to 64: 12% Prefer not to say 12%
<b>Gender</b>	63 % of staff stated they were Female; 31% Male; 6% prefer not to say. When asked if the gender staff identify with was the same as described at birth, 90% said yes, 2% said no, and 8% prefer not to say.
<b>Disability</b>	87% of staff said there were not disabled, 2% of staff said that they were a disabled person (11% preferred not to say). However, when asked if their day-to-day activities were limited because of a health problem or disability which had lasted, or was expected to last, at least 12 months, 0% said that they were limited a lot, 8% said they were limited a little, 81% said their day to day activities were not limited (12% preferred not to say)
<b>Nationality</b>	In describing their nationality, 52 % said they were Welsh; 25% said British, 12 % said they were English, 6% said 'Other' (6% preferred not to say)
<b>Ethnic group</b>	The ethnicity of staff is: 88% White (Welsh, English, Scottish, Northern Irish, British); 2% White/Irish 2% Black (African, Caribbean, or Black British/Caribbean 2% Asian or Asian British/Bangladeshi (6% preferred not to say)
<b>Language</b>	When asked about the main language of their household, 69% of staff said this was English; 16% said Welsh, and 4% said 'Other' (10% preferred not to say)

<b>Religion or Belief</b>	Responses to the question asking staff about their religion were as follows: No religion: 43%; Christian 36%; Muslim 2%; Other:2% (17% preferred not to say)
<b>Marriage/Civil Partnership</b>	53% of staff stated they were married; 2% were in a civil partnership; 20% were single; 4% replied Other (21% preferred not to say)
<b>Sexual Orientation</b>	Responding on this, 81% said that they were Heterosexual or Straight, 2% said Gay or Lesbian (17% preferred not to say)

Total percentages may not add up to 100% due to rounding'

### Staff Training

The majority of staff training is based upon job roles or applicable for all staff to attend, and as such there are no equality considerations to report. All individually requested training by staff has been approved, and as such there is no need to report on equality data differences between approved and non-approved training requests.

### Pay and Gender – data as at 31 March 2017

Under the specific duties we are required to set an equality objective for gender and pay; if we do not do so, we must explain why. I currently do not have any specific objective in this regard because females are very well represented at the higher pay scales within my office. The position is kept under continual review and the equality objectives will be revised if necessary. The table below shows the current position.

Pay (FTE)	Male*	Female*
Up to £20,000	0	4
£20,001 to £30,000	2	13
£30,001 to £40,000	2	5
£40,001 to £50,000	7	16
£50,001 to £60,000	4	3
£60,001 +	1	1
<b>Subtotal</b>	<b>16</b>	<b>42</b>
<b>Total</b>	<b>58</b>	

\*Headcount

In relation to the working patterns of the above, all staff work on a full time basis with permanent contracts, with the exception of the following:

8 members of staff work part time (6 female, 2 male).

## **Recruitment**

During the past year we have had 1 members of staff leave and 3 new employees were recruited. Due to the low numbers involved, the equality data for the individuals appointed has been reported as part of the all staff information above; it is not considered appropriate to report separate equality information relating to these individuals due to the risk of identification.

Two new members of staff were recruited via the 'Jobcentre Universal Job Match' scheme, and consequently, apart from their data being included in the above figures, we do not have any further equality data relating to other members of the Jobcentre scheme who were not presented to the PSOW for selection.

## **Disciplinary / Grievance**

Due to the small numbers of staff working in the office, and the small number of instances of disciplinary / grievance, it is not considered appropriate to report on equality data for this category due to the risk of identification of staff involved. I remain satisfied that there are no identifiable issues in this area that would cause me concern.

## **Procurement**

Our procurement policy now refers to the relevant equality requirements that we expect our suppliers to have in place.

## Key Financial Data

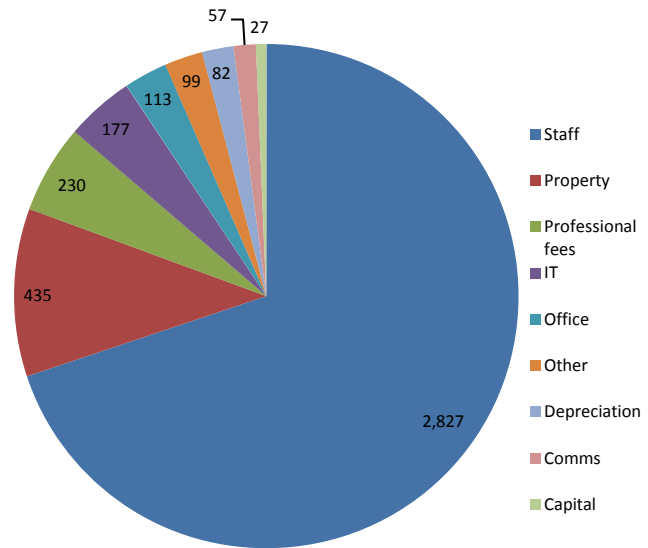
Resource Funding:	£4,090k	Total Assets:	£395k
Resource Expenditure:	£4,047k	Total Liabilities:	£749k
Cash to be Repaid:	£34k	Net Liabilities:	£354k

### Resource Expenditure £000s (pages 72-73)

PSOW’s funding comes from the Welsh Consolidated Fund (WCF). Each year the estimated costs of running the Office have to be submitted to the Finance Committee of the National Assembly for Wales for consideration. When agreed, funds are drawn down monthly with any surpluses returned to the WCF during the following Financial Year.

Resource expenditure was £4,047k compared to funding of £4,090k. The under-spend was mostly attributable to changes in provisions and working capital.

A cash under spend of £34k will be returned to the WCF in 2017/18 as well as £5k income in excess of budget allocation.



### Assets and Liabilities £000s (pages 75-78, plus Pensions Disclosures pages 82-91)

Non-current assets consist of plant and equipment £140k, intangibles such as software £18k and pension fund surplus of £40k.

Current assets consist of receivables £163k and cash £34k.

Liabilities are accounted for by payables (£205k) and provisions for pensions and dilapidations (£544k).

There is a net liability of (£354k).



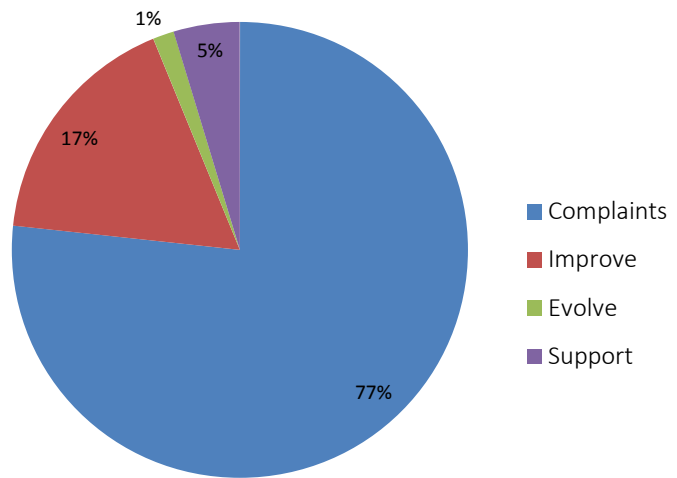
## Expenditure by Aims and Objectives (page 74)

Aim 1: To provide a complaints service that is of the highest quality, proportionate and effective.

Aim 2: To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact on improving public service delivery and informing public policy.

Aim 3: To continue to evolve and grow as an office, specifically planning for implementation of the Ombudsman’s new powers should the National Assembly for Wales create a new Public Services Ombudsman (Wales) Act.

Aim 4: To be accountable for the service we provide and the public money we spend.

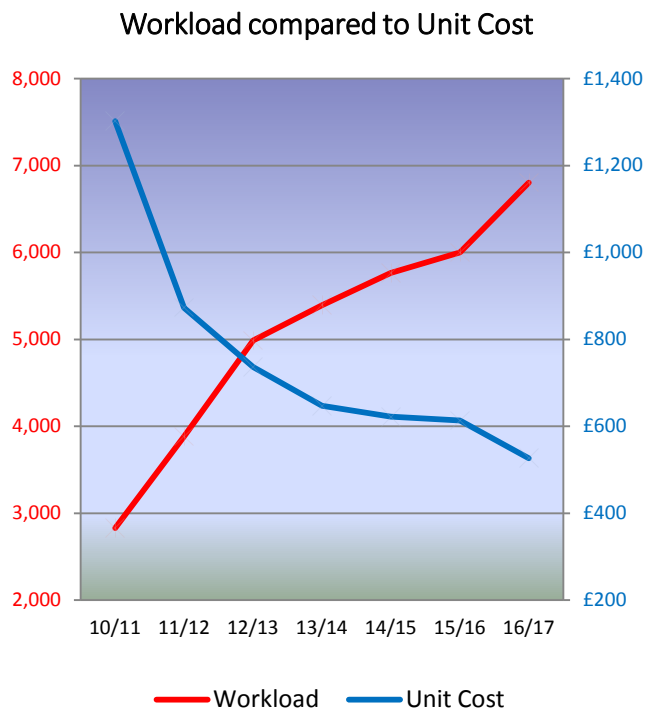


## Trend (page 39)

Over the period 2010/11 to 2017/18 workload increased by over 140% whilst the unit cost reduced by 60%.

Enquiries	+300%
Complaints:	
Code of Conduct	-15%
Public Body	+44%

Over the same period resource expenditure decreased from £3.7m to £3.6m when adjusted for inflation – a reduction of 3%.



Nick Bennett  
Accounting Officer

12 July 2017



**Accountability  
Report**

# Corporate Governance Report

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## Ombudsman's Report

### Background

Under the Government of Wales Act 2006 the office is financed through the Welsh Consolidated Fund (WCF). Any unspent cash balances have to be repaid into the WCF no later than four weeks after a certified copy of the accounts has been laid before the National Assembly for Wales. This creates a further control in that there is a need to effectively manage the budget on both a cash and a resource basis. The salary of the office holder of the Public Services Ombudsman for Wales, and the related costs, are a direct charge on the WCF and are administered through the National Assembly for Wales.

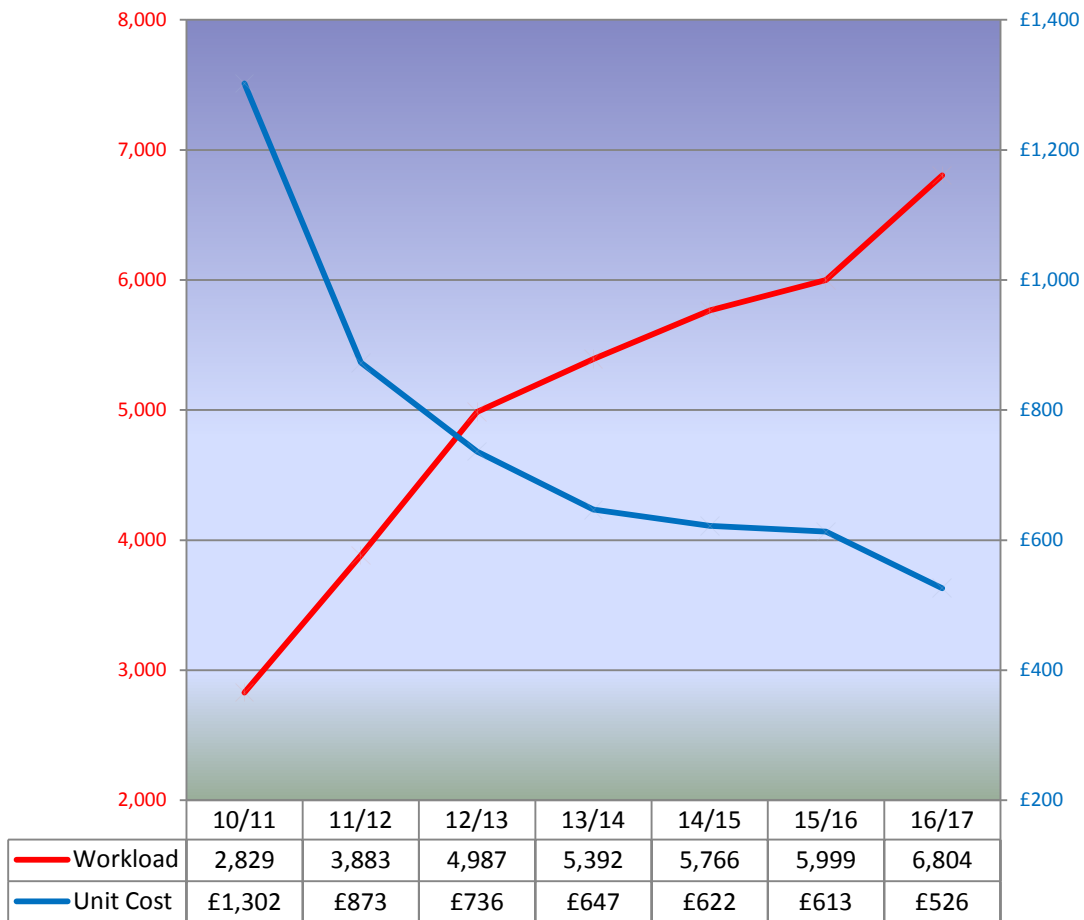
As at 31 March 2017, the Office comprised 58 staff based in Pencoed, Bridgend including the Ombudsman, Chief Operating Officer, Assistant Director/Legal Adviser as well as investigation and support staff.

The National Assembly for Wales provided cash of £4.3 million for the funding of the Office although £34k of this is due to be returned to the WCF being the unused cash balance at the year end. The sum of £34k is within the accepted year-end balance criteria of 3% funding. The Office has achieved a level of spending in line with changes in the overall level of the Welsh block which is especially noteworthy considering the upward demand for the services of the Office.

Great strides have been made over recent years in improving efficiency in the way we consider complaints. This has been essential in view of the ever-increasing caseload. The table below shows that over the past seven years, the Office has seen an increase of over 140% in all contacts (that is, in enquiries, public body complaints and complaints about the conduct of members of local authorities) whilst unit costs have reduced by 60% when adjusted for CPI inflation. The past year has seen yet another increase in enquiries and complaints of 13%. Despite this, we have still managed to exceed the majority of our performance targets. We continued with our information technology upgrade programme with a view to getting new technology to take some of the strain of the administrative tasks associated with complaint handling.



### Workload compared to Unit Cost



## Remuneration

Details of the pay and related costs of the Ombudsman and the Office are shown in the Remuneration Report on page 54.

## Pension Liabilities

The pension obligations to present and past employees are discharged through:

- (a) the Principal Civil Service Pension Scheme (PCSPS);
- (b) the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund); and
- (c) the pensions paid directly to former Commissioners or their dependants.

Further details are given in the Pensions Disclosures at page 82.

## Corporate Governance

The office holder of the Public Services Ombudsman for Wales is a Corporation Sole. In addition, upon taking up my role as Ombudsman, I was appointed by the Treasury as the Accounting Officer for the public funds with which the National Assembly entrusts me to undertake my functions. The Advisory Panel, established during 2011/12, has continued to meet on a regular basis over the past year. A review of its effectiveness conducted during 2015/16 concluded that the Panel added the additional scrutiny and support sought by the Ombudsman. Further details are set out in the Annual Governance Statement.

## Register of Interests

A register of interests is maintained for the Ombudsman, directors and members of the Advisory Panel and Audit and Risk Assurance Committee.

## Accounts Direction

Under the Accounts Direction issued by HM Treasury dated 21 December 2006, I was required to prepare accounts for the financial year ended 31 March 2017 in compliance with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (the FReM) issued by HM Treasury which was in force for 2016/17.

The accounts have been prepared so as to:

- (a) give a true and fair view of the state of affairs at 31 March 2017 and of the net resource outturn, resources applied to objectives, recognised gains and losses and cash flows for the financial year then ended; and
- (b) provide disclosure of any material expenditure or income that has not been applied for the purposes intended by the National Assembly for Wales or material transactions that have not conformed to the authorities that govern them.

### **Auditors**

The Auditor General for Wales is the External Auditor of the accounts of the PSOW as laid down in paragraph 17 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005. The cost of the audit for 2016/17 was £20k compared with £20k in 2015/16.

So far as I am aware I have taken all the steps necessary to make the auditors aware of any relevant audit information.

Nick Bennett  
Accounting Officer

12 July 2017

## Statement of Accounting Officer's Responsibilities

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Under the Public Services Ombudsman (Wales) Act 2005 as Public Services Ombudsman for Wales, I am required to prepare for each financial year resource accounts detailing the resources acquired, held or disposed of during the year and the use of resources by the Office during the year in the form of and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the PSOW and its net resource outturn, resources applied to objectives, changes in tax payer's equity and cash flows for the financial year.

In preparing the accounts, as the Accounting Officer I am required to comply with the requirements of the *Government Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by HM Treasury including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on a going concern basis.

My relevant responsibilities as Accounting Officer include responsibility for the propriety and regularity of the public finances for the PSOW, keeping proper records and safeguarding the Office's assets as set out in the Accounting Officer's memorandum issued by HM Treasury that is published in "Managing Welsh Public Money", and are in accordance with the Public Services Ombudsman (Wales) Act 2005.

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# Annual Governance Statement 2016/17

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## Status of the Public Services Ombudsman for Wales

As laid down in Schedule 1 paragraph 2 of the Public Services Ombudsman (Wales) Act 2005 (the Act), the Ombudsman is a Corporation Sole holding office under Her Majesty and discharges his function on behalf of the Crown. Schedule 1 paragraph 18 states that the Ombudsman is the Accounting Officer for the Office of the Ombudsman.

## Scope of Responsibility

In undertaking the role of Accounting Officer I ensure that the Office operates effectively and to a high standard of probity. In addition, I have responsibility for maintaining a sound system of internal control that supports the achievement of the PSOW's policies, aims and objectives whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in "Managing Welsh Public Money".

I am independent of the National Assembly for Wales but am accountable to its Public Accounts Committee for the use of resources made available to support my statutory functions. In determining the level of resources available to the Office the PSOW's budget proposals are considered by the Finance Committee of the National Assembly for Wales in accordance with the process laid down in the Act. My annual report is considered by the Equality, Local Government and Communities Committee. For the first time I am producing a combined Annual Report and Accounts for consideration by both Committees.

I am required to include this statement with my annual report and accounts to explain how the governance of my Office works and to ensure it meets the requirements of the Corporate Governance Code. To enable me to satisfy these requirements I have established appropriate structures, systems and procedures that are comprehensive and provide me with evidence that the governance arrangements are working as intended across the whole organisation and its activities. Such arrangements include my Governance Framework, a comprehensive internal control environment, effective internal and external audit scope and robust financial management, risk planning and monitoring procedures.

## Strategic Planning and Performance Monitoring

In considering the Strategic Plan for the next three years, 2016/17 to 2018/19, I have established the following:

**Vision:** A public service culture that values complaints and learns from them to improve public service delivery, and a

**Mission:** by considering complaints, to put things right for service users and contribute to improved public service delivery and standards in public life.

Whilst individual teams within the Office are charged with implementing the actions identified, the Management Team and the Advisory Panel monitor progress made against targets and the outcomes achieved via quarterly reports. I was very pleased that all key activities for 2016/17 had been delivered by the end of the financial year.

## System of Internal Control

The system of internal control is designed to manage risk to a reasonable level rather than eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of my policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Office of the PSOW for the year ended 31 March 2017 and up to the date of approval of these accounts, and accords with HM Treasury guidance. No significant areas of internal control weaknesses have been identified from audit work and steps to improve controls further are implemented promptly and monitored by the Audit and Risk Assurance Committee.

## Corporate Governance arrangements

Governance arrangements include an Advisory Panel of external advisers supplemented by an Audit and Risk Assurance Committee which is a sub-committee of the Panel. The respective responsibilities are:

## Advisory Panel

### (a) Role of the Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to the Ombudsman in providing leadership and good governance of the office of the PSOW. The Advisory Panel also brings an external perspective to assist in the development of policy and practice.

The Advisory Panel provides specific advice and support to the Ombudsman on:

- vision, values and purposes
- strategic direction and planning
- accountability to citizens for the public funds it receives and
- internal control and risk management arrangements

The Advisory Panel is an advisory only body to the Ombudsman, and does not make decisions in its own right.

The Panel also assists the Ombudsman in establishing:

- governance arrangements, including Terms of Reference of any sub-committees
- the PSOW's strategic direction, aims and objectives and targets
- key business policies
- key employment strategies and policies

and scrutinising and assuring:

- the Three Year Strategic Plan and the Annual Business Plan
- high level budget allocation
- the budget Estimates submission to the Finance Committee of the National Assembly for Wales
- resource accounts (delegated to the Audit and Risk Assurance Committee); and
- capital investment/contracts (over £250k) (delegated to the Audit and Risk Assurance Committee).

It also monitors and reviews:

- risk and internal control (delegated to the Audit and Risk Assurance Committee)
- operational performance and delivery
- financial performance

- effectiveness of employment strategies and policies
- diversity and equal opportunities, particularly in relation to the Equality Act 2010
- external communications strategies and stakeholder relations and
- health and safety and business continuity.

Four meetings were held in July, September and December 2016 and March 2017.

**(b) Membership**

Membership comprises:

- the Ombudsman
- up to six external members (who offer specific skills and experience sought by the Ombudsman and one of whom may be from another ombudsman office).

The Policy and Communications Manager acted as Secretary to the Panel; other Management Team members as decided by the Ombudsman may be in attendance at the Panel’s meetings but are not formally members of the PSOW Advisory Panel.

Attendance during 2016/17 was as follows:

<b>Membership:</b>	
Nick Bennett – Ombudsman and Chair	3
Margaret Griffiths	3
Jonathan Morgan	1
William Richardson	4
Sharon Warnes	4
Jan Williams	3
John Williams	4



## **Audit and Risk Assurance Committee**

### **(a) Terms of Reference**

The Advisory Panel is responsible for agreeing the Terms of Reference of the Audit and Risk Assurance Committee. The Audit and Risk Assurance Committee supports the Ombudsman by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements and the annual report.

### **(b) Membership**

The independence of the Committee continues to be enhanced. It is chaired by William Richardson who, as the former Deputy Chief Executive at the office of the Parliamentary and Health Service Ombudsman, brings considerable experience of operating governance, financial and administrative systems within the context of an ombudsman scheme. Jonathan Morgan, who served as an Assembly Member for 12 years, and is a former Chair of the National Assembly Public Accounts Committee, became the newest member of both the Advisory Panel and the Audit and Risk Assurance Committee in March 2016. The Ombudsman is no longer a Member of the Committee, although he does attend and contribute to the meetings.

### **(c) Training**

Members of the Committee are invited to assess their training needs annually. During the past year, to supplement the previous year's induction programme for Advisory Panel and Audit and Risk Assurance Committee members, additional training in relation to the work of the Ombudsman's office has taken place. This has taken the form of a presentation/discussion at the end of each Advisory Panel meeting. Arrangements were also made for Sharon Warnes and Jonathan Morgan to attend CIPFA's Effective Audit Committee course during 2016/17. Unfortunately, CIPFA cancelled the scheduled course. This will be re-booked when the course is next run by CIPFA.

**(d) Meetings**

The Committee sets for itself an annual work programme. There were four meetings of the Committee during the year. At each meeting the Committee received a number of standing agenda items. One of these covered Risk Management and included details of new risks and any changes to the existing Risk Register (e.g. movement in the level of risk). When the annual Internal Audit Plan is considered the full risk register is made available to the Committee to ensure that the plan being proposed reflects the priorities within the register. At other meetings, as a minimum, the Committee is presented with high and medium risks as a method of ensuring that they are kept aware of key risks. The key risks monitored during the year were the Office’s reputation and in the current economic climate the appropriate level of resources to enable the Ombudsman to meet his statutory obligations. The overall level of risk facing the Office has remained relatively low and generally static. Attendance was as follows:

Membership:	
William Richardson (Chair)	4
Jonathan Morgan	2
Sharon Warnes	4
John Williams	4

Other standing reports submitted to the Committee related to declarations of any fraud or losses, including any data losses, identified.

During the year the Committee also received reports on any appropriate matters that fell within its Terms of Reference. They included: the 9 and 12 month accounts, internal audit plans, updates on the business continuity plan, and relevant financial and corporate governance matters issued by HM Treasury.

At each meeting, the Committee received for information purposes a copy of the latest Budget Monitoring report considered by the Management Team. This is intended to provide the Committee with an assurance that there is a regular scrutiny of the financial position within the Office.

The Committee provided advice to the Ombudsman to ensure that the 2016/17 Annual Governance Statement included appropriate information and complied with best practice.

**(e) Internal and External Audit**

The Committee received regular reports from both the internal and external auditors. The work of Deloitte as Internal Auditors during the year was planned on the basis of their overall needs assessment and carried out through their third annual programme. Their reports highlighted the satisfactory internal control framework within the organisation and made recommendations for improvement where necessary. Their Finance Systems Internal Audit Annual Report for 2016/17 stated the following overall assessments:

Budgetary Control	SUBSTANTIAL assurance
General Ledger	SUBSTANTIAL assurance
Fixed Assets	MODERATE assurance

The rolling audit programme covering the other aspects of the Office’s work and controls also noted the satisfactory internal control framework within the Office and made recommendations for improvement where necessary. The overall assessments were as follows:

Corporate Governance	SUBSTANTIAL assurance
Complaints Handling	SUBSTANTIAL assurance

The internal auditors’ Annual Report for 2016/17 stated: ‘Based on the work we have undertaken during the year we are able to conclude that the Public Services Ombudsman for Wales (PSOW) has a basically sound system of internal control, which should provide substantial assurance regarding the achievement of the PSOW’s objectives’. These findings provide assurance that the arrangements in place are reducing the Office’s exposure to risk. The Committee noted the thoroughness of the audit work, practicality of recommendations and the open and positive response of management to the recommendations made.

The role of external audit is undertaken by the Wales Audit Office (WAO). The Committee considered the Annual Accounts that included the Governance Statement of the Office for 2015/16 together with the External Audit of Financial Statements Report and Management Letter. The audit conclusions for the 2015/16 financial year were reviewed at the September 2016 meeting of the Committee.

An unqualified opinion was given on the 2015/16 Accounts on 21 July 2016 with the two recommendations accepted in full by management. These will be implemented in the 2016/17 annual accounts.

Both Internal and External Auditors have the right, if considered appropriate, to raise any matter through an open access policy to the Chair and through that right to bring any matter to the attention of the Committee. The Committee by reviewing the programmes of both the External and the Internal Auditors ensured that they were co-operating effectively with each other. The quality of the audit work and that of the Committee has been evaluated during the year through consideration of the audit reports and recommendations and dialogue at meetings between Committee Members and the Auditors.

To ensure that appropriate matters can be raised in confidence the Chair of the Committee holds an annual meeting with representatives of the External and Internal Auditors. Such a meeting was held on 15 March 2017.

**(f) Monitoring processes**

At each meeting during 2016/17 the Committee received a report on progress made on implementation of External and Internal Audit recommendations. The Committee members were satisfied that all the recommendations made had been implemented or will be implemented by the first quarter of 2017/18.

**(g) Annual Review and Assessment**

This annual review is undertaken to ensure that the work of the Audit and Risk Assurance Committee continues to comply with the Good Practice Principles set out in the HM Treasury Audit Committee Handbook. To assist the Committee in determining that it was complying with good practice each member was invited to complete the National Audit Office's 'The Audit Committee self assessment checklist.'

Comments received from Committee members were taken into account in preparing the Annual Report for 2016/17.

The report concluded that it had received comprehensive assurances and information that was reliable and sufficient to enable it to carry out its responsibilities. Those assurances demonstrated a satisfactory overall internal control environment, financial reporting, and the management of risk and of the quality of both the Internal and External Audit work undertaken.

The Committee was therefore able to provide assurances to effectively support me as the Public Services Ombudsman for Wales to comply with my Accounting Officer responsibilities, in particular, in providing evidence to assist in the preparation of this Annual Governance Statement.

### **Reporting of Personal Data Related Incidents**

All incidents involving personal data are reported to the Audit and Risk Assurance Committee, regardless of whether the PSOW is at fault. Where PSOW is at fault, guidance issued by the Information Commissioner's Office is considered to establish whether it is necessary to report the incident to that office. During 2016/17, there was one incident which required reporting to the Information Commissioner's Office. This was duly reported to the Information Commissioner who, after receiving further details of the incident and steps taken to prevent a similar incident occurring in the future, decided that no further action was necessary.

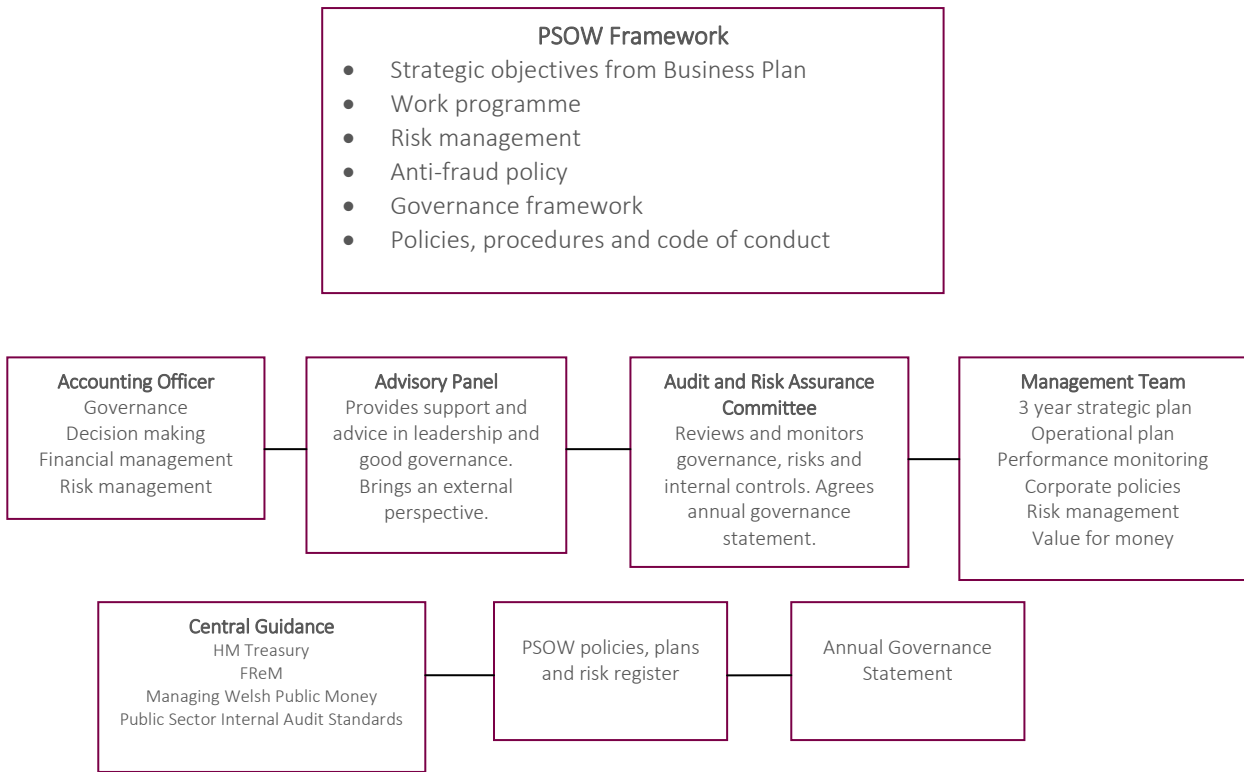
### **The Risk and Control Framework**

As required by "Managing Welsh Public Money" I am supported by a professionally qualified Financial Accountant who carries out the responsibilities of a finance director as set out in that document.

Risk management and the risk register are standing Agenda items for the Audit and Risk Assurance Committee. This matter was a subject that received special attention during the year. A workshop on this topic was facilitated by our internal auditors, Deloitte. As a result a proposal for a new approach to risk was developed, together with a possible shorter and more focused report highlighting key risks. This work is ongoing.

I am continuing to enhance the robust internal control arrangements to ensure that the Office has the capacity to identify, assess and manage risk effectively. In undertaking this responsibility during the year ended 31 March 2017 I have been supported by a Chief Operating Officer to whom some of the Ombudsman's responsibilities have been delegated. In addition the Management Team which I chair has responsibility for overseeing risk management. I am satisfied that the systems in place identify potential risks at an early stage and enable, through active management, the appropriate action to be taken to minimise any adverse impact on the office. As already stated the Audit and Risk Assurance Committee receives regular reports on the Risk Register of the Office.

## Risk Assurance Framework Arrangements



### Assurance Map Components



## Budgeting Process

As Accounting Officer, I ensure that I have in place arrangements for tight control of the public money entrusted to me, as did my predecessor before me. In particular, the Management Team receives a monthly budget monitoring report setting out details of actual against budgeted expenditure. Any unexpected expenditure issues that may arise during the course of the year are considered and actions required to ensure that the office remains within its budgeted expenditure are agreed. No major issues arose in respect of the PSOW's budget for 2016/17.

As far as the process of producing the PSOW's financial estimate for 2017/18 is concerned, a paper setting out initial budget criteria was considered by the Advisory Panel in July 2016. Following on from this a draft budget estimate paper was considered at the meeting in September 2016. That paper set out in full the financial resources that the PSOW had identified as being necessary to enable the PSOW to carry out his duties. The final Estimates paper was submitted to the Finance Committee of the National Assembly for Wales. The Finance Committee considered the paper in October 2016 and I was pleased to be able to attend the meeting in order to answer Assembly Members' specific questions on the submission.

The National Assembly for Wales subsequently approved the financial estimate in full for 2017/18.

## Conclusion

I am able to report that there were no significant weaknesses in the Office's system of internal controls in 2016/17 which would affect the achievement of the Office's policies, aims and objectives and that robust Corporate Governance is in operation with no breaches of the Corporate Governance Code.

Nick Bennett  
Accounting Officer

12 July 2017

# Remuneration Report

## Public Services Ombudsman for Wales

The Government of Wales Act 2006 provides for my remuneration and associated national insurance and pension costs to be met from the Welsh Consolidated Fund, rather than being paid directly. These costs are included, for transparency, in the remuneration report on page 54 and 55.

### Remuneration

The following sections provide details of the remuneration and pension interest of the most senior management of the Office: Nick Bennett - Ombudsman, Chris Vinestock - Chief Operating Officer and Director of Investigations and Katrin Shaw - Assistant Director of Investigations and Legal Adviser.

Single Total Figure of Remuneration										
Officials	Salary (£'000)		Bonus payments (£'000)		Benefits in Kind (to nearest £100)		Pension benefits (to nearest £1,000)		Total (£'000)	
	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16
Nick Bennett	140-145	140-145	-	-	-	-	57,000	56,000	200-205	195-200
Chris Vinestock	90-95	85-90	-	-	-	-	79,000	48,000	170-175	130-135
Katrin Shaw	70-75	65-70	-	-	-	-	74,000	33,000	145-150	95-100

### Salary

Salary includes gross salary, overtime and any other allowances to the extent that they are subject to UK taxation.

### Benefits in kind

The monetary value of benefits in kind covers any expenditure paid by the PSOW and treated by HM Revenue and Customs as a taxable emolument. There was no such expenditure.



## Bonuses

No bonus was paid during the year to me or to any staff within my office as no bonus scheme is in operation.

## Pay multiples

The banded remuneration of the highest-paid director in the financial year 2016/17 was £140-£145,000 (2015/16, £140-£145,000). This was 3.5 times (2015/16, 3.5) the median remuneration of the workforce, which was £40,623 (2015/16, £40,218). In 2016/17, no employee received remuneration in excess of the highest-paid director (2015/16, none).

Remuneration ranged from £16,000 to £145,000 (2016/17, £14,000-£145,000). Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

## Pay awards

Staff pay is linked to the pay awards made to employees within Local Government in England and Wales. In line with that procedure a 1% pay increase was awarded to staff in 2016/17 that covered the year April 2016 to March 2017.

## Pensions

Pension entitlements for the persons shown above are detailed below:

Name	Accrued pension at pension age as at 31/03/17 and related lump sum	Real increase in pension and related lump sum at pension age	CETV at 31/03/17	CETV at 31/03/16	Real Increase in CETV	Employer contribution to partnership pension accounts
	£000	£000	£000	£000	£000	Nearest £100
Nick Bennett <sup>1</sup>	30-35	10-12.5	348	222	21	-
Chris Vinestock	50-55	2.5-5	651	580	44	-
Katrin Shaw	25-30	2.5-5	364	304	44	-

<sup>1</sup> The real increase in pension includes a transfer in brought by the member during the reporting year.

## **Pension Liabilities**

The pension obligations to present and past employees are discharged through:

- (a) the Principal Civil Service Pension Scheme (PCSPS)
- (b) the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund) and
- (c) the pensions paid directly to former Commissioners or their dependants.

Fuller details are given in the Pensions Disclosures at page 82.

## **Sickness**

During the year, an average of 4.0 days per employee were lost through sickness compared with 5.6 days in 2015/16. This is the equivalent of 1.5% (2.0% in 2015/16) of total possible workdays.

In previous years pregnancy and maternity related sickness was excluded from the reported figures as these absences must, by law, be recorded separately. Whilst still recorded separately, for consistency with the approach in Office of National Statistics reports, pregnancy and maternity related sickness has now been included in the figures above. Figures (above) for 2015/16 have therefore been adjusted from those reported last year, so that they are shown on the same basis as the figures for 2016/17.

## **Reporting of Civil Service and other compensation schemes – exit packages**

No exit packages were paid in 2016/17 (2015/16 Nil).

### Advisory Panel and Audit and Risk Assurance Committee

The following non pensionable payments, based on a daily rate, were made to members of the Advisory Panel and Audit and Risk Assurance Committee:

	2016/17	2015/16
	£	£
William Richardson	2,737	2,737
John Williams	1,711	1,400
Jan Williams	-	-
Margaret Griffiths	1,269	987
Sharon Warnes	1,711	1,244
Jonathan Morgan	1,244	-

For staff reporting issues see Annual Equality Report on page 29.

Nick Bennett  
Accounting Officer  
Public Services Ombudsman for Wales

12 July 2017

# National Assembly for Wales Accountability and Audit Report

In addition to the primary statements prepared under **International Financial Reporting Standards (IFRS)**, the Government Financial Reporting Manual (FRM) requires the Ombudsman to prepare a statement and supporting notes to show resource outturn against the Supply Estimate presented to the Assembly, in respect of each request for resource.

## Summary of Net Resource Outturn

*For the year ended 31 March 2017*

	Revised Estimate			Outturn			2015/16	
	Gross Expenditure	Income	Net Total	Gross Expenditure	Income	Net Total	Net total outturn compared to estimate	Net Total
	£000	£000	£000	£000	£000	£000	£000	£000
Revenue	4,065	-	4,065	4,025	-	4,025	40	3,984
Capital	25	-	25	27	-	27	(2)	144
<b>Net Resource</b>	<b>4,090</b>	<b>-</b>	<b>4,090</b>	<b>4,052</b>	<b>-</b>	<b>4,052</b>	<b>38</b>	<b>4,128</b>
<b>Net Cash Requirement</b>	<b>4,279</b>	<b>-</b>	<b>4,279</b>	<b>4,240</b>	<b>-</b>	<b>4,240</b>	<b>39</b>	<b>4,218</b>

The £5k income received was in excess of the approved budget and will be returned to the Welsh Consolidated Fund (WCF) in addition to the £34k bank balance as at 31 March 2017.

The Ombudsman is paid directly from the Welsh Consolidated Fund and not by the Office. In previous years the Ombudsman's salary has been accounted for as a Non Staff Administration Cost in Note 3 and subsequently removed from the Summary of Resource Outturn. The Ombudsman's pay costs will not be included in the PSOW accounts from 2016/17 and the figures for 2015/16 have been adjusted to reflect this change.

For transparency, the Ombudsman's remuneration will continue to be disclosed in the Remuneration Report.

# Reconciliation of Net Resource to Net Cash Requirement

For the year ended 31 March 2017

	Note	2016/17 Revised estimate	2016/17 Net total Outturn	Net total outturn compared to revised estimate	2015/16 Outturn
		£000	£000	£000	£000
Net Revenue	2-4	4,065	4,025	40	3,984
Net Capital	6	25	27	(2)	144
<b>Net Resource</b>		<b>4,090</b>	<b>4,052</b>	<b>38</b>	<b>4,128</b>
Excess income to WCF	4	-	(5)	5	-
Movement in provisions	10	(30)	(21)	(9)	11
Capital charges	6	(80)	(82)	2	(83)
Movements in working capital	7-9	20	16	4	(88)
Pension funding	Pensions Disclosures	279	280	(1)	250
<b>Net cash requirement</b>		<b>4,279</b>	<b>4,240</b>	<b>39</b>	<b>4,218</b>

The £5k income received was in excess of the approved budget and will be returned to the Welsh Consolidated Fund (WCF) in addition to the £34k bank balance as at 31 March 2017.

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

Nick Bennett  
Accounting Officer

12 July 2017

# The Certificate and Report of the Auditor General for Wales to the National Assembly for Wales

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I certify that I have audited the financial statements of the Public Services Ombudsman for Wales for the year ended 31 March 2017 under paragraph 17 (2) of schedule 1 of the Public Services Ombudsman (Wales) Act (2005). These comprise the Summary or Net Resource Outturn, Statement of Comprehensive Net Expenditure, Statement of Financial Position, Consolidated Statement of Cash Flows, Statement of Changes in Taxpayers Equity and related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

## **Respective responsibilities of the Accounting Officer and auditor**

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements, in accordance with the Public Services Ombudsman (Wales) Act 2005 and HM Treasury directions made there under and for ensuring the regularity of financial transactions.

My responsibility is to audit, certify and report on the financial statements in accordance with applicable law and with International Standards on Auditing (UK and Ireland). These standards require me to comply with the Financial Reporting Council's Ethical Standards for Auditors.

## **Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Public Services Ombudsman for Wales' circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Public Services Ombudsman for Wales; and the overall presentation of the financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the National

Assembly for Wales and the financial transactions conform to the authorities which govern them.

In addition I read all the financial and non-financial information in the Annual Report and Accounts to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my certificate and report.

### **Opinion on Financial Statements**

In my opinion the financial statements:

- give a true and fair view of the state of the Public Services Ombudsman for Wales' affairs as at 31 March 2017 and of its net cash requirement, net resource outturn and net operating cost, for the year then ended; and
- have been properly prepared in accordance with HM Treasury directions issued under the Public Services Ombudsman (Wales) Act 2005.

### **Opinion on Regularity**

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the National Assembly for Wales and the financial transactions recorded in the financial statements conform to the authorities which govern them.

### **Opinion on other matters**

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with HM Treasury directions made under the Public Services Ombudsman (Wales) Act (2005); and
- the information in the Annual Report and Accounts is consistent with the financial statements.

### **Matters on which I report by exception**

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- the Governance Statement does not reflect compliance with HM Treasury guidance;
- proper accounting records have not been kept;
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns;
- information specified by HM Treasury regarding the remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

### **Report**

I have no observations to make on these financial statements.

Huw Vaughan Thomas  
Auditor General for Wales  
19 July 2017

Wales Audit Office  
24 Cathedral Road  
Cardiff CF11 9LJ





**Financial  
Statements**

# Statement of Comprehensive Net Expenditure

for the year ended 31 March 2017

	Note	2016/17	2015/16
		£000	£000
<b>Administration costs</b>			
Staff costs	2	2,827	2,498
Other non staff administration costs	3	1,198	1,486
<b>Gross Administration Costs</b>		<b>4,025</b>	<b>3,984</b>
Operating Income	4	(5)	-
<b>Net Administration Costs</b>		<b>4,020</b>	<b>3,984</b>
<b>Net Revenue Outturn</b>		<b>4,020</b>	<b>3,984</b>

All activities commenced in the period are continuing.

The notes on pages 68 to 81 and the Pensions Disclosures on pages 82 to 91 form part of these statements

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

# Statement of Financial Position

as at 31 March 2017

	Note	2016/17		2015/16	
		£000	£000	£000	£000
<b>Non-current assets</b>					
Property, Plant and Equipment	6a	140		146	
Intangible assets	6b	18		67	
Receivables due after more than one year	7	-		-	
Pension fund surplus	Pensions Disclosures	40		-	
<b>Total non-current assets</b>			<b>198</b>		<b>213</b>
<b>Current Assets</b>					
Trade and other receivables	7	163		151	
Cash and cash equivalents	8	34		36	
<b>Total current assets</b>			<b>197</b>		<b>187</b>
<b>Total assets</b>			<b>395</b>		<b>400</b>
<b>Current liabilities</b>					
Trade and other payables	9	(172)		(173)	
Provisions	10	(83)		(49)	
<b>Total current liabilities</b>			<b>(255)</b>		<b>(222)</b>
<b>Non-current assets plus net current assets</b>			<b>140</b>		<b>178</b>
Trade and other payables due after one year	9	(33)		(38)	
Provisions	10	(461)		(474)	
<b>Non-current liabilities</b>			<b>(494)</b>		<b>(512)</b>
<b>Assets less liabilities before Pensions</b>			<b>(354)</b>		<b>(334)</b>
Pension fund deficit	Pensions Disclosures		-		(230)
<b>Assets less liabilities</b>			<b>(354)</b>		<b>(564)</b>
<b>Taxpayers' Equity:</b>					
General Fund			(354)		(564)

The notes on pages 68 to 81 and the Pensions Disclosures on pages 82 to 91 form part of these statements. The financial statements were approved by the Accounting Officer and authorised for issue on 12 July 2017 by:

Nick Bennett  
Accounting Officer

12 July 2017

## Statement of Cash Flows

for the year ended 31 March 2017

	Note	2016/17	2015/16
		£000	£000
Net cash outflow from operating activities	11	(4,215)	(4,041)
Net cash flow from investing activities	12	(27)	(144)
Financing from National Assembly for Wales	13	4,279	4,254
<b>Net increase (decrease) in cash equivalents before adjustments for payments to Welsh Consolidated Fund</b>		<b>37</b>	<b>69</b>
Payments of amounts due to the Welsh Consolidated Fund	8,9	(39)	(36)
<b>Net increase (decrease) in cash equivalents after adjustments for payments to Welsh Consolidated Fund</b>		<b>(2)</b>	<b>33</b>
Cash and cash equivalents at the beginning of period		36	3
Cash and cash equivalents at the end of period		34	36

The notes on pages 68 to 81 and the Pensions Disclosures on pages 82 to 91 form part of these statements.

# Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2017

	General Fund 2016/17	General Fund 2015/16
	£000	£000
Balance as at 1 April	(564)	(808)
Net operating costs	(4,020)	(3,984)
Funding by National Assembly for Wales	4,279	4,254
Due back to Welsh Consolidated Fund		
- Cash	(34)	(36)
- Income in excess of approved budget	(5)	-
Actuarial (deficit) surplus	(10)	10
<b>Total recognised income and expense for year</b>	<b>210</b>	<b>244</b>
<b>Balance as at 31 March</b>	<b>(354)</b>	<b>(564)</b>

The notes on pages 68 to 81 and the Pensions Disclosures on pages 82 to 91 form part of these statements.

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

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# Notes to the Financial Statements

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## 1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (the FReM) issued by HM Treasury which is in force for 2016/17. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adopted or interpreted for the public sector. Where the FReM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the PSOW for the purpose of giving a true and fair view has been selected. The particular accounting policies adopted by the PSOW are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for any revaluation of fixed assets, where material to their value to the business, by reference to their current costs.

### 1.2 Property, Plant and Equipment

Expenditure on property, plant and equipment is capitalised where the purchases are expected to have a useful life extending over more than one year and the cost exceeds £1k. Assets costing less than £1k may be capitalised providing they are capital in nature and are part of a larger scheme that is in total more than £1k. Assets are shown at cost less an allowance for depreciation. On initial recognition fixed assets are measured at cost, including such costs as installation, which are directly attributable to bringing them into working condition for their intended use. In reviewing the costs of the fixed assets previously acquired and the prices paid for the new acquisitions during the year there is no material difference between the historic net book value of the assets and their replacement cost less depreciation.

### 1.3 Depreciation

Assets are depreciated at rates calculated to write them down to zero or if applicable, estimated residual value on a straight-line basis over their estimated useful life following an initial charge of a full year's depreciation in the year of purchase. Assets in the course of construction are depreciated from the year in which the asset is

brought into use. Except where otherwise noted asset lives are assumed to be the following:

Plant	10 years or the lease term if shorter
Furniture and other fittings	10 years or in the case of fittings the lease term
Computers and other equipment	3 to 10 years

#### 1.4 Intangible assets

Purchased computer software licences and developed software are capitalised where expenditure of £1k or more is incurred and the useful life is more than one year. Intangible assets costing less than £1k may be capitalised providing they are capital in nature and are part of a larger scheme that is in total more than £1k. Intangible assets are reviewed annually for impairment and are stated at amortised historic cost. Software licences are amortised over the shorter of the term of the licence and the useful economic life of the computer equipment on which they are installed. This would usually be from 3 to 5 years. Developed software is amortised over the estimated useful life. In the year of acquisition a full year's amortisation charge is made with the balance amortised on a straight line basis over the balance of the estimated life.

#### 1.5 Value Added Tax

The PSOW is not registered for VAT. Expenditure is therefore disclosed gross of VAT.

#### 1.6 Pensions

The pension obligations to present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS), the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund) and by direct payment to previous Commissioners for Local Administration in Wales and any surviving beneficiaries. Full details are disclosed in the Pensions Disclosures at the end of the Financial Statements. The costs of providing these pensions are charged through the Statement of Comprehensive Net Expenditure with actuarial gains and losses relating to the Cardiff and Vale of Glamorgan Pension Scheme being recognised in the year in which they occur.

### 1.7 **Early departure costs**

Where the PSOW is required to meet the additional cost of benefits beyond the normal benefits payable by the appropriate pension scheme in respect of employees who retire early, these costs are charged to the Statement of Comprehensive Net Expenditure in full when the liability arises.

### 1.8 **Operating Leases**

Expenditure on leased property is expensed in the period to which it relates. Operating lease charges for equipment are spread equally over the life of the lease.

### 1.9 **Staff Costs**

In line with IAS 19, short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, as well as non-monetary benefits for current employees, are recognised when an employee has rendered services in exchange for those benefits.

### 1.10 **Provisions**

These are sums which are of uncertain timing or amount at the balance sheet date and represent the best estimate of the expenditure required to settle the obligations. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the recommended HM Treasury discount rate.

### 1.11 **Income**

All income is recognised in the statement of Comprehensive Net Expenditure in accordance with IAS 18.



## 1.12 Impact of Standards Not Yet Effective

Standard	Effective date	Further details
IFRS 9 financial instruments	2018/19	IFRS 9 financial instruments will replace IAS 39 and includes a new principles-based approach for the classification and measurement of financial assets. It also introduces a new impairment methodology for financial assets based on expected losses rather than incurred losses. This will result in earlier and more timely recognition of expected credit losses. The accounting requirements for financial liabilities are almost all carried forward unchanged from IAS 39.
IFRS 15 revenue from contracts with customers	2018/19	IFRS 15 revenue from contracts with customers introduces a principles-based five-step model for recognising revenue arising from contracts with customers. It is based on a core principle requiring revenue recognition to depict the transfer of promised goods or services to the customer in an amount that reflects the consideration the body expects to be entitled to, in exchange for those goods or services. It will also require more extensive disclosures than are currently required.
IFRS 16 leases	2019/20	IFRS 16 will replace the current leases standard IAS 17. The key change is that it largely removes the distinction between operating and finance leases for lessees by introducing a single lessee accounting model that requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. It will lead to all leases being recognised on the balance sheet as an asset based on a right of use principle with a corresponding liability for future rentals. This is a significant change in lessee accounting.

## 2. Staff Costs and Numbers

The aggregate employment costs were as follows:

	2016/17	2015/16
	£000	£000
Permanent staff:		
Salaries	2,130	1,967
Social Security Costs	221	158
Pension costs	448	416
Pension fund movements	28	(56)
<b>Total</b>	<b>2,827</b>	<b>2,485</b>
Temporary staff		
Salaries	-	10
Social Security costs	-	1
Pension costs	-	2
<b>Total</b>	<b>-</b>	<b>13</b>
<b>Total employment costs</b>	<b>2,827</b>	<b>2,498</b>

The costs of temporary staff include agency staff together with any persons employed on a non permanent contract.

The average number of whole-time equivalent persons employed (including senior management) during the year was as follows:

	2016/17	2015/16
	No.	No.
Directors	2	2
Investigations	42	40
Corporate services	7	7
Communications and PA	4	4
<b>Total</b>	<b>55</b>	<b>53</b>

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

### 3. Non Staff Administration Costs

	2016/17		2015/16	
	£000		£000	
Rentals under operating leases	261		250	
External Audit fee	20		20	
Professional Advisers	230		250	
Other property costs	174		396	
Computer services	177		151	
Office costs	113		161	
Travel and subsistence	39		34	
Training and Recruitment	45		68	
Communications	57		73	
<b>Sub-total</b>		<b>1,116</b>		<b>1,403</b>
Depreciation	33		33	
Amortisation charge	49		50	
Loss on disposal	-		-	
<b>Sub-total</b>		<b>82</b>		<b>83</b>
<b>Total Other Administration Costs</b>		<b>1,198</b>		<b>1,486</b>

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

### 4. Operating Income

	2016/17	2015/16
	£000	£000
Seconded staff	(4)	-
Interest receivable	-	-
Other – Future Generations Commissioner	(1)	-
<b>Total</b>	<b>(5)</b>	<b>-</b>

## 5. Operating Costs by Strategic Aims

The costs of providing a first class Ombudsman service to Wales are set out below. We have identified four new strategic aims for delivering our mission and the allocation to each of the aims has been based on the following:

- (a) An estimate of the staff time spent on the objective
- (b) Direct allocation of expenditure where applicable
- (c) Apportionment of other costs pro rata to the estimate of staff time

	2016/17		2015/16	
	£000	%	£000	%
<b>Strategic Aim 1:</b> To provide a complaints service that is of the highest quality, proportionate and effective.	3,097	77.0	3,098	77.8
<b>Strategic Aim 2:</b> To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact in improving public service delivery and informing public policy.	677	16.8	659	16.5
<b>Strategic Aim 3:</b> To continue to evolve and grow as an office, specifically planning for implementation of the Ombudsman's new powers should the National Assembly for Wales create a new Public Services Ombudsman (Wales) Act.	59	1.5	56	1.4
<b>Strategic Aim 4:</b> To be accountable for the service we provide and the public money we spend.	187	4.7	171	4.3
<b>Net operating costs</b>	<b>4,020</b>	<b>100.0</b>	<b>3,984</b>	<b>100.0</b>

The allocation for 2015/16 has been restated to take into account the four new strategic aims as well as the revised treatment of the Ombudsman's pay costs.

**6a Property, Plant and Equipment**

	Plant	Computers and other equipment	Furniture and other fittings	Total
2016/17	£000	£000	£000	£000
Cost or valuation at 1 April 2016	156	222	406	784
Additions	-	8	19	27
Disposals	-	(48)	(10)	(58)
At 31 March 2017	156	182	415	753
Depreciation At 1 April 2016	(156)	(183)	(299)	(638)
Charged in the year	-	(17)	(16)	(33)
Disposals	-	48	10	58
At 31 March 2017	(156)	(152)	(305)	(613)
Carrying amount as at 31 March 2017	-	30	110	140
Carrying amount as at 31 March 2016	-	39	107	146

	Plant	Computers and other equipment	Furniture and other fittings	Total
2015/16	£000	£000	£000	£000
Cost or valuation at 1 April 2015	156	198	297	651
Additions	-	24	109	133
Disposals	-	-	-	-
At 31 March 2016	156	222	406	784
Depreciation At 1 April 2015	(156)	(164)	(285)	(605)
Charged in the year	-	(19)	(14)	(33)
Disposals	-	-	-	-
At 31 March 2016	(156)	(183)	(299)	(638)
Carrying amount as at 31 March 2016	-	39	107	146
Carrying amount as at 31 March 2015	-	34	12	46

**6b Intangible Assets**

	Information Technology	Software Licences	Total
2016/17	£000	£000	£000
<b>Cost or valuation at 1 April 2016</b>	<b>502</b>	<b>71</b>	<b>573</b>
Additions	-	-	-
Disposals	(174)	-	(174)
<b>At 31 March 2017</b>	<b>328</b>	<b>71</b>	<b>399</b>
<b>Amortisation as at 1 April 2016</b>	<b>(435)</b>	<b>(71)</b>	<b>(506)</b>
Amortisation charged in the year	(49)	-	(49)
Disposals	174	-	174
<b>At 31 March 2017</b>	<b>(310)</b>	<b>(71)</b>	<b>(381)</b>
<b>Carrying amount as at 31 March 2017</b>	<b>18</b>	<b>-</b>	<b>18</b>
Carrying amount as at 31 March 2016	67	-	67

	Information Technology	Software Licences	Total
2015/16	£000	£000	£000
<b>Cost or valuation at 1 April 2015</b>	<b>491</b>	<b>71</b>	<b>562</b>
Additions	11	-	11
Disposals	-	-	-
<b>At 31 March 2016</b>	<b>502</b>	<b>71</b>	<b>573</b>
<b>Amortisation as at 1 April 2015</b>	<b>(385)</b>	<b>(71)</b>	<b>(456)</b>
Amortisation charged in the year	(50)	-	(50)
Disposals	-	-	-
<b>At 31 March 2016</b>	<b>(435)</b>	<b>(71)</b>	<b>(506)</b>
<b>Carrying Value as at 31 March 2016</b>	<b>67</b>	<b>-</b>	<b>67</b>
Carrying Value as at 31 March 2015	106	-	106

In the opinion of the Public Services Ombudsman for Wales there is no material difference between the net book value of assets at current values and at their historic cost. A full verification of IT assets was completed during the year with numerous items no longer in use removed from the asset register.

## 7. Trade and other Receivables

	2016/17	2015/16
	£000	£000
<b>Amounts falling due within one year</b>		
Prepayments	163	151
Trade debtors	-	-
<b>Amounts falling due after more than one year</b>	-	-
Prepayments	-	-
<b>Total</b>	<b>163</b>	<b>151</b>

## 8. Cash and Cash Equivalents

Any bank balance held at the year-end has to be returned to the Welsh Consolidated Fund. A figure of £34k (£36k in 2015/16) has been included within the accounts, being the net balance at the year end on all the bank accounts operated by the PSOW, irrespective of whether the individual account is in debit or credit. This balance will have to be repaid to the Welsh Consolidated Fund in 2017/18 under the Government of Wales Act 2006.

## 9. Trade Payables and other Current Liabilities

	2016/17	2015/16
	£000	£000
<b>Amounts falling due in one year</b>		
Untaken annual leave	72	51
Deferred rent reduction	5	5
Welsh Consolidated Fund - unspent balances	34	36
Welsh Consolidated Fund - excess income	5	-
Trade payables	22	69
Accruals	34	12
	<b>172</b>	<b>173</b>
<b>Amounts falling due in more than one year</b>		
Deferred rent reduction	33	38
<b>Total</b>	<b>205</b>	<b>211</b>

## 10. Provisions for Liabilities and Charges

	2016/17				2015/16
	Pensions for Former Commissioners	Dilapidation Costs	Legal Costs	Total	Total
	£000	£000	£000	£000	£000
Balance at 1 April	287	236	-	523	534
Additional provision required	17	-	42	59	158
Discount rate movement	11	-	-	11	(1)
Provisions utilised in the year	(49)	-	-	(49)	(168)
<b>Balance at 31 March</b>	<b>266</b>	<b>236</b>	<b>42</b>	<b>544</b>	<b>523</b>

Analysis of expected timings of payment of provisions:

	2016/17	2015/16
	£000	£000
Payable within one year	83	49
Payable within 2 to 5 years	166	165
Payable in more than 5 years	295	309
<b>Balance at 31 March</b>	<b>544</b>	<b>523</b>

Pension provisions are calculated based on the National Life Tables for England and Wales issued by the Office of National Statistics. Later year pension increases are in line with GDP deflator information issued by HM Treasury. The discount factor has been amended to 0.24% for the financial year (1.37% in 2015/16) in line with the guidance issued by the Treasury. Two surviving spouses of former Commissioners remain as a pension liability.

A full dilapidations assessment was completed in 2015/16 to assess the full liability when the lease on the building at Bocam Park ends in 2025.

Legal fees have been provided to defend an ongoing legal case.



## 11. Reconciliation of Operating Cost to Operating Cash Flows

	Notes	2016/17 £000	2015/16 £000
<b>Net operating cost</b>		<b>(4,020)</b>	<b>(3,984)</b>
Adjust for non cash items	3	92	123
Decrease /(Increase) in trade and other receivables	7	(12)	19
Increase/(Decrease) in trade and other payables	9	(6)	102
Payment to meet pension fund deficit	Pensions Disclosures	(290)	(290)
Movement in provisions	10	21	(11)
<b>Net cash outflow from operating activities</b>		<b>(4,215)</b>	<b>(4,041)</b>

The figures for 2015/16 have been restated to take into account the revised treatment of the Ombudsman's pay costs.

## 12. Non Current Asset Expenditure and Financial Investment

	2016/17 £000	2015/16 £000
Purchases of property, plant and equipment	(27)	(133)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	-	(11)
<b>Net cash outflow from investing activities</b>	<b>(27)</b>	<b>(144)</b>

## 13. Reconciliation of Net Cash Requirement to Increase/ (Decrease) in Cash

	2016/17 £000	2015/16 £000
Net Cash Requirement:		
Operating activities	(4,215)	(4,041)
Capital Expenditure	(27)	(144)
	<b>(4,242)</b>	<b>(4,185)</b>
Financing from National Assembly for Wales	4,279	4,254
Repayment to Welsh Consolidated Fund	(39)	(36)
<b>Increase /(Decrease) in cash and cash equivalents</b>	<b>(2)</b>	<b>33</b>

**14. Commitments under Operating Leases**

	2016/17	2015/16
	£000	£000
Total future minimum operating lease payments on Building:		
Payable within one year	183	183
Within two and five years	732	732
More than five years	656	839
	<b>1,571</b>	<b>1,754</b>
Other:		
Payable within one year	20	24
Within two and five years	32	34
More than five years	-	-
	<b>52</b>	<b>58</b>
<b>Total – all operating leases</b>	<b>1,623</b>	<b>1,812</b>

**15. Contingent Liabilities**

There is one ongoing legal case for which a provision for unrecoverable legal costs has been made. The outcome of the case and any potential liability is unknown.

**16. Capital Commitments**

There were no capital commitments at 31 March 2017 (2015/16 Nil).

**17. Related Party Transactions**

The PSOW is headed by the Public Services Ombudsman for Wales and was established under the Public Services Ombudsman (Wales) Act 2005. The Ombudsman is independent of Government and the funding arrangements of the Office are set up to ensure that the independence of the Office is secured. The PSOW has had a number of material transactions with the National Assembly for Wales, the Office of the Parliamentary Ombudsman, HM Revenue and Customs (Tax and National Insurance payments) and the Cabinet Office (payments in respect of the Principal Civil Service Pension Scheme).

During the year, no directors, key members of staff or their related parties have undertaken any material transactions.

**18. Events after the Reporting Period**

None.

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## Pensions Disclosures

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Two pension schemes are operated on behalf of current staff – The Principal Civil Service Pension Scheme (PCSPS) and the Cardiff and Vale of Glamorgan Pension Fund (the Fund). There also remains an ongoing liability to meet the unfunded pensions of two dependant relatives of former Local Government Commissioners.

### Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 3% and 8.05% of pensionable earnings for members of **classic** (and members of **alpha** who were members of **classic** immediately before joining **alpha**) and between 4.6% and 8.05% for members of **premium**, **classic plus**, **nuvos** and all other members of **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum

equivalent to three years initial pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)

### Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a

scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

### **Real Increase in CETV**

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

### **Compensation for loss of office**

No staff left under Voluntary Exit or Voluntary Redundancy terms during the financial year.

## Cardiff and Vale Pension Fund - Local Government Pension Scheme

The disclosures below relate to the funded liabilities of the Cardiff and Vale of Glamorgan Pension Fund (the Fund) which is part of the Local Government Pension Scheme (the LGPS). The funded nature of the LGPS requires the PSOW and its employees who are members of the scheme to pay contributions into the Fund, calculated at a level intended to balance the pension's liabilities with investment assets.

The PSOW recognises gains and losses in full, immediately through the Statement of Comprehensive Net Expenditure. In accordance with International Financial Reporting Standards, disclosure of certain information concerning assets, liabilities, income and expenditure relating to pension schemes is required.

No further contributions are required to be paid to the Fund by the PSOW for future years.

### Disclosure under IAS19 (LGPS funded benefits)

#### Introduction

The disclosures below relate to the funded liabilities within the Fund which are part of the LGPS.

#### Results under IAS 19 (LGPS funded benefits)

Date of the last full actuarial valuation	31 March 2016
Expected employer contributions next year (£M)	-
Duration of liabilities	12.8 years

#### Key assumptions (% per annum)

	31 March 2017	31 March 2016	31 March 2015
	%	%	%
Discount rate	2.50	3.30	3.20
RPI Inflation	3.10	2.80	2.90
CPI Inflation	2.00	1.70	1.80
Pension increases	2.00	1.70	1.80
Pension accounts revaluation rate	2.00	1.70	1.80
Salary increases	3.00	2.70	2.80

## Mortality assumptions

The mortality assumptions are based on the recent actual mortality experience of members within the Fund and allow for expected future mortality improvements. Sample life expectancies at age 65 resulting from these mortality assumptions are shown below:

Assumed life expectancy at age 65	31 March 2017	31 March 2016
<b>Males</b>		
Member aged 65 at accounting date	23.0	23.8
Member aged 45 at accounting date	24.0	25.9
<b>Females</b>		
Member aged 65 at accounting date	25.7	26.8
Member aged 45 at accounting date	27.1	29.1

## Asset allocation

	Value at 31 March 2017			Value at 31 March 2016
	Quoted %	Unquoted %	Total %	Total %
Equities	0.0	0.0	0.0	75.1
Property	0.0	0.0	0.0	7.3
Government bonds	100.0	0.0	100.0	8.1
Corporate bonds	0.0	0.0	0.0	7.2
Cash	0.0	0.0	0.0	2.3
Other	0.0	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>	<b>100.0</b>

## Reconciliation of funded status to Statement of Financial Position

	Value at 31 March 2017 £M	Value at 31 March 2016 £M
Fair value of assets	7.00	6.12
Present value of funded defined benefit obligation	5.35	5.00
<b>Funded status</b>	<b>1.65</b>	<b>1.12</b>
Unrecognised asset due to limit in paragraph 64 - IFRIC 14	(1.61)	(1.35)
<b>Asset/(Liability) recognised on the balance sheet</b>	<b>0.04</b>	<b>(0.23)</b>



The split of the liabilities at the last valuation between the various categories of members is as follows:

Active Members	6%
Deferred Pensioners	12%
Pensioners	82%

### Amounts recognised in Statement of Comprehensive Net Expenditure

	Period ending 31 March 2017 £M	Period ending 31 March 2016 £M
<b>Operating cost</b>		
Current service cost	0.01	0.03
Past service cost (incl. curtailments)	0.00	0.00
Settlement cost	0.00	0.00
<b>Financing Cost</b>		
Interest on net defined benefit liability (asset)	0.00	0.01
<b>Pension expense recognised in profit and loss</b>	<b>0.01</b>	<b>0.04</b>
<b>Re measurements in Other Comprehensive Income</b>		
Return on plan assets (in excess)/below that recognised in net interest	(0.59)	0.29
Actuarial (gains)/losses due to change in financial assumptions	0.88	(0.12)
Actuarial (gains)/losses due to changes in demographic assumptions	(0.30)	0.00
Actuarial (gains)/losses due to liability experience	(0.19)	(0.07)
Adjustments in respect of paragraph 64	0.21	(0.11)
<b>Total amount recognised in other comprehensive income (OCI)</b>	<b>0.01</b>	<b>(0.01)</b>
<b>Total amount recognised in profit and loss OCI</b>	<b>0.02</b>	<b>0.03</b>
Allowance for administration expenses included in current service cost (£M)	0.00	0.00

### Changes to the present value of the defined benefit obligation during the accounting period

	Period ending 31 March 2017 £M	Period ending 31 March 2016 £M
Opening defined benefit obligation	5.00	5.24
Current service cost	0.01	0.03
Interest expense on defined benefit obligation	0.16	0.16
Contributions by participants	0.00	0.01
Actuarial (gains)/losses on liabilities – financial assumptions	0.88	(0.12)
Actuarial (gains)/losses on liabilities – demographic assumptions	(0.30)	0.00
Actuarial (gains)/losses on liabilities – experience	(0.19)	(0.07)
Net benefits paid out	(0.21)	(0.25)
Past service cost (incl. curtailments)	0.00	0.00
Net increase in liabilities from disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing defined benefit obligation	5.35	5.00

### Changes to the fair value of assets during the accounting period

	Period ending 31 March 2017 £M	Period ending 31 March 2016 £M
Opening fair value of assets	6.12	6.16
Interest income on assets	0.21	0.20
Re measurement gains/(losses) on assets	0.59	(0.29)
Contributions by the employer	0.29	0.29
Contributions by participants	0.00	0.01
Net benefits paid out	(0.21)	(0.25)
Net increase in assets from the disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing fair value of assets	7.00	6.12

### Actual return on assets

	Period ending 31 March 2017 £M	Period ending 31 March 2016 £M
Interest income on assets	0.21	0.20
Re measurement gain/(losses) on assets	0.59	(0.29)
<b>Actual return on assets</b>	<b>0.80</b>	<b>(0.09)</b>

## Funded Benefits

The following data was provided by the Fund Administering Authority and / or the Employer and has been used to produce the IAS 19 results in this report. Details of the split of assets between the various asset classes were also provided by the Fund Administering Authority and are shown in Section 1. We have also shown some of the intermediate calculations used in evaluating the figures in this report.

### Active Members as at 31 March 2016

	Number	Total Pay £(M)
Total	1	0.05

### Pensioner and deferred pensioner members as at 31 March 2016

Type	Number	Total Pension £(M)
Deferred members	5	0.02
Pensioners and dependants	11	0.23

### Funded cash-flow data provided

	Months Provided	Amount Provided (£M)	Amount Used (£M)
Employer – Normal contributions	12	0.01	
Employer – Additional capital contributions	12	0.00	
Employer – Early retirement strain on fund payments	12	0.00	
<b>Total contributions by the Employer</b>			<b>0.01</b>
Employee – Normal contributions	12	0.00	
Employee – Added years contributions	12	0.00	
<b>Total contributions by participants</b>			<b>0.00</b>
Transfers in	12	0.00	
Other income	12	0.00	
Transfers out	12	0.00	
Retirement lump sums	12	0.00	
Other outgoings	12	0.00	
Death in service lump sums *	12	0.00	
Benefits paid (i.e. pension paid)	12	0.21	
<b>Net benefits paid out **</b>			<b>0.21</b>

\* We have calculated the expected death in service lump sums over the year to be (£M) 0.00

\*\* The 'Net benefits paid out' figure includes an allowance for expenses of (£M) 0.00

**Funded cash-flow data provided – additional contributions**

Description	Date paid	Amount (£M)
Deficit payment	20 May 2016	0.28

**Annualised pensionable payroll over the accounting period**

Type	(£M) *
Period ending 31 March 2017	0.05
Period ending 31 March 2016	0.08

\* The annualised pensionable payroll has been derived from the contributions paid over the relevant accounting period

**Fund return**

The overall annualised Fund return over the accounting period has been calculated as 18.0%. This includes any adjustment to reflect the difference between Fund returns and estimated index returns used over the last accounting period, where appropriate. The overall annualised Fund return from the 2016 Valuation date without such an adjustment is 18.1% and this return has been used to roll forward the assets notionally allocated to the Employer at the 2016 Valuation.

Please note the returns used to determine the overall Fund return over the accounting period are estimated figures as provided by the Administering Authority (net of investment management expenses), as the final figures were unavailable at the time of producing these accounting figures. In addition, please note that the asset return from 1 December 2016 to 31 March 2017 for the Employer has been taken as the index return on the published FTSE Index Linked UK Gilts over 5 years total return index, to reflect the notional low risk investment strategy which has been put in place with effect from 1 December 2016 in respect of the Employer.

**Note from Fund Manager**

PSOW requested to be protected against future market fluctuations. The actuary has recommended a low risk portfolio invested in FTSE Index Linked Gilts. It is their opinion that based on this approach it is unlikely that a deficit should emerge in the future.

## Pensions for former Ombudsmen

With the agreement of the Secretary of State for Wales in 1991 and subsequent confirmation by Statutory Instrument 1993 No. 1367, Local Government Commissioners became eligible to join the Local Government Pension Scheme. However, the pensions of the three previous Local Government Commissioners remained the responsibility of the Public Services Ombudsman for Wales and are met through the Statement of Comprehensive Net Expenditure. At 31 March 2017 two surviving spouses of former Commissioners continued to receive a pension.

Pensions are increased annually in line with other pension schemes within the Public Sector. The basis of calculations of the Annual Pensions Increase has been changed from using the annual movement based on the Retail Price Index (RPI) to the Consumer Price Index (CPI). The amount of the uplift applied is normally set out in the Statutory Instrument Pensions Increase (Review) Order. This year there was no uplift for 2016/17.

The total payments during 2016/17 were £49k (£68k in 2015/16). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £266k (£287k in 2015/16). The calculation to determine the overall liability has been carried out internally using life expectancy tables for males and females in Wales obtained from the website of the Government Actuary's Department. A discount rate, from PES (2016) 10, of 0.24% (1.37% in 2015/16) has been applied in accordance with the Treasury guidance that all pension liabilities should be discounted





# Annexes

## Annex A: Public Body Complaints closed – Statistical Breakdown by outcomes by public body

### County/County Borough Councils

County/ County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Blaenau Gwent	4	3	2	0	3	0	0	0	0	12
Bridgend	9	18	10	0	4	1	0	0	0	42
Caerphilly	20	14	17	0	4	0	0	0	0	55
Cardiff	31	43	38	1	16	0	3	1	0	133
Carmarthenshire	10	18	12	0	5	0	1	1	0	47
Ceredigion	5	11	15	0	4	0	4	0	0	39
Conwy	11	10	7	0	2	0	2	1	0	33
Denbighshire	3	8	15	0	0	0	0	1	0	27
Flintshire	8	9	11	0	9	0	4	0	0	41
Gwynedd	4	9	15	0	3	0	2	0	0	33
Isle of Anglesey	4	6	14	0	3	0	0	0	0	27
Merthyr Tydfil	3	2	2	0	2	0	1	0	0	10
Monmouthshire	7	2	10	0	1	0	2	0	0	22
Neath Port Talbot	11	11	13	0	3	0	0	0	0	38
Newport	2	6	15	0	7	0	0	0	0	30
Pembrokeshire	3	9	16	0	3	0	1	1	0	33
Powys	4	18	22	0	7	0	2	0	0	53
Rhondda Cynon Taf	9	12	21	0	6	0	0	0	0	48
Swansea	5	23	22	0	4	0	0	0	0	54



Torfaen	4	3	13	0	2	0	0	0	0	22
Vale of Glamorgan	7	7	16	0	9	0	0	0	0	39
Wrexham	3	19	12	0	13	0	0	0	0	47
<b>Total</b>	<b>167</b>	<b>261</b>	<b>318</b>	<b>1</b>	<b>110</b>	<b>1</b>	<b>22</b>	<b>5</b>	<b>0</b>	<b>885</b>

Other Local Authority

	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
<b>School Appeal Panels</b>										
Admission Appeal Panel Roath Park Primary School	0	0	1	0	0	0	0	0	0	1
Admission Appeal Panel St Richard Gwyn Catholic High School	0	0	0	0	0	0	0	0	1	1
Admission Appeals Panel St Brigid's School	0	0	1	0	0	0	0	0	0	1
Admissions Appeal Panel Cardiff High School	0	0	2	1	0	0	0	0	0	3
Admissions Appeal Panel – Bassaleg School	0	0	1	0	0	0	0	0	0	1
Admissions Appeal Panel – Pillgwenlly Primary School	0	0	1	0	0	0	0	0	0	1
Admissions Appeal Panel – Rhydypenau Primary School	0	0	1	0	0	0	0	0	0	1
Admissions Appeal Panel – The Bishop of Llandaff Church-in-Wales High School	0	0	1	0	0	0	0	0	0	1
Admissions Appeal Panel- Hawarden High School	0	0	1	0	0	0	0	0	0	1
Admissions Appeals Panel – Newbridge School	0	0	2	0	0	0	0	0	0	2
Admissions Appeals Panel for St Joseph's Cathedral	0	0	1	0	0	0	0	0	0	1

Primary School										
Appeals Panel – Bishopston Comprehensive School	0	0	1	0	0	0	0	0	0	1
Independent Appeal Panel – Fitzalan High School	0	0	1	0	0	0	0	0	0	1
Independent Appeal Panel – Garnteg Primary School	0	0	3	0	0	0	0	0	0	3
Independent Appeal Panel – Ysgol Estyn	0	0	1	0	0	0	0	0	0	1
Independent School Admissions Appeals Panel (Cardiff)	0	0	1	0	0	0	0	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>

### National Park Authorities

National Park Authority	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Brecon Beacon	0	0	1	0	0	0	0	0	0	1
Pembrokeshire Coast	0	1	1	0	0	0	0	0	0	2
Snowdonia National Park Authority	0	1	0	0	0	0	0	0	0	1
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

**Fire Authorities**

Fire & Rescue	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Mid and West Wales	0	0	1	0	0	0	0	0	0	1
South Wales	0	0	2	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

**Police Authorities**

Police Authority	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution / Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
South Wales Police and Crime Panel	2	0	1	0	0	0	0	0	0	3
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

**Community/Town Councils**

Community or Town Council	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Aberdyfi Community Council	0	0	0	0	1	0	0	0	0	1
Aberporth Community Council	1	0	1	0	0	0	0	0	0	2
Brackla Community Council	0	0	2	0	0	0	0	0	0	2

Churchstoke Community Council	0	1	1	0	0	0	0	0	0	2
Clocaenog Community Council	0	0	0	0	1	0	0	0	0	1
Dolgellau Town Council	0	1	0	0	0	0	0	0	0	1
Holyhead Town Council	2	0	2	0	0	0	0	0	0	4
Llanbedr Community Council	0	0	1	0	0	0	0	0	0	1
Llandudno Town Council	0	1	0	0	0	0	0	0	0	1
Llandwrog Community Council	0	1	1	0	0	0	0	0	0	2
Llanharan Community Council	0	0	1	0	0	0	0	0	0	1
Mawr Community Council	1	0	0	0	0	0	0	0	0	1
Neath Town Council	0	1	0	0	0	0	0	0	0	1
Penarth Town Council	0	0	2	0	0	0	0	0	0	2
Pen-Y-Cae Community Council	0	0	1	0	0	0	0	0	0	1
Porthcawl Town Council	0	1	0	0	0	0	0	0	0	1
Prestatyn Town Council	1	0	0	0	0	0	0	0	0	1
Radyr and Morganstown Community Council	0	0	1	0	0	0	0	0	0	1
Seven Sisters Community Council	1	0	0	0	0	0	0	0	0	1
Ynysawdre Community Council	1	0	0	0	0	0	0	1	0	2
<b>Total</b>	<b>7</b>	<b>6</b>	<b>13</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>29</b>

## Registered Social Landlords

Housing Association (Registered Social Landlord)	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Aelwyd Housing Association	0	0	0	0	0	0	1	0	0	1
Bro Myrddin Housing Association	0	0	1	0	0	0	0	0	0	1
Bron Afon Community Housing Ltd	3	8	5	0	3	0	1	0	0	20
Cadarn Housing Group Ltd	0	0	1	0	0	0	0	0	0	1
Cadwyn Housing Association Ltd	0	5	0	0	0	0	0	0	0	5
Cardiff Community Housing Association Ltd		1	5	0	0	0	0	0	0	6
Care and Repair Ynys Mon	1	0	0	0	0	0	0	0	0	1
Cartrefi Conwy	3	5	7	0	0	0	0	0	0	15
Cartrefi Cymunedol Gwynedd	1	5	3	0	0	0	0	0	0	9
Charter Housing Association	0	1	5	0	0	0	0	0	0	6
Clwyd Alyn Housing Association Ltd	1	0	0	0	0	0	0	0	0	1
Coastal Housing Group Ltd	0	0	4	0	0	0	0	0	0	4
Cymdeithas Tai Cantref	0	0	1	0	0	0	0	0	0	1
Derwen Cymru	0	0	0	0	1	0	0	0	0	1
Family Housing Association (Wales) Ltd	0	0	1	0	0	0	0	0	0	1
Grwp Cynefin	0	0	1	0	0	0	0	0	0	1
Gwalia Cyf	0	2	4	0	1	0	0	0	0	7
Hafod Housing Association	1	0	2	0	2	0	0	0	0	5
Linc-Cymru Housing Association	1	1	1	0	1	0	0	0	0	4

Melin Homes Ltd	1	3	1	0	0	0	0	0	0	5
Merthyr Tydfil Housing Association Ltd	1	0	0	0	0	0	0	0	0	1
Merthyr Valleys Homes	1	3	7	0	2	0	0	0	0	13
Mid Wales Housing Association Ltd	2	0	0	0	0	0	0	0	0	2
Mill Bay Homes	0	0	0	0	1	0	0	0	0	1
Monmouthshire Housing Association	1	2	0	0	0	0	0	0	0	3
Newport City Homes	3	6	6	0	3	0	0	0	0	18
Newydd Housing Association	0	2	5	0	0	0	0	0	0	7
North Wales Housing	0	2	1	0	0	0	0	0	0	3
NPT Homes	1	3	3	0	1	0	0	0	0	8
Pembrokeshire Housing Association Ltd	0	0	0	0	2	0	0	0	0	2
Rhondda Housing Association Ltd	0	0	0	0	0	0	1	0	0	1
Taff Housing Association	0	2	0	0	0	0	0	0	0	2
Tai Calon	0	4	2	0	1	0	0	0	0	7
Tai Ceredigion Cyf	0	1	0	0	1	0	0	0	0	2
Trivallis	1	3	2	0	7	0	0	0	0	13
United Welsh Housing Association	2	2	3	0	2	0	0	1	0	10
Valleys To Coast	0	4	4	0	0	0	0	0	0	8
Wales and West Housing Association	1	2	3	0	1	0	0	1	0	8
<b>Total</b>	<b>25</b>	<b>67</b>	<b>77</b>		<b>29</b>		<b>3</b>	<b>2</b>		<b>204</b>

Local Health Boards and NHS Trusts

Local Health Board/NHS Trust	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution / Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Abertawe Bro Morgannwg	13	22	21	2	18	0	24	7	0	107
Aneurin Bevan	6	18	33	1	11	1	17	8	0	95
Betsi Cadwaladr	20	27	44	5	46	3	42	6	1	194
Cardiff and Vale	11	24	25	1	8	0	15	9	0	93
Cwm Taf	12	15	18	0	9	1	14	2	0	71
Hywel Dda	15	21	23	1	31	0	6	5	0	102
Powys Teaching	3	2	14	0	3	0	1	1	0	24
Public Health Wales	0	0	0	0	0	0	0	0	0	0
Velindre	0	0	0	0	0	0	0	0	0	0
Welsh Ambulance Services		4	6	2	2	0	0	2	0	16
<b>Total</b>	<b>80</b>	<b>133</b>	<b>184</b>	<b>12</b>	<b>128</b>	<b>5</b>	<b>119</b>	<b>40</b>	<b>1</b>	<b>702</b>

Community Health Councils

Community Health Councils	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution / Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Abertawe Bro Morgannwg	0	1	0	0	0	0	0	0	0	1
Cardiff and Vale of Glamorgan	0	1	0	0	0	0	0	0	0	1
Cwm Taf	0	0	0	0	0	0	0	0	1	1
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>

## Other Health Bodies

Other Health	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Dentists	4	5	6	0	4	0	5	3	0	27
GPs	15	38	52	0	11	0	12	15	0	143
Pharmacist	0	0	2	0	0	0	1	0	0	3
<b>TOTAL</b>	<b>19</b>	<b>43</b>	<b>60</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>18</b>	<b>18</b>	<b>0</b>	<b>173</b>

## Welsh Government and Welsh Government Sponsored Bodies

Welsh Government and Welsh Government Sponsored Bodies	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
<b>Welsh Government</b>										
CADW	0	1	0	0	0	0	0	0	0	1
CAFCASS Cymru	1	2	1	0	0	0	0	0	0	4
CSSIW	1	1	3	0	0	0	1	0	0	6
Planning Inspectorate	3	2	5	0	0	0	1	0	0	11
Welsh Government	4	3	10		1		1			19
Welsh Health Specialised Services Committee	0	0	1	0	0	0	1	0	0	2
<b>Total</b>	<b>9</b>	<b>9</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>43</b>
<b>Welsh Government Sponsored Body</b>										
Care Council for Wales	0	0	1	0	0	0	0	0	0	1
Natural Resources Wales	3	1	9	0	0	0	0	0	0	13
Student Finance Wales	2	6	7	0	1	0	0	0	0	16
<b>Total</b>	<b>5</b>	<b>7</b>	<b>17</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>



Independent Care Providers

Independent Care Providers	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution / Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Caldey Grange	1	0	0	0	0	0	0	0	0	1
Hallmark Care Home Limited	0	0	0	0	0	0	1	0	0	1
<b>NHS Independent Care</b>										
Glasfryn Nursing Home	0	0	0	0	1	0	0	0	0	1
Leonard Cheshire Disability	0	0	0	0	0	0	1	0	0	1
<b>Self Funding Independent Care</b>										
Broadway Care Centres	0	1	0	0	0	0	0	0	0	1
Glanenig House Care Home	0	1	0	0	0	0	0	0	0	1
Hafod House Residential Care Home	0	0	0	0	0	0	1	0	0	1
MiHomecare Limited	0	1	0	0	0	0	0	0	0	1
Nazareth House	1	0	0	0	0	0	0	0	0	1
Q Care Ltd	1	0	0	0	0	0	0	0	0	1
Towy Castle Care Home	1	0	0	0	0	0	0	0	0	1
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>11</b>

Other

Other	Out of Jurisdiction	Premature	'Other' cases closed after Initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
National Assembly for Wales Commission	1	0	0	0	0	0	0	0	0	1
NHS Business Services Authority	0	1	1	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>1</b>							<b>3</b>

## Annex B: Code of Conduct Complaints closed – Statistical Breakdown by outcomes by local authority

### County/County Borough Councils

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	1	0	0	0	0	0	0	1
Bridgend	3	0	0	1	0	0	0	4
Caerphilly	6	0	1	0	0	0	0	7
Cardiff	4	0	0	0	0	1	0	5
Carmarthenshire	1	0	0	0	0	0	0	1
Ceredigion	5	0	0	0	0	0	0	5
Conwy	1	0	0	1	0	0	0	2
Denbighshire	6	0	0	0	0	0	0	6
Flintshire	3	0	1	0	0	0	0	4
Gwynedd	3	0	0	0	0	0	0	3
Isle of Anglesey	2	0	0	1	0	0	0	3
Merthyr	0	1	0	0	0	0	0	1
Monmouthshire	7	0	1	0	0	0	0	8
Neath Port Talbot	1	0	0	0	1	0	0	2
Newport	1	0	0	0	0	0	0	1
Pembrokeshire	2	0	0	0	0	0	0	2
Powys	16	0	1	0	3	0	2	22
Rhondda Cynon Taf	6	0	1	0	0	0	0	7
Swansea	12	1	0	0	0	0	0	13
Torfaen	3	0	0	0	1	0	0	4

Vale of Glamorgan	1	0	0	0	0	0	0	1
Wrexham	4	0	0	0	0	0	0	4
<b>TOTAL</b>	<b>88</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>106</b>

## Community/ Town Councils

Community/Town Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Abergele Town Council	4	0	0	0	0	0	0	4
Aberporth Community Council	8	0	0	0	0	0	0	8
Abertillery & Llanhilleth Community Council	3	0	0	0	0	0	0	3
Aberystwyth Town Council	0	0	0	1	0	0	0	1
Amlwch Town Council	1	0	0	0	0	0	0	1
Bangor City Council	1	0	0	0	0	0	0	1
Barry Town Council	3	0	0	0	0	0	0	3
Bedwas, Trethomas & Machen Community Council	1	0	0	0	0	0	0	1
Bodelwyddan Town Council	0	0	0	1	0	0	0	1
Coity Higher Community Council	1	0	0	0	0	0	0	1
Cornelly Community Council	0	1	0	0	0	0	0	1
Cwmamman Town Council	0	0	0	1	0	0	0	1
Fishguard & Goodwick Town Council	1	0	0	0	0	0	0	1
Glynneath Town Council	14	0	0	0	0	0	0	14
Gwaun Cae Gurwen Community Council	1	0	0	0	0	0	0	1
Kidwelly Town Council	0	0	0	1	0	0	0	1
Laleston Community Council	2	0	0	0	0	0	0	2
Langstone Community Council	0	0	2	0	0	0	0	2

Llandrindod Wells Town Council	2	0	0	0	0	0	0	2
Llandudno Town Council	3	0	0	0	0	0	0	3
Llandwrog Community Council	1	0	0	0	0	0	0	1
Llanelli Rural Council	4	0	0	2	0	0	0	6
Llanelli Town Council	1	0	0	0	0	0	0	1
Llanelly Community Council	1	0	0	0	0	0	0	1
Llanfihangel Glyn Myfyr Community Council	1	1	0	0	0	0	0	2
Llangefni Town Council	9	0	1	0	0	0	0	10
Llangennech Community Council	2	0	0	0	0	0	0	2
Llangynog Community Council	1	1	0	0	0	0	0	2
Llantrisant Community Council	1	0	0	0	0	0	0	1
Llantwit Major Town Council	1	0	0	1	0	0	0	2
Magor with Undy Community Council	2	0	1	0	0	0	0	3
Manorbier Community Council	1	0	0	0	0	0	0	1
Milford Haven Town Council	2	0	0	0	0	0	0	2
Mold Town Council	1	0	0	0	0	0	0	1
Mumbles Community Council	2	3	0	3	0	0	18	26
Northop Hall Community Council	2	0	0	0	0	0	0	2
Ogmore Valley Community Council	1	0	0	0	0	0	0	1
Pen-Y-Cae Community Council	1	0	0	0	0	0	0	1
Pontyclun Community Council	2	0	0	0	0	0	0	2
Pontypridd Town Council	4	0	0	0	0	0	0	4
Prestatyn Town Council	5	2	0	1	0	0	0	8
Queensferry Community Council	1	0	0	0	0	0	0	1
Radyr and Morganstown Community Council	0	0	3	0	0	0	0	3
Saltney Town Council	1	0	0	0	0	0	0	1

Sully and Lavernock Community Council	1	0	0	0	0	0	0	1
Trefriw Community Council	1	0	0	0	0	0	0	1
Tywyn Town Council	0	0	0	2	0	0	0	2
<b>TOTAL</b>	<b>112</b>	<b>8</b>	<b>7</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>140</b>

National Park Authorities

	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
National Park Authorities								
Brecon Beacons	2	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

## Annex C: Complaints About PSOW service

Our 'How to complain about us' policy can be used when complainants feel that we have:

- treated them unfairly or rudely; or
- failed to explain things clearly; or
- caused unreasonable delays; or
- failed to do what we have said we would; or
- failed to follow our processes correctly.

We aim to provide a first class Ombudsman service for Wales. As part of that commitment we aim to:

- provide an accessible, simple, effective and transparent process for looking into complaints about the service we give;
- respond quickly to complaints about the service we have provided; and,
- if we have got things wrong or given poor service, apologise and learn from our mistakes.

The table below reports on the number of complaints received during 2016/17 and their outcomes, together with a comparison of the position in 2015/16.

	2016/17	2015/16
Complaints brought forward from previous year	0	1
Complaints about us received	62	61
<b>TOTAL COMPLAINTS</b>	<b>62</b>	<b>62</b>
<b>OUTCOMES</b>		
Upheld	11	15
Not Upheld	51	47
<b>TOTAL CLOSED DURING YEAR</b>	<b>62</b>	<b>62</b>
Ongoing and carried forward at 31 March 2017	1	0

The nature of the complaints that were upheld were:

Lack or delay in contacting complainant	5
Delay in case referral	2
Adequacy of approach to ensuring those named in complaints are given a chance to comment	1
Telephone system hold message – Welsh language issue	1
Staff process error e.g. misfiling, incorrect letter template used	2
<b>TOTAL</b>	<b>11</b>

The following corrective action was undertaken;

- an apology was issued to the complainant in each upheld case;
- the relevant line manager(s) were made aware of the upheld complaints relevant to their teams for future training and monitoring;
- appropriate and relevant staff training was undertaken where necessary;
- appropriate action in accordance with PSOW HR policies was undertaken;
- relevant policies / processes reviewed and revised to minimise risk of re-occurrence.

I have also appointed an independent external reviewer of complaints about my service.

This review service is available to those who have complained about my service, but remain dissatisfied having received my response. The annual report from the ICRS, the independent external reviewer, notes that five complainants asked ICRS to review their complaints about PSOW during the 2016/17 year and two complaints from 2015/16 were concluded. ICRS have not made any recommendations to me arising from their work, noting that complaints are generally about the outcomes of complaints about a public service or body, rather than about the service provided by me and my staff.



**Public Services Ombudsman for Wales**

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## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

<b>CODE OF CONDUCT CASEBOOK</b>		
<b>Recommendations / key decisions required:</b> To consider the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**CODE OF CONDUCT CASEBOOK**

The Public Services Ombudsman for Wales has now published the latest edition of his Code of Conduct Casebook, covering the period April to June 2017.

A copy of the Casebook is attached to this report.

Of particular significance in this edition are the two cases which were referred to the Powys County Council Standards Committee and the one case referred to the Adjudication Panel for Wales.

Copies of the decisions made in those cases are also attached to this report.

The committee is asked to note the conclusions arrived at in these cases and the manner in which they were determined.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-154	Legal Services, County Hall

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# The Code of Conduct Casebook

Issue 13 July 2017

## Contents

<a href="#">Introduction</a>	1
<a href="#">Case summaries</a>	3
<a href="#">No evidence of breach</a>	3
<a href="#">No action necessary</a>	5
<a href="#">Referred to Standards Committee</a>	7
<a href="#">Referred to Adjudication Panel for Wales</a>	8
<a href="#">More information</a>	9

## 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 2016.

## Case summaries

### No evidence of breach

#### Powys County Council - Integrity

Case Number 201601829 – Report issued in June 2017

A complaint was received that Councillor B of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as Portfolio Holder for Education, she did not take sufficient action to address the fact that a High School (“the School”) was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that Councillor B had acted in good faith in inviting the School to make a case for amending the Scheme, with the intention that the Scheme would then either be amended or enforced. Unfortunately, the School failed to provide the necessary information. Whilst Councillor B could be criticised for not pursuing the matter, there were mitigating circumstances why she could not do so personally. Accordingly, the Ombudsman found that there was no evidence that Councillor B had breached the Code.

#### Powys County Council - Integrity

Case Number 201602895 - Report issued in June 2017

A complaint was received that Councillor E of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School (“the School”) he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that Councillor E had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor E reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor E had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

#### Powys County Council - Integrity

Case Number 201601962 - Report issued in June 2017

A complaint was received that former Councillor A of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School (“the School”) he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that former Councillor A had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why former Councillor A reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that former Councillor A had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

#### **Powys County Council - Report issued in June 2017**

##### **Case Number 201601967 - Integrity**

A complaint was received that Councillor C of Powys County Council may have breached of the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School ("the School") he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools ("the Scheme").

The Ombudsman found that Councillor C had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor C reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor C had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

#### **Powys County Council - Integrity**

##### **Case Number 201601968 - Report issued in June 2017**

A complaint was received that Councillor D of Powys County Council may have breached of the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School ("the School") he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools ("the Scheme").

The Ombudsman found that Councillor D had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor D reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor D had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

## No action necessary

### Bridgend County Borough Council – Promotion of equality and respect

Case Number 201603705 – Report issued in April 2017

The Ombudsman considered a complaint that a member of Bridgend County Borough Council (“the Councillor”) breached the Code of Conduct for elected members (“the Code”) by manner in which the Councillor approached a member of the public undertaking her employment duties. The Ombudsman investigated that the Councillor had brought herself, her office and the Council into disrepute through her manner.

The Ombudsman found that the Councillor’s actions were in breach of the Code, in relation to the complaint that the Councillor had brought herself into disrepute through her actions. However since the Councillor apologised for her actions, the Ombudsman did not consider that the circumstances warranted any further action. Since the Councillor was acting in a purely personal capacity and there was no involvement of the Council, the Ombudsman did not consider that the Councillor had brought her office or the Council into disrepute.

The Ombudsman’s finding was that no action needed to be taken in respect of the matter investigated.

### Powys County Council – Disclosure and registration of interests

Case Number 201505874 - Report issued in April 2017

The Ombudsman considered a complaint that a member of Powys County Council (“the Councillor”) breached the Code of Conduct for elected members (“the Code”) by failing to disclose a personal and prejudicial interest at various Council meetings, during which a School Modernisation Programme was discussed and that the Councillor continued to take part in meetings following a decision by the Council’s Standards Committee not to grant him dispensation to do so.

The Ombudsman found that the Councillor’s actions were in breach of the Code, however as his involvement at the meetings he attended did not significantly alter the outcome of the Council’s discussion, it was not in the public interest to pursue the matter further.

The Ombudsman’s finding was that no action needed to be taken in respect of the matter investigated.

### Saltney Town Council - Disclosure and registration of interests

Case Number 201606253 - Report issued in May 2017

The Ombudsman considered a complaint that a member of Saltney Town Council (“the Councillor”) had breached the Code of Conduct for elected members. It was alleged that the Councillor had voted on a matter in which they had a personal and prejudicial interest without obtaining an appropriate dispensation from the County Council’s Standards Committee. The member concerned had obtained a dispensation from the Standards Committee which allowed her to speak about the matter. However, the dispensation did not allow her to vote.

The Ombudsman considered the minutes from the relevant meeting and found that it was recorded that the Councillor had voted. He also considered correspondence from the Councillor in which she

acknowledged that she should not have cast a vote at the meeting. The Councillor had also formally apologised for this error of judgement in the next Town Council meeting.

The Ombudsman accepted the explanation and apology provided by the Councillor and, whilst recognising that the intentional disregard of the Standards Committee by the Councillor was concerning, he was of the view that the Councillor's actions were of limited consequence and it was not in the public interest to pursue the matter further.

The Ombudsman's finding was that no action needed to be taken in respect of the matters investigated. However, the Councillor was advised that this matter would be taken into account if any future complaints of a similar nature were received.

**Torfaen County Borough Council – Promotion of equality and respect**  
**Case Number 201601551 – Report issued in June 2017**

The Ombudsman received a complaint that a member of Torfaen County Borough Council had breached the Code of Conduct by using inflammatory and disrespectful language on a public social media page. During the course of the investigation an election took place and the member concerned was not re-elected. The Ombudsman decided that it was not in the public interest to take further action on the matters which were investigated.

## Referred to Standards Committee

### Powys County Council - Integrity

#### Case Number 201504317 – Report issued in October 2016

Councillor X of Powys County Council referred himself to the Ombudsman on the advice of the Council's Monitoring Officer on the basis that he may have breached the members' Code of Conduct.

Councillor X, who manages a livestock farm, reported that he may have brought his office and the authority into disrepute when he was prosecuted by Powys County Council under the Cattle Identification (Wales) Regulations 2007 (for failing to maintain accurate cattle records) and the Animal By-Products (Wales) Regulations 2014 (for failing to promptly dispose of animal carcasses). Councillor X pleaded guilty to six charges and received a criminal conviction.

The Ombudsman obtained evidence from Powys County Council and Councillor X was formally interviewed. The Ombudsman found that there was evidence to suggest that Councillor X may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

On 13 March 2017, the Council's Standards Committee found that Councillor X had breached the members' Code of Conduct. He was suspended from being a Councillor for two weeks and it was recommended that he undertake additional training on the Council's Code of Conduct.

The decision of the Standards Committee can be found [here](#).

### Powys County Council – Integrity

#### Case Number 201504433 – Report issued in October 2016

Councillor Y of Powys County Council referred himself to the Ombudsman on the advice of the Council's Monitoring Officer on the basis that he may have breached the Code of Conduct.

Councillor Y, who manages a livestock farm, reported that he may have brought his office and the authority into disrepute when he was prosecuted by Powys County Council under the Cattle Identification (Wales) Regulations 2007 for failing to maintain accurate cattle records. Councillor Y pleaded guilty to eight charges and received a criminal conviction.

The Ombudsman obtained evidence from Powys County Council and Councillor Y was formally interviewed. The Ombudsman found that there was evidence to suggest that Councillor Y may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

On 15 March 2017, the Council's Standards Committee found that Councillor Y had breached the members' Code of Conduct. He was suspended from being a Councillor for four weeks and it was recommended that he undertake additional training on the Council's Code of Conduct.

The decision of the Standards Committee can be found [here](#).



## Referred to Adjudication Panel for Wales

Cardiff Council – Promotion of equality and respect

Case Number 201502858

The Ombudsman received a complaint from the Monitoring Officer of Cardiff Council (“the Council”) on behalf of a member of Cardiff Council. The Monitoring Officer said that another member of the Council (“the Councillor”) had brought the Council into disrepute by the manner in which he conducted himself following a court hearing at Cardiff Civil Justice Centre (“the Court”) on 23 July 2015. The investigation considered whether the Councillor had breached the Code of Conduct (“the Code”).

The focus of the investigation was on whether an alleged comment made by the Councillor regarding a Council restructure was directed towards a Council officer in a threatening manner. At interview, the Councillor accepted that he made the comment, but he said that the comment was directed towards his constituent whom he was representing at the Court hearing. He accepted that it was overheard by others.

The Ombudsman’s Director of Investigations decided to refer the investigation report to the President of the Adjudication Panel for Wales (“the Panel”) because the evidence gathered suggested that the Councillor did not show the Council officer respect and consideration in breach of the Code. He also considered that if the Panel was satisfied that the Councillor’s comment amounted to threatening behaviour towards the Council officer, his conduct was also suggestive of a breach of the Code.

The Panel decided that the Councillor had not brought either the office of Councillor or the Council into disrepute, as his conduct was not in a public area of the Court and was witnessed by only a few people. The Panel decided that the Councillor failed to show respect and consideration to the Council officer and did use bullying behaviour towards the Council officer.

The Panel concluded that the Councillor had breached the Code of Conduct and should be suspended as a member of the Council for a period of one month, or, if shorter, the remainder of his term of office.

The decision of the Adjudication Panel for Wales can be found [here](#).



## 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 [Lucy.John@ombudsman-wales.org.uk](mailto:Lucy.John@ombudsman-wales.org.uk) or sent to the following address:

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**DECISION REPORT**

**TRIBUNAL REFERENCE NUMBER:** APW/002/2016-017/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE  
CODE OF CONDUCT**

**RESPONDENT:** Councillor Neil McEvoy

**RELEVANT AUTHORITY:** Cardiff Council

**1. INTRODUCTION**

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 A hearing was held by the Case Tribunal at 10 am on 2 and 3 March 2017 at the Cardiff and Vale Magistrates Court. The hearing was open to the public.

1.3 Cllr McEvoy attended and was represented by Mr Mendus Edwards, Counsel.

**2. PRELIMINARY DOCUMENTS**

**2.1 Reference from the Public Services Ombudsman for Wales**

2.1.1 In a letter dated 9 November 2016, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Cllr McEvoy. The allegations were that Cllr McEvoy had breached Cardiff Council's Code of Conduct by way of his conduct towards a council official following a court hearing at the Cardiff Civil and Family Justice Centre on 23 July 2015. The Ombudsman's Director of Investigations made the reference as the evidence suggested Cllr McEvoy had failed to show respect and consideration to the official (paragraph 4(b) of the Code of Conduct), had conducted himself in a bullying manner to the official (paragraph 4(c) of the Code of Conduct), and had brought his office or the relevant authority into disrepute by such conduct (paragraph 6(1)(a) of the Code of Conduct).

2.1.2 The complaint had been made to the Ombudsman by the Monitoring Officer of Cardiff Council on behalf of Cllr Paul Mitchell. Cllr Mitchell also submitted a complaint form to the Ombudsman. At first, Cllr McEvoy's Counsel referred to the council officer as the complainant in the formal response to the

reference by the Ombudsman; by the final stages of the proceedings, Cllr Mitchell was described by Mr Mendus Edwards as the complainant. The entity who brought these proceedings to the Case Tribunal was the Ombudsman, whose staff attended the hearing and was legally represented.

2.1.3 On 23 July 2015, Cllr McEvoy attended the hearing of the second application to suspend a warrant for possession obtained by Cardiff Council as the “Mackenzie friend” of his constituent, Ms Amanda Williams. Cllr McEvoy had not attended the previous hearing. The hearing took place in the County Court at Cardiff (based in the Cardiff Civil and Family Justice Centre) before District Judge Morgan. The application was dismissed and Ms Williams was evicted later that day. Mrs Deborah Carter, Finance Team Manager, and Mr Dale Skinner, Welfare Liaison Officer, attended the hearing on behalf of the Council. Mrs Carter was the person who addressed the Judge on behalf of the Council.

2.1.4 Following the hearing, Ms Williams, Cllr McEvoy, Mrs Carter and Mr Skinner exited the courtroom and entered the secure corridor which led to the usher’s point and the public waiting area. It was accepted by all four persons that during the period of time they were in the secure corridor, Cllr McEvoy said “I can’t wait until May 2017 when the restructure of the Council happens”. What was disputed was whether the comment was directed at or meant to be overheard by Mrs Carter and was a threat against her continued employment by the Council, or whether it was part of a conversation between Cllr McEvoy and his constituent, overheard by the officers. It was also disputed as to how the words were uttered – were they spoken with “a degree of spite and anger”, or merely spoken as part of normal conversation?

## **2.2 The Councillor’s Written Response to the Reference**

2.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy responded to the report from the Ombudsman’s Director of Investigations. He made a number of allegations regarding the Ombudsman and his Director of Investigations. It was alleged that the investigation was motivated by politics and that the complaint included elements which had previously been dismissed by the Investigating Officer. Mr Mendus Edwards said the Ombudsman had previously been in business with a person who was a member of the Labour party (and now an Assembly Member) and had asked a member of Plaid Cymru to persuade Cllr McEvoy to co-operate with the investigation.

2.2.2 Mr Mendus Edwards alleged that the Director of Investigations was biased due to his previous employment in the Highways Department of Cardiff Council and in the Finance Department of South Glamorgan Council. It was also alleged that Cllr Mitchell was obsessed with damaging Cllr McEvoy’s political career and the Labour party felt similarly. Mr Mendus Edwards asked the Case Tribunal to investigate the Ombudsman and his staff, and to hear from witnesses about the conspiracy against Cllr McEvoy.

2.2.2 Matters commented on by Mr Mendus Edwards referred to by paragraph numbers of the Ombudsman’s report:



- a) **Paragraph 38** – it was accepted that Cllr McEvoy did say the words “I can’t wait until May 2017 when the restructure of the Council happens”.
- b) **Paragraph 54** – it was denied that the words were directed at Mrs Carter; Cllr McEvoy’s position was that the words were addressed to Ms Williams. He accepted that it was possible that his words were overheard by Mrs Carter, but they were part of a personal conversation with a constituent. Cllr McEvoy also said the words were a reference to a political policy of Plaid Cymru, and denied that they were a threat to Mrs Carter.

### **2.3 The Ombudsman’s Written Representations**

2.3.1 In a letter dated 15 January 2017, Mr Hughes of Counsel made further representations on behalf of the Ombudsman. He noted the acceptance of the words said by Cllr McEvoy and commented that the proceedings would centre on whether the words were directed at Mrs Carter, what the words meant, and what was intended by those words when uttered. He denied that the proceedings were an abuse of process and noted the lack of any legal or factual basis for the arguments raised in the response on this subject.

### **2.4 Listing Direction**

2.4.1 The members of the Case Tribunal considered the above arguments and on 27 January 2017 issued its listing direction. In summary, the Case Tribunal determined that a pre-hearing review would not facilitate its final adjudication. It noted that it had no power to dismiss a reference from the Ombudsman once made; it pointed out that if a party wished to challenge a decision made by a public body, it was open to that party to seek a judicial review from the High Court.

2.4.2 The Case Tribunal went on to note that the reference was about what happened in a court corridor on 23 July 2015. It was not persuaded that hearing evidence of an alleged conspiracy against Cllr McEvoy and from witnesses who were not present during the event would assist its adjudication. It decided that it would only hear from witnesses who were present and would limit its adjudication to the issues which it was required to determine.

### **2.5 Applications prior to the hearing**

2.5.1 On 8 December 2016, Cllr McEvoy asked for an extension of time to submit his response to the report of the Ombudsman. He said that the future of the City of Cardiff was at stake. The President of the Adjudication Panel for Wales refused the application as all that was required was for Cllr McEvoy to set out his position. On 9 December 2016, Cllr McEvoy made allegations against the Ombudsman’s Director of Investigations and made other observations. The President notified him that these were points best dealt within his response.



2.5.2 On 18 December 2016, Cllr McEvoy required the President to investigate and obtain on his behalf full disclosure of the Ombudsman's emails in relation to his case. On 19 December 2016, the President declined on the basis that it was not her role to investigate the Ombudsman, and pointed out that the Case Tribunal would consider relevant evidence submitted by the parties and could request further evidence if it decided that it was required to fairly determine the proceedings. Cllr McEvoy asked the President to reconsider without success. On 9 January 2017, he again asked the President to order full disclosure of the Ombudsman's emails; the President reiterated her previous decision on 12 January 2017. It was a matter for the Case Tribunal as to what evidence it wished to consider, but it would consider relevant evidence submitted by the parties.

2.5.3 On 16 February 2017, eight applications were received from Mr Mendus Edwards on behalf of Cllr McEvoy. They were dealt with on the basis of the written representations from Mr Mendus Edwards by the Case Tribunal due to the short period of time until the public hearing was listed to take place, with the exception of three applications regarding the listing direction which were dealt with at the outset of the public hearing. The Case Tribunal dismissed the other five applications which sought a postponement of the public hearing, alleged the members of the Case Tribunal were biased against Cllr McEvoy on the basis of their gender, sought a permanent stay of the proceedings on the grounds the proceedings were an abuse of process, applied again for witnesses to give evidence about the wider political conspiracy against Cllr McEvoy, and for a preliminary hearing to take place. The decision of the Case Tribunal dated 21 February 2017 set out why these applications were dismissed.

## **2.6 Applications dealt with during the public hearing**

2.6.1 A number of applications required consideration by the Case Tribunal during the hearing. Three applications were considered at the outset of the hearing regarding amendments to the listing direction after Mr Mendus Edwards confirmed the applications were not withdrawn:

2.6.1.1 Mr Mendus Edwards sought an additional undisputed fact to be added to the Annex to the listing direction, namely that Mrs Carter (i) is a Finance Team Manager and (ii) has 25-27 years' experience and (iii) had conduct of Court proceedings in serious matters. Mr Hughes on behalf of the Ombudsman submitted that these appeared to be relevant disputed facts. Mr Mendus Edwards did not object, and made the point that either way the relevant facts would need to be determined. The Case Tribunal decided to add 2.5 to the Annex – "Was Mrs Carter as at the 23 July 2015 (i) a Finance Team manager; (ii) had 25-27 years' experience, and (iii) had conduct of court proceedings in serious matters?"

2.6.1.2 Mr Mendus Edwards sought redrafting of relevant disputed fact 2.3. He thought that "lack of respect and consideration" should be mentioned and references made to whether or not there had been a breach of the Code of Conduct. The Case Tribunal observed that it was not its standard



practice to include issues for the second stage of its proceedings in the factual matrix. Mr Hughes concurred. The Case Tribunal proposed that the issue could be resolved by simply adding a reference to “lack of respect and consideration” to point 2.3. Neither party objected. Accordingly, the Case Tribunal determined to amend 2.3 of the Annex – “Were the words used in a manner which could reasonably be interpreted as bullying and/or harassment and/or showing a lack of respect and/or consideration?”

2.6.1.3 Mr Mendus Edwards objected to use of the word “loudly” in paragraph 4.5(iii) of the listing direction. Mr Hughes submitted that how the words were said was a matter for the Case Tribunal to determine. The Case Tribunal noted the deletion of the word “loudly” would not prevent it finding facts about how the words were uttered. Neither party disagreed. The Case Tribunal deleted the word “loudly” from paragraph 4.5 (iii) of the listing direction.

2.6.2 Mr Mendus Edwards applied for the late submission of evidence from Cllr McEvoy during his cross examination of Mrs Carter in the morning of 2 March 2017. This evidence consisted of five budget proposals for the years 2013 to 2018 by the Plaid Cymru group for Cardiff Council (drafted by Cllr McEvoy) and the response to a freedom of information request to Cardiff Council made on 21 December 2016. After an adjournment to enable Mr Hughes to review the documentation, no objection was made to the inclusion of the bundle, marked “R1”.

2.6.3 Mr Mendus Edwards, following lunch on 2 March 2017, applied for the hearing to be moved to a larger room or a video link arranged so those members of the public not able to enter the hearing could still watch the proceedings. The Case Tribunal pointed out that it was the guest of Her Majesty’s Court and Tribunals Service and therefore it could not require a larger room to be provided. It did not believe that there was a larger room available within the building and the President had previously concluded that the Cardiff Civil and Family Justice Centre was not an appropriate venue given the circumstances of this case. The Case Tribunal noted that the room was of a reasonable size and larger than many tribunal rooms. The press had been afforded priority in order to ensure the proceedings could be reported to the wider public. The Case Tribunal had of its own volition ordered live tweeting by accredited journalists to be permitted and had allowed additional members of the public to be present and standing to hear the opening of the proceedings and understand the background. Regrettably, the Case Tribunal had by this point in the proceedings had to issue a number of warnings to the members of the public in attendance regarding their behaviour during the hearing; additional security and the police had been summoned as a result. It considered that it was not required to arrange a video link in the circumstances. The Case Tribunal did not have its own resources to arrange such a video link, and concluded it had taken sufficient steps to enable public access without unduly adjourning the hearing to another date, which in all likelihood would cause an adjournment of some months’ duration.

2.6.4 Mr Mendus Edwards, following the Case Tribunal’s decision on 3 March 2017 that Cllr McEvoy had breached two elements of the Code of Conduct,

applied for the proceedings to be permanently stayed on the basis that they were an abuse of process. He accepted in essence this was the same application as made on 16 February 2017, but with the difference that the Case Tribunal had now found facts and that there was an underlying case to be considered. Mr Mendus Edwards reminded the Case Tribunal of the case of *JSC BTA Bank v Ablyazov* [2011] EWHC 1136, a decision of the High Court. He submitted that despite the existence of an underlying case in these proceedings, a permanent stay should be put in place due to the political reasons behind a “manufactured complaint”.

2.6.5 Mr Hughes objected to the application and pointed out that the Case Tribunal had already considered the conspiracy arguments put to Mrs Carter and Mr Skinner by Mr Mendus Edwards, and had rejected those arguments. He submitted the *JSC* case was a civil case and about one party using the litigation process to gain a collateral advantage. Mr Hughes said it was akin to the situation when a party uses insolvency proceedings in order to stop litigation. He noted this case, which was about public law and the Code of Conduct for councillors, had been brought by a statutory independent body (the Ombudsman) to another statutory independent body (the Adjudication Panel for Wales).

2.6.6 Mr Mendus Edwards responded with an allegation that Wales was a “one party state”, and both the Ombudsman and the members of the Case Tribunal were appointed by members of the Labour party. Mr Hughes submitted if Mr Mendus Edwards was correct, the entire system in Wales was unworkable. He reminded the Case Tribunal of its findings of fact and its view of Cllr McEvoy’s evidence.

2.6.7 The Case Tribunal determined not to impose a permanent stay of proceedings. It noted that *JSC* case was not binding upon it, though persuasive, and emanated from a very different set of facts than those in the current proceedings. It pointed out that in its listing direction and subsequent decisions it had made it plain that if a party wished to challenge the actions of a public body, an application for judicial review to the High Court would be required. As at the date of the hearing, no such application had, to the Tribunal’s knowledge, been made.

2.6.8 The Case Tribunal considered that the responses under cross examination of Mrs Carter and Mr Skinner showed that they had no knowledge of Cllr Mitchell. Mrs Carter had explained she had reported to a more senior manager, Jane Thomas, about what had happened on 23 July 2015 on her return to the office, and that manager had taken the matter forward. Mrs Carter stated that she thought the manager’s response was an appropriate means to deal with the concerns she had reported. There was no evidence that Mrs Carter or Mr Skinner had any involvement in any conspiracy against Cllr McEvoy. The Ombudsman’s staff had investigated and interviewed a number of witnesses regarding the events of 23 July 2015. The Tribunal had heard from all the witnesses to the incident. The Case Tribunal did not accept that there was a collateral purpose on the part of Mrs Carter, Mr Skinner or the independent Ombudsman in bringing these proceedings to an independent



tribunal designed to consider potential breaches of the Code of Conduct. It had, as Mr Mendus Edwards accepted, found facts and breaches which constituted an underlying case which required resolution.

2.6.9 The Case Tribunal also concluded that it was appropriate to consider Mr Mendus Edwards' application as a new bias argument, particularly as during the announcement of the findings of fact Cllr McEvoy had asserted that the panel had been appointed by the Labour party. The Case Tribunal explained that all the members of the Adjudication Panel for Wales had been selected on the grounds of merit by the Judicial Appointments Commission. The Commission had recommended the members for appointment to the First Minister for Wales, who was a member of the Labour party. The same process is used for the appointment of members of the judiciary, albeit the identity of the appointor changes from time to time (in the past, the Lord Chancellor was the appointor even after the role ceased to be held by a member of the judiciary; currently the Lord Chief Justice appoints new members of the judiciary). It is notable that judges appointed by Conservative or Labour Lord Chancellors are able to hear cases involving those parties. There is no scope in the process to select members on the basis of their political allegiance; in any event, no member of the Case Tribunal in this case was a member of any political party.

2.6.10 The Case Tribunal confirmed that it did not have any actual bias against Cllr McEvoy or members of Plaid Cymru. It applied again the test for apparent bias as outlined in the case of *Porter v Magill* [2002] AC 357 and judged that a fair-minded and informed observer, a person who would have knowledge of the appointments process, would not conclude that there was a real possibility the tribunal was biased because the First Minister was a member of the Labour party.

### **3. ORAL SUBMISSIONS**

3.1. The Case Tribunal considered the contents of the hearing bundle and R1, and heard oral evidence and submissions as follows:

#### Public Services Ombudsman for Wales - submissions

3.2 Mr Hughes presented the report of the Ombudsman's Director for Investigations into this matter. The background set out was as outlined in paragraphs 2.1.3 and 2.1.4 above. Mr Hughes alleged that Cllr McEvoy had not been co-operative with the investigation, though he had eventually attended an interview with the Investigating Officer. He accepted that the witnesses (Tenant, Cashmore and Williams) who had not directly observed the encounter between Cllr McEvoy and Mrs Carter was not the strongest evidence, but he asserted that all three of these witnesses agreed that Mrs Carter had been upset following that encounter. Mr Hughes submitted Cllr McEvoy's words were meant in exactly the way they were interpreted – that if Plaid Cymru controlled the council from May 2017, there would be restructuring and Mrs Carter may find her job at risk as a result. He submitted that during his oral evidence Cllr McEvoy stated that only the ruling party had influence and that officers could

not be removed easily except through restructuring. Mr Hughes said those were exactly the circumstances Cllr McEvoy described in the words he used.

### Cllr McEvoy's submissions

3.3 Mr Mendus Edwards on behalf of Cllr McEvoy submitted that Mrs Carter did not complain about his client's behaviour and the Ombudsman was scraping the bottom of the barrel. He said Cllr McEvoy was an experienced politician who made waves and was the subject of a sustained conspiracy by members of the Labour party. Mr Mendus Edwards accepted Mr Skinner was not a deceitful witness, but in essence politics in Wales could be compared to a number of films, such as *On the Waterfront*. He disputed that the words were directed at Mrs Carter, and said that they were not bullying or harassment, which required repetition. Mr Mendus Edwards said Mrs Carter was not a "snowflake" and could not be sacked by Cllr McEvoy. He also submitted that the words were a reference to a Plaid Cymru policy and said to reassure Ms Williams. Mr Mendus Edwards said Jane Thomas, an assistant director, was behind these proceedings and Mrs Carter had misled the court in 2015 and was not a credible witness.

### Mrs Deborah Carter

3.4 Mrs Carter's evidence was that following a contentious hearing, she left the courtroom with Mr Skinner, behind Ms Williams and Cllr McEvoy. Mrs Carter saw Cllr McEvoy take a photo of the nameplate on the courtroom door, while Ms Williams went on ahead. Cllr McEvoy then caught up with Ms Williams. When all the parties were in the straight section of the secure corridor before reaching the usher's point, Mrs Carter said she asked Ms Williams if she needed transport to get back to her property, and Cllr McEvoy in a tight-lipped manner said that he was taking his constituent home. Her evidence was that Cllr McEvoy went on to say the eviction should not go ahead that day as it might be a "flashpoint".

3.5 Mrs Carter said Cllr McEvoy and Ms Williams then continued down the corridor; the Cllr then turned to Mrs Carter and said with a "degree of spite and anger" that "I can't wait until May 2017 when the restructure of the Council happens". Mrs Carter's evidence was that she perceived this to be a threat against her job and was upset. She did not respond and continued with her duties.

3.6 Mrs Carter then said she reported the taking of the photo to the court authorities, returned to her office and as her line manager was out, reported both what happened in the hearing and afterwards to the next senior person Jane Thomas, an assistant director. She made two factual statements on 23 July 2015 (one handwritten and one typed), and responded to emails asking for more details about her interpretation of the words on 24 and 27 July 2015. Mrs Carter confirmed she later gave a witness statement to the Ombudsman, which included answers to questions his staff had asked her.



3.7 Under cross-examination, Mrs Carter confirmed she did not know Cllr Mitchell, and did not know exactly who Cllr McEvoy was (former deputy leader of the Council) when she attended the hearing. She also said councillors usually raise issues with directors or the chief executive, not with staff of her level. She agreed her employment was protected due to her length of service (about 35 years) and the need to follow due process; Mrs Carter did however make the point that Cardiff Council was member-led and she viewed councillors as being her employers. She found such comments from an employer distressing. Mrs Carter did accept once shown the Plaid Cymru group's shadow budgets that her role was not of such seniority that it would be affected by that restructuring process. She also accepted that she was a robust person undertaking a difficult job and that she had not made a formal complaint – Mrs Carter said she had reported the incident to a more senior manager, who in her view had taken the correct action to take the matter further.

3.8 Mrs Carter denied misleading the court during the hearing. She said she told the District Judge that the arrears were one of the highest in Cardiff and commented that transcripts were not always perfect. Mrs Carter also confirmed that there was a beneficial transfer scheme to avoid evictions and on the two occasions she had needed the scheme, it had worked.

#### Mr Dale Skinner

3.9 Mr Skinner said following the court hearing, he and Mrs Carter exited the courtroom behind Cllr McEvoy. Ms Williams was in front of the Cllr. He saw Cllr McEvoy take a photo of the nameplate on the courtroom door and catch up with Ms Williams in the corridor. Mr Skinner stated that in the straight section of the secure corridor leading to the usher's point, Cllr McEvoy said that there may be a flashpoint at the property if the eviction went ahead. Mrs Carter asked Ms Williams if she needed transport home. Cllr McEvoy responded brusquely that he would take Ms Williams back to the property. Mr Skinner described Cllr McEvoy as "emotional".

3.10 Mr Skinner said as everyone moved down the corridor, Cllr McEvoy then directed the words to Mrs Carter "I can't wait until May 2017 when the restructure of the Council happens". He thought that this was a direct threat against Mrs Carter's job caused by Cllr McEvoy's frustration, though Mr Skinner observed the words seemed to have been said in the heat of the moment. He doubted if Cllr McEvoy really could threaten Mrs Carter's job, but said he would have been concerned if his employer had said that to him.

3.11 Mr Skinner said Mrs Carter did not respond, but was clearly upset. He described Mrs Carter as "hard", and usually able to respond to comments made to her, but said her voice was quavering as she spoke to people on the phone about the eviction. Mr Skinner confirmed that he did not know Cllr Mitchell and that councillors generally raised issues with senior staff.

#### Cllr Neil McEvoy

3.12 Cllr McEvoy confirmed that he had taken a photo of the nameplate of the courtroom room so he could remember the name of the District Judge involved in the hearing. He explained that he believed Mrs Carter had lied and misled the court during the hearing, particularly in relation to two points – a) whether his constituent had the highest amount of arrears in Cardiff at the time, and b) whether she had recently been offered a property and could be moved to a smaller property to avoid homelessness. He believed Mrs Carter reported his conduct in order to deflect from her lies, and he had chosen not to complain about her due to the pressure of his other work.

3.13 Cllr McEvoy under questioning from the Case Tribunal said after he had taken the photo, he caught up with Ms Williams, his constituent. He was very concerned about her, particularly as she told him while he was taking the photo, she'd had an altercation with a security guard and swore at him. Cllr McEvoy said that there was a brief conversation with the two council officers about transport and his concern that the eviction site would be a flashpoint for violence. He agreed that he was tight-lipped as he was frustrated with himself for letting his constituent down.

3.14 Cllr McEvoy said he then stopped in the corridor and held Ms Williams' arms to reason with her. He thought this might have been near the usher's point, but explained his focus was not on location, but on his constituent. His evidence was that Ms Williams was threatening to punch Mrs Carter or a security guard on the basis she would have a bed for the night. Cllr McEvoy said he told her to think about her 17 year old daughter who needed her, which seemed to calm Ms Williams down. He stated she then appeared to disassociate herself from the situation and asked about how to stop this happening to anyone else. Cllr McEvoy said he told her Plaid Cymru would not allow this kind of situation to happen and "I can't wait until May 2017 when the restructure of the Council happens". He was adamant that he was looking at Ms Williams when he said these words. Cllr McEvoy then said he left the building with Ms Williams without further incident.

3.15 Cllr McEvoy also explained that he had drafted the Plaid Cymru group's shadow budget proposals, including the one covering July 2015. He said that a £1m could be saved if the role of assistant director was deleted and senior staff salaries reduced. He confirmed these proposals did not cover staff at the rank held by Mrs Carter, though restructuring generally did mean job losses. Cllr McEvoy confirmed that he normally raised issues with directors and the chief executive, and noted that as his party was not currently controlling Cardiff Council, he was usually ignored until his election as an assembly member in 2016. He denied that councillors could in reality threaten a council official's job. When asked if councillors could ever get people sacked, Cllr McEvoy said that they could only do so through restructures.

#### Ms Amanda Williams

3.16 Ms Williams in her oral evidence said that the two council officers who attended the hearing were both women. She denied that any council officers were in the secure corridor after the hearing and alleged that they stayed



behind to chat to the Judge. Ms Williams said Cllr McEvoy took a photo of the door of the courtroom while she had an altercation with a security guard and swore at him. Her evidence was that Cllr McEvoy then tried to calm her down as she was angry at the council officers. Ms Williams said Cllr McEvoy took her down the stairs and straight out of the building.

3.17 In her witness statement, Ms Williams said Cllr McEvoy said “I can’t wait until May 2017 when the restructure of the Council happens” to her; under cross examination she said he mentioned restructuring to her.

#### The Case Tribunal’s assessment of the witnesses

3.18 The Case Tribunal found Mrs Carter to be a reliable and credible witness. Having considered the judgment of District Judge Morgan, it was evident the application to suspend the warrant of possession failed due to the amount of arrears and the history of non-payment. Nothing was said by the learned judge in his decision about the two points where Cllr McEvoy and Ms Williams alleged Mrs Carter was lying. That of course does not mean any possible misleading of the court would not be serious, but does mean Mrs Carter understood the basis for the judge’s decision to be simply the amount of arrears. The issue of whether they were the highest or one of the highest arrears in the city was irrelevant as a matter of law. Mrs Carter’s evidence under oath was that she did not know Cllr Mitchell and was effectively not part of the conspiracy alleged by Cllr McEvoy throughout the course of these proceedings. The Case Tribunal accepted that evidence and found no evidence existed that supported the argument Mrs Carter was seeking to “get her retaliation in first” or was part of any conspiracy.

3.19 Mrs Carter explained clearly why she reported the incident to the assistant director and was satisfied that action was then taken. The Case Tribunal found Mrs Carter made a number of concessions in her evidence and was a honest witness. It noted the failure of Mr Mendus Edwards to put the account of Cllr McEvoy to her – she was not asked whether she heard the alleged altercation between Ms Williams and the security guard, and she was not asked whether Cllr McEvoy stopped in the corridor and was holding Ms Williams’ arms. Mrs Carter’s evidence has been consistent since 23 July 2015; the only additional information has come from questioning by managers and the statement takers. Even as early as 27 July 2015, Mrs Carter confirmed her interpretation of the words and how they were delivered.

3.20 Mr Skinner was similarly not asked under cross-examination about Cllr McEvoy’s account. His version of the incident has also remained consistent, and the Case Tribunal noted Mr Skinner’s scepticism about whether Cllr McEvoy could really threaten Mrs Carter’s job. Mr Skinner explained clearly why he believed Mrs Carter was being threatened, but not him – his evidence was Cllr McEvoy looked at Mrs Carter when he said “I can’t wait until May 2017 when the restructure of the Council happens” and said those words in a manner which showed it was a threat. Both Mr Skinner and Mrs Carter explained that councillors were viewed by them as their employers. The Case Tribunal found Mr Skinner to be a reliable and honest witness.

3.21 Cllr McEvoy's evidence in stark contrast to Mrs Carter and Mr Skinner was evasive and unclear at critical moments. He was unwilling to answer the questions which he was asked, as opposed to the questions he wished he'd been asked. It was not until the Case Tribunal asked questions that Cllr McEvoy tried to explain exactly what happened in the corridor. His formal response to the Ombudsman's Director of Investigation's report did not contain many of the points made by Cllr McEvoy in his oral evidence. The Case Tribunal found the account given by Cllr McEvoy unclear at times. It did not find his account credible – it did not accept that there was time for the lengthy conversation alleged by Cllr McEvoy to have taken place in the corridor while people were walking to the usher's point. His account was not put to the council officers.

3.22 The Case Tribunal appreciated that for Ms Williams, the most important part of that day's event was not what happened in the corridor following the eviction hearing. It was not able to place a great deal of weight on her account. Ms Williams' repeated denials that any council officials were in the corridor when everyone agreed that they were, and her confusion over the gender of one of the officers, meant her account in the judgement of the Case Tribunal could not be relied upon in its entirety. She accepted the word "restructure" was used, but said it was used to her as there was no-one else in the corridor. Ms Williams did not mention Cllr McEvoy holding her arms.

3.23 Fundamentally, this was a case where the panel has to decide whose evidence to prefer. There were two witnesses asserting the words were directed to Mrs Carter, and two witnesses who say otherwise. The Case Tribunal preferred the evidence of Mrs Carter and Mr Skinner for the reasons given above.

3.24 The Case Tribunal also noted the surrounding evidence from observers who did not hear what was said. While it could place little weight on those accounts as their contents conflicted sharply with the accounts of those who heard the words of Cllr McEvoy, the statements of Mr Tenant, Ms Cashmore and Mr Williams and the reports they made at the time confirmed something happened in the corridor. The panel concluded those reports confirmed Mrs Carter was upset, and it was noteworthy Mrs Carter was known to those staff members before due to her 18-20 years' experience of attending eviction hearings. These were people likely to notice an unusual change of attitude by Mrs Carter, particularly as she and Mr Skinner had to stay and make statements regarding the photo taken by Cllr McEvoy on court premises.

#### **4. FINDINGS OF FACT**

4.1 The Case Tribunal found the following **undisputed** material facts:

4.1.1 At the relevant time Cllr McEvoy was a member of Cardiff Council;

4.1.2 On the 8 May 2012 Cllr McEvoy signed a declaration to confirm that he agreed to observe the Code of Conduct of Cardiff Council;



4.1.3 On 23 July 2015, Cllr McEvoy attended Cardiff Civil and Family Justice Centre in order to speak on behalf of his constituent Ms Amanda Williams;

4.1.4 Ms Williams' application to suspend the warrant for possession obtained by Cardiff Council in the Cardiff County Court was unsuccessful;

4.1.5 Following the hearing, Cllr McEvoy was outside the courtroom, where Ms Williams, Mrs Carter and other persons were present;

4.1.6 Cllr McEvoy said "I can't wait until May 2017 when the restructure of the Council happens".

4.2 The Case Tribunal found the following **disputed** material facts:

4.2.1 The words of Cllr McEvoy were directed at Mrs Carter;

4.2.2 Cllr McEvoy intended by the use of the words to upset Mrs Carter and make her feel her job could be at risk if Plaid Cymru controlled Cardiff Council from May 2017;

4.2.3 The words were using in a manner which could reasonably be interpreted as bullying, showing a lack of respect and showing a lack of consideration;

4.2.4 The words were not a political expression;

4.2.5 Mrs Carter was a finance team manager with 18-20 years' experience of attending eviction hearings.

4.3 The Case Tribunal found the following in respect of the disputed facts:

4.3.1 The panel preferred the evidence of Mrs Carter and Mr Skinner and found that Cllr McEvoy turned to look at Mrs Carter when he said "I can't wait until May 2017 when the restructure of the Council happens". Both believed the comment to be addressed to Mrs Carter alone, and the panel accepts that evidence. It did not accept that Cllr McEvoy uttered the words as part of a lengthy conversation while he held the arms of Ms Williams.

4.3.2 The panel having found that the words were directed at Mrs Carter reflected on the evidence that it had heard, particularly that all parties in the corridor agreed that Cllr McEvoy was frustrated and unhappy about the outcome of the court hearing. The Case Tribunal found Cllr McEvoy's intention when uttering the words was not to reassure Ms Williams. It made little sense how a policy to cut jobs in two years' time could reassure a person about to lose their home that day. The Case Tribunal found Cllr McEvoy wanted to show the power he could hold in the future to Mrs Carter and Ms Williams, and was annoyed with Mrs Carter. The point that he was making was in the future he could do something if in power; by his own admission, restructuring meant job losses. The Case Tribunal judged that Cllr McEvoy wanted Mrs Carter to be

upset and to sow the seed that her job in the future could be at risk if his party was in control of the council.

4.3.3 The panel referred to the decision of Mr Justice Hickinbottom sitting in the High Court in the case of *Heesom v Public Service Ombudsman for Wales* [2014] EWHC 1504 (Admin), and in particular paragraph 42:

*“Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation, it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration.”*

The Case Tribunal also noted the observation in paragraph 85 of the same judgement that *“there is a mutual bond of trust and confidence between councillors and their officers. Indeed, local government in this country could not sensibly function without it.”* Between councillors and council officers, there is a quasi-employment relationship.

Mrs Carter was performing her job, one which at times is difficult and unpleasant. Cllr McEvoy objected to the action that the council had taken, and expressed his frustration to Mrs Carter in a manner perceived as intimidating by both Mrs Carter and Mr Skinner.

The Case Tribunal considered that the words themselves could mean a number of things. The key to unlocking their meaning was the tone and context of their delivery by Cllr McEvoy to Mrs Carter. It accepted the evidence of both Mrs Carter and Mr Skinner that the tone was consistent with a threat; Mrs Carter described the words as being delivered with “a degree of spite and anger”.

The incident was a one-off event, but one which clearly upset Mrs Carter according to both her evidence and that of several other independent witnesses. While bullying often involves repetition, it can occur in a single incident too by a more powerful individual to a weaker one. Bullying attempts to undermine the victim, and is detrimental to their confidence and capability. The guidance from the Ombudsman to councillors, and the case law from the employment tribunal field, confirms this. The view of the victim must be considered, but an objective view is also required. Mrs Carter believed she had been threatened, but strikingly Mr Skinner also perceived Cllr McEvoy’s words as a threat to Mrs Carter. The Case Tribunal reached the same conclusion. The tone used by Cllr McEvoy, the directing of the words to Mrs Carter, and the knowledge that restructuring usually meant job losses combined to make it clear to Mrs Carter and objective observers that her job in the future may be at risk if Plaid Cymru controlled the council from May 2017. The words were not a plain statement of a party’s political policy.



The panel noted that there was a significant power differential between Mrs Carter, who was of a rank considerably more junior than a director, and Cllr McEvoy, a quasi employer of Mrs Carter. Cllr McEvoy had channels to complain about Mrs Carter, but chose not to use them. The incident occurred in a court corridor and it would have been very difficult for Mrs Carter to defend herself in the circumstances; indeed she did not do so. In a quasi employer-employee situation, such words implying a further threat to Mrs Carter's job uttered in the manner found was bullying behaviour in the judgment of the Case Tribunal. Cllr McEvoy was more powerful than Mrs Carter and he intended to affect her confidence and undermine her performance of her duties. It was axiomatic that bullying behaviour in itself constitutes behaviour that showed a lack of respect and consideration to Mrs Carter. The panel was however not persuaded that this conduct was harassment as it was a one-off incident.

4.3.4 The Case Tribunal concluded that the words "I can't wait until May 2017 when the restructure of the Council happens" was not a political expression. Given its finding that the words were addressed to Mrs Carter with the intention to upset her and cause her to fear for her job in the future, the panel could not accept Cllr McEvoy was expressing a political view. No policy argument was being made to a council officer; there was no public meeting taking place in the corridor. The words at their highest could be viewed as a reference to a policy drafted by Cllr McEvoy, but were not a political expression in themselves.

4.3.5 The Case Tribunal had no difficulty in finding Mrs Carter was a finance team manager. Mrs Carter's evidence was that she had employed by Cardiff Council or its predecessor authority for 35 years. Of more relevance in the panel's view was her evidence that she had been attending eviction hearings for 18-20 years, which it accepted.

## **5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT**

### **5.1 The Ombudsman's Submissions**

5.1.1 It was contended by Mr Hughes that the Case Tribunal, as set out in the *Heesom* case, had to carry out a balancing act between Cllr McEvoy's freedom of expression and unwarranted attacks on council officers. He suggested Incident 1 in the *Heesom* case, where a statement in a public meeting about job losses directed at two senior council officers was found to be a breach of the relevant Code of Conduct, was similar to this case. Mr Hughes submitted that in light of the Case Tribunal's findings of fact, the allegation that Cllr McEvoy had bullied Mrs Carter and failed to show her respect and consideration was made out. He said whether the office of councillor or Cardiff Council had been brought into disrepute was a matter for the Case Tribunal.

### **5.2 The Respondent's Submissions**

5.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy reminded the Case Tribunal that the incident on 23 July 2015 was temporary, and not followed up

by Cllr McEvoy. It followed a tense court hearing. Mr Mendus Edwards also noted the panel had yet to analyse in detail the seniority of Mrs Carter, and it was time to do so. He said the more senior Mrs Carter was, the more it mitigated the seriousness of what had happened. He again submitted that bullying required repetition. Mr Mendus Edwards said the incident was at the lower end of the scale of seriousness and Cardiff Council brought itself into disrepute. He accepted the conduct found may constitute a failure to show respect and consideration, but not bullying.

### **5.3 Case Tribunal's Decision**

5.3.1 On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure to comply with the Cardiff Council's Code of Conduct as follows:

5.3.2 Paragraph 4(b) of the code of conduct states that [You must] show respect and consideration for others.

5.3.3 The Case Tribunal found that Cllr McEvoy failed to show respect or consideration to Mrs Carter – his conduct was intended to upset her and cause her to fear for her job in the future. The panel considered Cllr McEvoy's right to freedom of expression did not outweigh Mrs Carter's right not to be subject to unwarranted comments or the public interest in council officers being able to carry out their duties. The panel's analysis for convenience's sake is set out in paragraph 5.3.7 below but the balancing exercise was carried out separately for each alleged breach of the Code of Conduct. For both this alleged breach and the next, the Case Tribunal applied the three stage approach recommended by Mr Justice Wilkie in the case of *Sanders v Kingston (No 1)* [2005] EWHC 1145. The Case Tribunal concluded that it was justified to restrict Cllr McEvoy's freedom of expression.

5.3.4 Paragraph 4(c) of the code of conduct states that [You must] not use bullying behaviour or harass any person.

5.3.5 The Case Tribunal found that Cllr McEvoy did not harass Mrs Carter, but did use bullying behaviour towards her. It reflected on its earlier findings. The panel noted Mrs Carter managed a team of 10-12 people and half an administrative assistant (shared with another team) in an organisation with thousands of employees. Her role as finance team manager was two rungs below the rank of assistant director. Mrs Carter was not a junior member of staff, but was in the view of the Case Tribunal at the most at the level of middle management. Cllr McEvoy in contrast was an elected councillor and Mrs Carter's quasi-employer. There was a clear power differential between them.

5.3.6 It was a one-off incident which occurred in the heat of the moment following a difficult court hearing. Cllr McEvoy made no attempt to contact Mrs Carter following the incident. On the other hand, it occurred in a court corridor and in front of another council officer and a member of the public. As the *Heesom* case reminded the Case Tribunal, Mrs Carter was performing her duties and Cllr McEvoy's words were found to have been an unwarranted



comment made while Mrs Carter was carrying out her job. Mrs Carter had a private interest in not being subjected to such comments by a councillor and the words were not a political expression which attracted enhanced protection under Article 10 of the European Convention of Human Rights.

5.3.7 Mrs Carter's personal robustness is not the test adopted by the senior courts when weighing a councillor's general right to freedom of expression (for non-political expressions); the senior courts have made it clear that senior council officers, such as directors or chief executives, should be robust in their dealings with councillors and tolerate a level of expression which might otherwise be unacceptable in order to ensure elected representatives can fully exercise their Article 10 rights. Mrs Carter was not in such a senior role. She was a role significantly more junior to Cllr McEvoy's, performing her duties. Cllr McEvoy disagreed with the council's decision and made that clear in the court hearing, which was entirely appropriate. His conduct outside the court hearing however was not appropriate and was bullying; the Case Tribunal also thought its conclusions set out in paragraph 4.3.3 above were of relevance here. The Case Tribunal found that Mrs Carter's private interest as a quasi-employee combined with the public interest to ensure her ability to perform her role was not undermined outweighed Cllr McEvoy's freedom of expression, particularly given the intent behind his words found by the panel. It was justified to make the finding that Cllr McEvoy had conducted himself in a bullying manner towards Mrs Carter.

5.3.8 Paragraph 6.1(a) of the code of conduct states that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5.3.5 The Case Tribunal found that Cllr McEvoy had not brought either the office of councillor or Cardiff Council into disrepute. The incident was a one-off event in a court corridor, as opposed to a public waiting area, and witnessed by only a few persons. The words were uttered in the heat of the moment and following a difficult eviction hearing. While the conduct of Cllr McEvoy was far from ideal, the Case Tribunal concluded that it did not in itself bring either the office of councillor or Cardiff Council into disrepute.

## **6. SUBMISSIONS ON ACTION TO BE TAKEN**

### **6.1 The Ombudsman's submissions**

6.1.1 Mr Hughes on behalf of the Ombudsman contended the Case Tribunal should consider both mitigating and aggravating factors. He pointed out its earlier finding that the incident occurred in the heat of the moment in a stressful situation and was a one-off. However, Mr Hughes also submitted that Cllr McEvoy refused to acknowledge the impropriety of his behaviour or that he had made an error. There was no evidence of any insight, and Mr Hughes said Cllr McEvoy had not fully co-operated with the Ombudsman's investigation – he had been difficult to interview. Mr Hughes also highlighted Cllr McEvoy's unwillingness to deal with the facts of the incident and his preference to blame

others and allege a number of conspiracies against him. Mr Hughes thought disqualification would not be a proportionate sanction in the circumstances.

## **6.2 The Respondent's Submissions**

6.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy contended the Case Tribunal should bear in mind the sanctions guidance of the Adjudication Panel for Wales. He submitted disqualification was too severe a sanction in the circumstances of the case, and it would be more appropriate for no action to be taken. Mr Mendus Edwards submitted Cllr McEvoy had inadvertently failed to comply with the Code of Conduct, had not caused any harm by his conduct towards Mrs Carter and there was no risk of repetition as he was an experienced politician.

6.2.2 Mr Mendus Edwards went on to say if the Case Tribunal felt action was required, a short period of suspension of perhaps one month would suffice and ensure Cllr McEvoy could stand for election in May 2017. He cautioned the panel from encouraging future complaints against Cllr McEvoy.

## **6.3 Case Tribunal's Decision**

6.3.1 The Case Tribunal considered all the facts of the case and in particular the its earlier findings. It was not persuaded no action should be taken – harm had clearly been caused to Mrs Carter and there was a potential risk of harm by causing council officers to be concerned for their job security when performing their public duties. The Case Tribunal did not accept Cllr McEvoy had inadvertently breached the Code of Conduct. It also could not find that there was no risk of repetition as Cllr McEvoy displayed no insight into his behaviour and its impropriety. There had been two breaches of the Code of Conduct and action was required.

6.3.2 The Case Tribunal reflected on whether suspension was the proportionate and appropriate sanction in the circumstances. In mitigation, Cllr McEvoy had a lengthy unblemished record of public service as a councillor. He undertook constituency duties. The incident was a one-off and occurred in the heat of the moment following a difficult eviction hearing, attended by Cllr McEvoy in order to support a constituent. The hearing was on a topic which generates strong emotions.

6.3.3 The Case Tribunal found there were also aggravating features. Cllr McEvoy had not apologised at any time for the distress caused to Mrs Carter, indeed he refused to accept that she had been distressed. He displayed no insight and failed to acknowledge his error. Rather than address the facts of what happened, Cllr McEvoy chose to make a series of serious allegations against others.

6.3.4 The Case Tribunal concluded that although using bullying behaviour is a serious matter, the misconduct of Cllr McEvoy was not of the most severe end of the spectrum of bullying behaviour or failure to show respect and consideration. While the election cycle is not relevant to a suspension, the Case



Tribunal had no wish to make it harder for Cllr McEvoy to stand for election in May. It also bore in mind that Cllr McEvoy's freedom of expression had been restricted to the extent prescribed by law and only to the extent necessary in a democratic society. Councillors' freedom of expression comes with duties and responsibilities, which includes not bullying council officers.

6.3.2 The Case Tribunal concluded by unanimous decision that Cllr Neil McEvoy should be suspended from acting as a member of Cardiff Council for a period of one month or, if shorter, the remainder of his term of office. This period marks the severity of the misconduct by Cllr McEvoy, and is designed to ensure such behaviour is not repeated. Councillors are required to treat council officers with respect and consideration, particularly when they are not senior officials, and not subject them to bullying behaviour.

6.2.3 Cardiff Council and its Standards Committee are notified accordingly.

6.2.4 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

Signed



Date: 14 March 2017

Claire Sharp  
Chairperson of the Case Tribunal

Glenda Jones  
Panel Member

Susan Hurds  
Panel Member



**IN THE MATTER OF COUNCILLOR ALED WYN DAVIES,  
A MEMBER OF POWYS COUNTY COUNCIL**

**STANDARDS COMMITTEE HEARING**

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE  
13<sup>th</sup> MARCH 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing written and oral submissions from the Ombudsman and Councillor Aled Davies in respect of the findings of the investigation and any allegation that Councillor Aled Davies had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Council's Constitution, at Section 18. Councillor Aled Davies has signed an undertaking to abide by this Code of Conduct. Section 18 of the Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.
3. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
4. The Ombudsman's investigation report, dated the 31<sup>st</sup> of October 2016 was considered at the first meeting of the Standards Committee on the 16<sup>th</sup> of December 2016, and in accordance with Section 18.4.5.1 of the Constitution, they determined that; *the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.* (Section 18.4.6.4(b)). Accordingly, a Hearing was arranged on the 13<sup>th</sup> of March 2017.
5. At the Standards Committee Hearing on the 13<sup>th</sup> of March 2017, the Standards Committee heard representations from the Ombudsman's Investigating Officer, a witness (called by the Member) and the Member. The Standards Committee concluded that the Member had breached the County Council's Code of Conduct for Members, namely paragraph 6(1)(a) by bringing your office or Authority into disrepute.
6. The Committee concluded that there were no disputed facts (as outlined in the Ombudsman's Investigation Report) and that the Member's conduct amounted to a breach of the Code of Conduct by virtue of criminal proceedings against the Member in October 2015 under the Cattle Identification (Wales) Regulations 2007 (failing to maintain accurate cattle records) and Animal By-Products (Wales) Regulations 2014 (failing to dispose of animal carcasses), for which the Member pleaded guilty and received a criminal conviction.
7. The Committee were concerned that the Member had continued to deny the facts and sought to unfairly blame others.

8. The Committee heard mitigation from the Member and accepted that the Member had a good Council record, it was the first occasion he had been before the Standards Committee and the Member had co-operated throughout. The Committee recognised the Members hard work and dedication to the Council.
9. Accordingly, the Committee found that due to the nature and seriousness of the criminal conviction that Councillor Aled Davies's conduct had breached the Code of Conduct and brought his office and Authority into disrepute. The Committee imposed a full suspension upon Councillor Aled Davies as a member of Powys County Council for 2 weeks.
10. This suspension begins on the 11<sup>th</sup> of April 2017 and ceases after the 25<sup>th</sup> of April 2017.
11. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee, as the 21 day appeal period expired on the 10<sup>th</sup> April 2017.
12. It was also recommended that Councillor Davies undertake additional training on the Council's Code of Conduct.
13. During Councillor Davies's 2 week suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Helen Rhydderch-Roberts  
Chair of the Standards Committee

Dated 11<sup>th</sup> April 2017



**IN THE MATTER OF COUNCILLOR GWYNFOR THOMAS,  
A MEMBER OF POWYS COUNTY COUNCIL**

**STANDARDS COMMITTEE HEARING**

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE  
15<sup>th</sup> MARCH 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing submissions from the Ombudsman and Councillor Gwynfor Thomas not being in attendance in respect of the findings of the investigation and any allegation that Councillor Gwynfor Thomas had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. The Standards Committee carefully considered whether to proceed in Councillor Thomas's absence, and concluded (having heard evidence provided in an email dated the 10<sup>th</sup> of March 2017 from the member to the Deputy Monitoring Officer) that they would proceed with the hearing, pursuant to Rule 18.4.11.2 of the Constitution.
3. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Councils Constitution, at Section 18. Councillor Gwynfor Thomas has signed an undertaking to abide by this Code of Conduct. Section 18 of the Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.
4. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
5. The Ombudsman's investigation report, dated the 24<sup>th</sup> of October 2016 was considered at the first meeting of the Standards Committee on the 16<sup>th</sup> of December 2016, and in accordance with Section 18.4.5.1 of the Constitution, they determined that; *the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.* (Section 18.4.6.4(b)). Accordingly, a Hearing was arranged on the 15<sup>th</sup> of March 2017.
6. At the Standards Committee Hearing on the 15<sup>th</sup> of March 2017, the Standards Committee heard representations from the Ombudsman's Investigating Officer. In light of the Member's absence, the Committee were provided with information contained within various emails provided to the Deputy Monitoring Officer from Councillor Thomas. The Standards Committee concluded that the Member had breached the County Council's Code of Conduct for Members, namely paragraph 6(1)(a) by bringing your office or Authority into disrepute.
7. The Committee concluded that there were no disputed facts (as outlined in the Ombudsman's Investigation Report) and that the Member's conduct amounted to a breach of the Code of Conduct by virtue of criminal proceedings against the Member in

October 2015 under the Cattle Identification Wales (Regulations) 2007 (failing to maintain accurate cattle records) for which the Member pleaded guilty and received a criminal conviction.

8. Accordingly, the Committee found that, due to the nature and seriousness of the criminal conviction, Councillor Gwynfor Thomas's conduct had breached the Code of Conduct and brought his office and Authority into disrepute. Further, they were concerned that the serious nature of his conviction warranted a community penalty and that Councillor Thomas continued to be Chair of Place Scrutiny Committee despite the investigation of him by the department which he was responsible for scrutinising. The Committee were also concerned that the Member had continued to deny the facts, despite this being a self-referral. The Committee imposed a full suspension upon Councillor Gwynfor Thomas as a member of Powys County Council for 4 weeks.
9. The Committee considered mitigation (provided by the Ombudsman and the Deputy Monitoring Officer) that there was no dishonesty or deception in his conviction, it was the first occasion he had been before the Standards Committee and the Member had co-operated with the Ombudsman.
10. This suspension begins on the 19<sup>th</sup> of April 2017 and ceases on the 8<sup>th</sup> May 2017, that being the end of term of office.
11. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee, as the 21 day appeal period expired on the 18<sup>th</sup> April 2017.
12. It was also recommended that Councillor Thomas undertake additional training on the Council's Code of Conduct.
13. During Councillor Thomas's 4 week suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Helen Rhydderch-Roberts  
Chair of the Standards Committee

Dated 19<sup>th</sup> April 2017

## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

<b>CODE OF CONDUCT TRAINING FOR COUNTY COUNCILLORS</b>		
<b>Recommendations / key decisions required:</b> To note the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law  Legal Services Manager	Tel Nos. 01267 224018  E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**CODE OF CONDUCT TRAINING FOR COUNTY COUNCILLORS**

Following the local authority elections in May 2017 a training session was held for all councillors regarding the Members Code of Conduct.

The training was provided by Linda Rees-Jones (Monitoring Officer), Robert Edgecombe (Deputy Monitoring Officer) and Ann Evans (Senior Solicitor) utilising training materials developed by the Welsh Local Government Association.

A total of 43 councillors attended the training.

Delegates were provided with copies of the easy use guide which has also been made available online to all councillors.

The committee is asked to consider what further training (if any) it wishes to offer to County Councillors on the Code.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-154	Legal Services, County Hall

## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

<b>CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS</b>		
<b>Recommendations / key decisions required:</b> To note the report		
<b>Reasons:</b> The committee has previously requested feedback on the delivery of this training.		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
<b>EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)</b>		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS**

In accordance with previous decisions of the Committee the Deputy Monitoring Officer arranged and delivered two training sessions on the Members Code of Conduct to Town and Community Councillors on the 29<sup>th</sup> June 2017 and 6<sup>th</sup> July 2017.

A total of 103 delegates attended, across a wide range of councils and from all parts of the County.

Feedback forms were provided to all delegates. The feedback given was overwhelmingly positive with only 3 negative comments being received. These all related to the sound system and the Q & A session on the 29<sup>th</sup> June.

Subsequently a complaint has also been received regarding the absence of any presentation through the medium of Welsh, although translators were present on both occasions and delegates were advised at the outset that they were welcome to speak in Welsh if they wished to.

Copies of the training presentation, easy use guide and dispensation application forms have since been sent to all town and community councils.

Members are asked to note the report and give consideration to what changes (if any) they might like to make to any similar training that they decide to provide next year.

**DETAILED REPORT ATTACHED ?**

**NO**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*



**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)

**YOUR COUNCIL doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Legal file</b>	<b>DPSC-152 &amp; 154</b>	<b>Legal Services, County Hall</b>

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## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

<b>Welsh Government White Paper on Reforming Local Government</b>	
<b>Recommendations / key decisions required:</b> To note the report	
<b>Reasons:</b> The proposals contained within the White Paper have the potential to significantly impact the work of the Committee	
Scrutiny Committee recommendations / comments: Not applicable	
Exec Board Decision Required	NO
Council Decision Required	NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**Welsh Government White Paper on Reforming Local Government**

In January 2017 the Welsh Government published a White Paper entitled 'Reforming Local Government: Resilient and Renewed'. The paper set out proposals for the delivery of a wide range of Council services on a regional basis, whilst retaining the existing 22 Unitary Authorities.

Although the main focus of the White Paper is this regionalisation of service delivery, there are a number of proposals which have the potential to significantly impact upon the Standards Committee. These are;

1. The placing of specific statutory duties on Councillors in relation to how they engage with the public. ('Prescribed Performance Duties')
2. Standards Committees to hear cases of alleged failure by Councillors to perform those duties
3. Requiring Standards Committees to advise and train to Councillors in respect of these duties
4. The placing of specific statutory duties upon leaders of political groups to promote good standards of conduct within their group and co-operate with Standards Committees in the exercise of their functions
5. Placing a duty on Town and Community Councils to consider and plan for their training needs.
6. Possible changes to the Members Code of Conduct to reflect the duty of Councillors to act in the interests of their region, as well as the local authority of which they are a member.
7. A duty on Standards Committees to, as soon as reasonably practicable after the end of each financial year, submit an annual report to the authority in respect of that year describing how the committee's functions have been discharged during that financial year. This includes a requirement to assess the extent to which leaders of political groups on the Council have complied with their duty to promote good standards of conduct and co-operated with the Standards Committee.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*



**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Legal file</b>	<b>DPSC-153</b>	<b>Legal Services, County Hall</b>

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Llywodraeth Cymru  
Welsh Government

White Paper

# Reforming Local Government: Resilient and Renewed

Date of issue: 31 January 2017

Responses by: 23:59 on 11 April 2017

## Overview

The White Paper 'Reforming Local Government: Resilient and Renewed' is the Welsh Government's statement of intent about the future of Local Government in Wales.

The proposals in this White Paper set out arrangements for regional working; describe a strengthened role for councils and councillors; provide a framework for any future voluntary mergers; and sets out the role of community councils.

## How to respond

The closing date for responses is **11 April 2017**.

Responses can be submitted via the online document of consultation questions: <https://consultations.gov.wales/consultations/reforming-local-government-resilient-and-renewed>

To respond to the consultation, please either complete the online form or request the accompanying questionnaire and return it either by email:

[RLGProgramme@wales.gsi.gov.uk](mailto:RLGProgramme@wales.gsi.gov.uk)

or by post to

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The consultation document can be accessed from the Welsh Government website at: <https://consultations.gov.wales/consultations/reforming-local-government-resilient-and-renewed>

## Data protection

### How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Contents Page

FOREWORD .....	4
1. INTRODUCTION.....	5
2. REGIONAL WORKING .....	7
2.1 Rationale for Regional Working .....	7
2.2 Considering Regional Working .....	7
2.3 Proposed Functions for Regional Working.....	9
<i>Requiring Regional Working</i> .....	9
<i>Exploring Regional Working</i> .....	15
<i>Enabling Greater Regional Working</i> .....	17
2.4 Sharing Services.....	17
2.5 Governance and Accountability .....	21
2.6 Regional Footprint(s) Arrangements .....	24
2.7 Preferred Approach.....	26
2.8 Funding Regional Arrangements .....	28
2.9 Wider Reforms to Finance .....	31
2.10 Workforce Matters.....	31
2.11 Public Services Boards .....	32
3. VOLUNTARY MERGERS .....	34
4. A FRAMEWORK FOR LOCAL LEADERSHIP .....	36
4.1 Shared Expectations.....	36
4.2 Distributed Leadership .....	37
4.3 Performance and Improvement .....	38
5. LEADING LOCALITIES.....	40
5.1 Working in Partnership with People .....	40
5.2 Role of Councillors.....	40
5.3 Listening to Localities.....	41
5.4 Balancing Local and Regional Leadership.....	42
5.5 Local Government Functions .....	42
5.6 Leadership from Officers.....	43
6. COMMUNITY COUNCILS.....	45
7. ELECTIONS AND VOTING.....	47
8. ANNEX ONE: Status of Proposals Consulted on as Part of the Previous Draft Bill Consultation .....	51
9. ANNEX TWO: Consultation Questions.....	57

## FOREWORD



Local government plays a vitally important part in the lives of every citizen in Wales. Councils provide the services which educate our children, care for our elderly, dispose of our waste and light our streets. It faces some ongoing challenges. There is more to be done in achieving greater consistency and excellence, at a time when there will also be less money year on year for public services.

Reform is essential if Local Authorities are to be financially resilient and able to maintain and improve the quality of services during this extraordinary period of austerity. That is why change is a necessity, not a choice. But in setting out new proposals for reform we are committed to building a collective consensus around the way ahead.

Since I became Cabinet Secretary for Finance and Local Government in May 2016, I have been involved in an ongoing dialogue with Local Authorities and their partners about the change we need in order to create a resilient and renewed local government. We all recognise that the future requires us to work differently, but more importantly it requires us to work together, within the sector and with our partners to deliver high quality, responsive and integrated public services alongside those who need them.

Our focus will continue to be on supporting people when they need it most and equipping our public services to respond to the opportunities and the challenges that the current political, financial and environmental uncertainties present. But increasingly we need to look towards public services of the future, their role, and the role of citizens.

This White Paper sets out a new relationship between national and local government. One where there is a mutual understanding and recognition of respective roles and interests, and where all partners are given the space to maximise the positive impact they have through working with citizens on mutually agreed agendas. It sets out a new approach to reform focused on greater regional working. It sets a framework for local government to work within, providing a menu of options that local government can use, based on their local circumstances and strengths. It also highlights those proposals previously consulted upon which received broad support and which we intend to take forward within this new legislative proposal.

The Well-being of Future Generations Act with its ways of working and wellbeing goals will help to bring a shared focus to this work, one where we can all work together to deliver long term benefits to Wales.

A handwritten signature in black ink that reads 'Mark Drakeford'.

**Professor Mark Drakeford**  
**Cabinet Secretary for Finance and Local Government**

## 1. INTRODUCTION

- 1.1.1 The Well-being of Future Generations (Wales) Act 2015 ('WFG Act') sets the scene for the Wales we want. It clearly sets out the longer term goals public services in Wales are working towards, and the ways of working that public services should adopt to achieve them. Within this vision for Wales' long term future, Welsh Government will work with others to set out the key priorities for public services.
- 1.1.2 We are clear that it is not our role to prescribe in detail how those priorities should be achieved; that is for those directly engaged in the delivery of services to determine. Proposals for reform cannot and should not be developed and delivered by Welsh Government alone. Shared leadership, political and at officer level, are essential to secure a successful future for local government in Wales.
- 1.1.3 Local government touches the lives of each and every individual in Wales; its residents and its visitors. Local government is there to support individuals, families and communities when they need help most, empowering them to remain independent or take back their independence as quickly as possible. But also to deliver services that everyone uses, for example schools giving children the best start in life, the safe collection and disposal of waste, and the roads and pavements we drive and walk on. Every Local Authority excels in something, most are good at many things, none is good at everything. It is vital we, collectively, continue to build resilience and support renewal in local government so local people and communities are supported to thrive.
- 1.1.4 Following consultation on the White Paper 'Power to Local People'<sup>1</sup>, the previous Welsh Government set out proposals for local government reform in the 'Draft Local Government (Wales) Bill' ("the Draft Bill"), in November 2015. The majority of the proposals in the Draft Bill were well supported and welcomed by the public service and wider stakeholders as a positive step in providing greater freedom and flexibility in the development and delivery of services. However, it was clear that proposals for wide ranging mergers were not supported and are therefore no longer being pursued.
- 1.1.5 The drivers for change however remain clear. We need to support Local Authorities to address the financial challenges faced by public services and enable the ongoing delivery of better outcomes for local people and the improvement of communities.
- 1.1.6 Since the National Assembly for Wales elections in May 2016, the Welsh Government has been in dialogue with local government and wider partners about the case for reform and possible approaches we could adopt to build resilience. The Cabinet Secretary for Finance and Local Government has met the Leaders and Chief Executives of Local Authorities on several occasions on a one to one basis, in small groups and in the WLGA Regional Partnership Boards. Officials have discussed proposals directly with groups representing key service areas, for example the Directors of Public Protection, Association of Directors of Education in Wales, Association of Directors of Social Services, Society of Welsh Treasurers, and Lawyers in local government. Three workshops took place for Local Authority officers to discuss the proposals, we were joined by wider public service partners to

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<sup>1</sup> <http://gov.wales/docs/dsjlg/consultation/150203-power-to-local-people-fullv2-en.pdf>

explore the implications for them. Through the WLGA, we have sought views from Elected Members through a series of three independently facilitated workshops.

- 1.1.7 We are clear that, in line with the ways of working set out in the Future Generations Act, our approach to reform must continue to be developed in partnership with those delivering public services. This way of working and the need for reform to be a shared solution to the challenges we face as a public service will continue to underpin our approach as we consult on this White Paper and develop our proposals further in the light of consultation responses.
- 1.1.8 Discussions during the summer of 2016 highlighted that there remains a need and an appetite for reform, supported by greater regional working, building on the majority of the proposals previously consulted upon. Building resilience is essential if Local Authorities are to meet the challenges ahead. We have heard that greater regional working will allow Local Authorities to undertake service planning, commissioning and delivery at an appropriate scale.
- 1.1.9 We want to develop a more equal partnership with citizens. The role of public services should be to support people to live independent lives and to seek to de-escalate demand, intervening only when necessary and only for as long as required. In doing so, the focus inevitably shifts to prevention and a public service which is able to put more effort into helping people to avoid crisis, rather than one which is focused on supporting people in crisis. This is about creating prudent public services for the future.
- 1.1.10 Working in this way will represent change for public services and citizens alike. In order to support this work, the Welsh Government has asked the Effective Services Group<sup>2</sup> to build on the 'Prudent Healthcare Principles'<sup>3</sup> and develop a set of 'Prudent Public Service Principles' that can be used by organisations across the public service to help recast the role and relationship between services and individuals. We are already making hugely positive impacts on the daily lives of people in Wales. We need to continue on this journey to deliver the Wales that we all want in the future.
- 1.1.11 This White Paper sets out some of the new proposals that have emerged in discussions with Elected Members, officers and the wider public service. The proposals in this White Paper set out arrangements for regional working; describe a strengthened role for Councils and Councillors; provide a framework for any future voluntary mergers; and sets out the role of Community Councils.
- 1.1.12 This White Paper also outlines the initial steps for financial reform. Work is underway to develop comprehensive proposals for the reform of the finance system in local government. This will be consulted upon in due course. Annex One sets out a brief summary of these proposals and their current status. Where there are significant changes to a previous proposal they are discussed within this White Paper.

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<sup>2</sup> <http://gov.wales/topics/improving-services/effective-services-group/?lang=en>



## **2. REGIONAL WORKING**

### **2.1 Rationale for Regional Working**

- 2.1.1 The Well-being of Future Generations Act requires us to take a different approach to working. It asks the public service to be more holistic in its decision making, taking a much broader perspective and recognising the interdependencies that exist and the importance of working together and with citizens.
- 2.1.2 There are already many collaborations which plan, commission and deliver services right across Wales. We want to build on these successes, learn from what has worked and what hasn't and consolidate this learning into more ambitious regional working. We have heard from local government, and the wider public service, that more could, and should be done together. We want to build on this.
- 2.1.3 Discussions with local government Leaders and Chief Executives show there is enthusiasm for greater regional working, and it is clear that there are a number of areas where a more systematic approach to regional working would benefit local people and communities. Regional working is not easy. It requires commitment and dedication; it must be built on a foundation of trust and willingness to compromise for the greater good. It requires clarity of purpose about what the collaboration is trying to achieve, and also clarity regarding roles and responsibilities, governance, accountability and financing mechanisms; not just for the organisations delivering services, but for the people receiving services.
- 2.1.4 When considering collaborative arrangements we should think carefully about the benefits, and sometimes disadvantages of regional working. Regional working should achieve better outcomes for people and communities in the short term; a greater focus on prevention and de-escalation to bring about better outcomes over the much longer term, opportunities to transform and refocus services on a larger scale, or by the more efficient deployment of scarce or specialist resources. There should be practical benefits too; economies of scale; removing duplication; reducing complexity; simplifying activity and ensuring consistency. As well as workforce resilience, particularly in highly specialised areas or areas with very small numbers of staff. Regional working has the potential to offer staff more varied experiences and career opportunities.
- 2.1.5 Regional working must result in better outcomes, and/ or improve the resilience of services. That may mean that the cost of delivery might be the same, but the service is more resilient: or possibly the cost is higher, but the outcome is considerably improved: or the cost of delivery is reduced and service outcomes are maintained. It may be that collaborative working can result in service transformation which would not have been achieved at a smaller scale.

### **2.2 Considering Regional Working**

- 2.2.1 Discussions with Local Authorities underline that working on a regional basis should not be undertaken for the sake of it. There needs to be consideration of the appropriateness for regional working. In response, Welsh Government has developed a series of 'tests' that could help inform these considerations.

These 'tests' are made up of a series of questions about the nature, challenges and opportunities of regional working. This will then give a clearer sense of whether the function, service area or activity, or a part of them, is potentially suited to regional delivery. It may be the case that a given service area looks positive for regional working on one or two tests but less strong on others. This is inevitable and emphasises the need for decisions to be informed by engagement with practitioners, Local Authority Elected Members and officers, the public and wider partners.

## **'TESTS'**

### *Underpinning tests*

- Will regional working help to improve or maintain outcomes?
- Is this an area which should be done locally?
- Are there linkages with other service areas?
- Are benefits likely?

### Tests for regional working

- *Will it improve the resilience of the service?*  
For example, a service area with known sustainability challenges such as a significant reduction in budgets / staffing? Or perhaps an area with episodic but critical and unavoidable activities?
- *Will it improve the capacity and capability in the service, particularly at senior levels?*  
For example, would regional working resolve issues in an area where it has been difficult to recruit (at either specialist or senior level)?  
Or would regional working allow more strategic use of resources to plan, commission or deliver the service on a larger footprint?
- *Will it make a service or activity viable?*  
For example, is this an area which is not viable at a smaller scale?
- *Will it offer economies of scale or greater efficiencies?*  
For example, is it more efficient to deliver regionally and has scope to deliver savings?
- *Will this help increase public value?*  
For example, would regional working offer the opportunity to make it easier to do the right thing or to increase ambition for what can be achieved?
- *Is this an area where Local Authority boundaries get in the way of the service a citizen might want?*
- *Is this a new service or expanded area of responsibility?*  
For example, where there are no local arrangements in place yet.
- *Is there good practice that can be expanded on?*  
Is there effective regional working already in place in one (or more) areas which make the case for undertaking the service on a regional basis across Wales?
- *Is this an area where joint working with partners is important and where partners operate on a different (and larger) regional footprint?*  
For example, is this an area with significant interaction with other partners and regional arrangements would make joining up easier and enable more effective integration of services?

### **Consultation Question 1:**

*The Welsh Government believes that it is appropriate to consider ‘tests’ to frame thinking around regional working. Do you think the ‘tests’ set out are helpful in guiding thinking? What other tests or considerations might also be used?*

## **2.3 Proposed Functions for Regional Working**

- 2.3.1 The proposals for mandatory and systematic working in this White Paper offer an opportunity to strengthen, regularise and simplify the existing arrangements between Local Authorities. Enabling Local Authorities to delegate decisions to be made at a regional level with strong democratic governance and oversight, including scrutiny, will strengthen their ability to operate consistently with other partners. Decision making at regional levels, should enable specialist and other resources to be deployed effectively to identify and meet the needs of people in each region including by increasing the focus on prevention. It will make integrated working more straightforward and effective for other partners and improve outcomes for people. It should also provide for greater alignment with the regional delivery of other services.
- 2.3.2 We have set out a number of areas where we are proposing to require regional working. There are a number of other areas where we have heard there are likely to be some opportunities for regional working, but there needs to be more discussion with practitioners, therefore we have set out a number of areas where more exploration of regional working would be useful.

### **Requiring Regional Working**

#### **Economic Development**

- 2.3.3 Local Authorities in Wales have a range of powers and functions in relation to economic development and the economic wellbeing of their areas. They have considerable discretion as to how they exercise these functions and there is substantial variation in the extent to which Authorities engage in economic development and the manner in which they do so. Many Authorities, and other stakeholders, have commented that the current administrative geography of Local Authorities does not provide a natural or effective scale for a coherent approach to economic development, in terms of both the area across which functions are carried out and the capacity and capability of individual Authorities to plan and implement economic development in a strategic way. The scope to develop the conditions which attract business investment, to skill up and house the workforce and to provide the integrated transport and infrastructure needed to support growth is inhibited by the lack of scale and capacity in the current arrangements.
- 2.3.4 The Welsh Government and local government are already responding to the insufficiency of the current Local Authority structure by building the broader regional partnerships designed to nurture economic development which are emerging from the city deal and city region approaches. Purposeful regional arrangements around the Cardiff Capital Region City Deal, Swansea Bay City Deal and the North Wales Economic Ambition Board are taking shape. Ceredigion and Powys are not covered by city deal proposals but are leading the Growing Mid-Wales partnership. We propose to adopt these arrangements as a basis for the regional delivery of economic development functions (including employment and skills development) and to include

economic development in the list of functions to be carried out on a mandatory and systematic basis.

- 2.3.5 Welsh Government are seeking views on the functions that might be exercised on a regional basis to contribute to the economical development of the region. Comments regarding the functions, either in terms of the broad nature of functions or by reference to individual statutory functions, are welcomed. We would also welcome views as to whether the geography of the proposed regional arrangements for these functions offers the most effective structure to secure economic prosperity.

## Transport

- 2.3.6 Local Authorities have a number of powers and duties in relation to transport and it is widely recognised that there are merits in preparing strategic plans for transport provision on a regional basis, as is currently the case for North Wales, Mid Wales, South West Wales and South East Wales, taking account of the pattern of demand and providing for integration of transport infrastructure and service delivery. Regional transport plans are already being prepared for the majority of Wales. We are seeking views on whether other transport functions would be well-suited to regional delivery.
- 2.3.7 There is already considerable alignment between the economic development, transport and strategic planning functions of local authorities, with the city deal and economic growth footprints, referred to in the section on economic development, providing the clearest basis for future delivery. We propose to adopt these regions as the footprint for future transport planning, recognising that regional transport plans are currently being prepared on a different geographical basis. We are seeking views on the proposed footprint and whether a different model might be more appropriate for transport functions, particularly in Mid Wales (Ceredigion and Powys).

## Land Use Planning and Building Control

### Land Use Planning

- 2.3.8 We propose that land use planning be undertaken in future on a regional basis. Between 2009/10 and 2016/17 resources devoted to the planning function declined by 53%<sup>4</sup>, the largest reduction of any Local Authority service area. At the same time our expectations of the planning system have increased. The planning system is a key enabling mechanism for a diverse range of priorities including economic prosperity, affordable housing and green infrastructure. It is an important facilitator of well-being. The effective implementation of the Well-being of Future Generations (Wales) Act, the Environment (Wales) Act, Historic Environment (Wales) Act and Planning (Wales) Act, require resilient planning authorities with access to specialist skills.
- 2.3.9 Existing regional working arrangements are limited in this service area, with the exception of collaborative working on minerals and waste planning. We believe that the introduction of a systematic approach to regional delivery of planning services will significantly improve service quality, provide greater resilience and enhance opportunities for workforce development and progression.

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<sup>4</sup> <http://www.senedd.assembly.wales/documents/s500002771/FIN4-01-2016-2017-20WVWGA%20consultation%20response.pdf>

- 2.3.10 Provisions within the Planning (Wales) Act may provide the basis for the regionalisation of planning services. We have modernised the arrangements for Joint Planning Boards so they can prepare Local Development Plans (with the exception of National Parks) and determine planning applications. We have also introduced the ability to prepare Strategic Development Plans (SDPs).
- 2.3.11 We do not believe that SDPs are necessary across the whole of Wales. Where considered necessary, the preparation of a SDP should be undertaken on a broader economic development footprint. This would allow strategic issues to be addressed across the wider area ensuring that connections are made to regional economic regeneration, transport and natural resource management opportunities. The Planning (Wales) Act makes provision for SDPs to be prepared by a single purpose body, a Strategic Planning Panel. With the emergence of regional governance arrangements, such as those linked to City Deals, it may be possible to use these governance arrangements instead. More broadly, this White Paper proposes new statutory arrangements for the consistent governance of regional working. These new proposed arrangements could be applied to planning. We would welcome views on this.
- 2.3.12 In addition to the preparation of a SDP where this is necessary, we consider that there could be benefits from other planning services being provided on a regional basis. We are seeking views on the best approach to identifying an appropriate footprint for the regional delivery of services. In particular, views are sought on the functions which need to be undertaken at a sub regional level, but at a larger scale than individual Authorities. We consider that functions relating to planning (other than those strategic functions identified above) fall into this category. Ensuring that planning services are not too distant from citizens and communities is essential.
- 2.3.13 The initial scope of the planning functions to be delivered at a sub regional level is identified below. They have been identified to maintain the link between LDP preparation and decisions on planning applications. We have also sought to identify the related specialist advice essential for efficient and high quality decision making.
- Preparation of LDP
  - Setting and collecting Community Infrastructure Levy
  - Development Management (processing of planning applications and enforcement functions)
  - Specialist advice on the following services:
    - Minerals and waste
    - Built environment conservation services
    - Green Infrastructure, landscape and ecology
    - Viability and S106 agreements (planning obligations)
    - Urban Design
    - Highways development management
- 2.3.14 Democratic accountability is a fundamental principle of the planning system. We do not wish to undermine this. We believe that there are two options to maintain accountability under a regional delivery approach. Existing



legislative powers could be used to create Joint Planning Boards (Joint Planning Board Model) which would be made up of Councillors from each constituent Authority, with decisions on the LDP and planning applications being made by the Board. Similarly, regional decision-making by elected members could also be undertaken through the new 'Joint Governance Committee' proposed in this White Paper. This would ensure that the arrangements for planning were aligned with the proposed arrangements for other services. An alternative approach would see responsibility for planning decisions remaining with existing principal Authority / National Park Authority with the preparation of the LDP and processing of applications undertaken by officials at the regional level. In this way the regional service delivery unit would service a number of planning committees (shared service model).

- 2.3.15 We would welcome views on the planning activities identified for delivery at the regional level and whether there are further functions relating to planning that could be best exercised on a regional basis and any further suggestions you may have.

### Local Authority Building Control

- 2.3.16 The issues facing local government building control are similar to those faced by planning departments and include reduced resources, difficulties in encouraging new entrants and an absence of specialist skills particularly in smaller authorities. Limited cooperative arrangements exist currently.
- 2.3.17 The Building Control service currently sit mainly within planning or public protection departments. The general trend appears to be towards co-location with the planning function given planning and building control are the main mechanisms to manage development. For this reason we propose that Local Authority building control services be delivered regionally on the same footprint.

### Social Services

- 2.3.18 Social services covers a range of functions some of which are more closely inter-connected than others, and, at the margins, Local Authorities define different actions under the term social services. There are essential links to health and also links to housing, education and the police. These functions touch upon some of the most vulnerable in our society, and will be important to everyone at some point in their lives. These are services where there are recognised challenges to meet and the desire to change the way in which services operate to meet them, including planning and operating at greater scale. Consistency in decision making and delivery is increasingly important.
- 2.3.19 The Social Services and Wellbeing (Wales) Act required partnership arrangements to be made in each Local Health Board area, under the direction of a Regional Partnership Board. The Partnership Boards have representation from Health Boards, Local Authorities (elected and officer) and service users. These Partnerships have been established for defined functions, focussed particularly on areas where successful integration between local government and health is essential for the provision of effective services for citizens. The Social Services and Well-being (Wales) Act and supporting statutory guidance requires joint planning, commissioning and the use of pooled budgets between health and local government. The existing guidance recognises that social service users often are affected by need more than one intervention and partners are expected therefore to

extend their partnership arrangements beyond the priority areas in order to improve outcomes for the population as a whole.

- 2.3.20 The governance arrangements described in this White Paper will need to support integration with the Local Health Board and other partnership working.

### **Education Improvement**

- 2.3.21 Education improvement encompasses a range of functions carried out by schools, Local Authorities, and regional consortia in Wales. The roles and functions of each tier are governed by the National Model for Regional Working which was agreed in autumn 2013 to accelerate the rate of progress in improving educational outcomes in schools.
- 2.3.22 There are currently four regional education consortia operating in Wales, three as joint committees of the constituent authorities and one (for south east Wales) as a joint management company serving the constituent Authorities.
- 2.3.23 It is recognised that the position in relation to educational improvement is complex, both in terms of the different range of improvement services provided by the existing consortia and the current regional structures. There are considerable variations in the range of improvement services provided by the existing consortia and their geography does not align neatly with the footprints for the delivery of other services.
- 2.3.24 Where there are existing regional arrangements in place, the proposals in this White Paper are intended to build upon them and provide a prompt to re-examine them. There remains flexibility to scale up activity to larger geographies by working across two or more regions where appropriate. In the case of education improvement, Health Board areas might provide a starting point for this although it is also recognised that certain authorities fall into different Health Board and consortia areas.
- 2.3.25 It is essential that the education sector, especially post-16 education, responds to the needs of the public sector workforce if local government is to be able to recruit staff in the future with appropriate Welsh language skills. The education sector will need information about the current and future requirements for Welsh language skills more widely so that the sector can respond to meet demand. This information could be collected and considered regionally with plans developed across the region to ensure sufficient training for Welsh language skills are available. This links to local government's role as a key employer, not only directly but through their contract and partnership agreements. Planning in this way could have an essential role in encouraging young people to maintain and develop their Welsh language skills on leaving statutory education for use in the workplace.
- 2.3.26 Views are sought on what approach might offer the best fit for the regional delivery of education improvement services and on the range and nature of improvement services which could be most effectively delivered at a regional level.

## Additional Learning Needs

2.3.27 The Welsh Government introduced the Additional Learning Needs and Education Tribunal (Wales) Bill ('the ALNET Bill') on 12 December 2016. This bill will put in place:

- A single statutory framework to support children and young people aged 0 to 25 with additional learning needs (ALN) in schools and further education, making it easier for them as they move through the system, replacing the different approaches and legislation for learners with special educational needs (SEN) up to the age of 16 and learners with learning difficulties and/or difficulties in post-16 education. It will create a single plan (the individual development plan) to replace the existing range of statutory and non-statutory plans for learners, ensuring equity of rights regardless of the learner's level of need or the education setting they attend;
- An integrated, collaborative process of assessment, planning and monitoring with a focus on early intervention, including duties on Health Boards and Local Authorities to collaborate with each other to meet a child or young person's ALN to enable them to reach their full potential; and
- A fair and transparent system for providing information and advice and for resolving concerns and appeals, with Local Authorities required to make arrangements for avoiding and resolving disagreements.

2.3.28 Among other functions, the ALNET Bill will transfer responsibility to Local Authorities for maintaining individual development plans for learners who require specialist post-16 placements. Overwhelmingly, these will be learners with whom the Local Authority has been involved throughout their school based education (and for whom they will have maintained a Statement of SEN under the current system and will have maintained an individual development plan under the new system). In many cases, Local Authorities will also have on-going social care involvement with these young people. The transfer of this responsibility from Welsh Government to Local Authorities will improve the transition process by encouraging Local Authorities, Health Boards and post-16 providers to work together to plan for and secure support, and to improve local provision relevant to the individual needs of children and young people with ALN. Funding for these placements will be transferred from Welsh Government to Local Authorities.

2.3.29 Greater collaborative working on a regional and multi-agency basis will be vital to deliver improved quality services for learners with ALN going forward. This process has already begun, through the ALN Innovation Fund launched in 2016, which focuses on the development of creative, collaborative delivery models and the growth of relationships between education, social services, health and further education.

2.3.30 The proposals for local government reform and the development of robust, accountable regional arrangements on a statutory basis, present significant opportunities to support more effective implementation of the ALNET Bill and the wider ALN transformation programme.

2.3.31 Although any legislation on Local government reform is not yet confirmed, we would aim to ensure the implementation timetable was complementary and



we would encourage early action by Local Authorities to get ahead of the statutory requirements for ALN coming into force.

- 2.3.32 Views are sought on what elements of a Local Authority's ALN functions, as proposed in Part 2 of the ALNET Bill<sup>5</sup>, might offer the best fit for effective regional delivery.

### Public Protection

- 2.3.33 We propose that public protection functions should be undertaken regionally. This builds on the general direction of travel in this service area but mandating a requirement to work regionally will provide further impetus to current joint working. This will also provide for the maximum level of resilience and a greater scope for workforce development and progression.
- 2.3.34 Public protection is a broad service area and Local Authorities currently include different functions under this umbrella. It encompasses primarily:
- environmental health:** including, but not limited to, pollution control, food safety, food hygiene, health and safety, noise control;
  - trading standards:** including, but not limited to, consumer protection, product safety, rogue trading, animal welfare; and
  - licensing:** including, but not limited to the licensing of taxis, street trading, entertainment, sex establishments.
- 2.3.35 However, we welcome views on the scope of functions to be included under the term 'public protection'. We will analyse responses which will help to inform proposals. We will also work with the WLGA / Local Authority Public Protection Cymru Change Programme to identify a list of core functions to be mandated.

### Consultation Question 2:

*In this White Paper the Welsh Government has set out a number of areas which it believes should be required to be delivered on a regional basis. Do you agree that these areas should be delivered regionally? What practical considerations should we consider in taking these proposals forward? What other 'ancillary' powers would be required to ensure the effective exercise of the functions exercised regionally?*

### Exploring Regional Working

#### Housing

- 2.3.36 The Local Authority role with regard to housing operates at strategic and operational levels. At the strategic level, local authorities are, for example, charged with assessing local housing needs, which informs plans for investment in housing supply. Those authorities that have retained their own stock also need to determine the level of investment in maintaining that stock. They also support initiatives designed to make the best possible use of existing homes e.g. by bringing empty properties back into use.
- 2.3.37 The operational level covers a wider range of functions which are often staff intensive and which will continue to need to be delivered locally. These include landlord functions, statutory homelessness services, providing housing-related support and the enforcement of housing law including, for

<sup>5</sup> <http://www.assembly.wales/laid%20documents/pri-ld10862/pri-ld10862-e.pdf>

example, the Housing, Health and Safety Rating System, Rent Smart Wales, and the regulation of Mobile Homes sites. Rent Smart Wales is a good example of a locally delivered service supported by a single national Information Technology platform hosted by Cardiff on behalf of all authorities.

- 2.3.38 Good models of regional collaboration already exist and provide a foundation on which to build stronger delivery structures. For example, the Supporting People programme operates under six Regional Collaborative Committees. As Local Authorities and their partners in Public Services Boards and Regional Partnership Boards begin to implement the wellbeing plans they are developing, the preventative aspects of this programme need to be aligned more closely with social services commissioning, which is often targeted at the same vulnerable groups.
- 2.3.39 Local Authorities have identified housing supply as a key component of the economic development strategies emerging under the proposed cross-authority city deals. If current housing shortages are to be tackled effectively, these house building interventions need to be aligned with the structures which support land use planning.
- 2.3.40 Further consideration will need to be given to how the strategic aspects of housing delivered on a regional footprint can most effectively interface with the more staff intensive services such as tackling homelessness, which will continue to be delivered locally.

## **Waste**

- 2.3.41 Waste and recycling is a service area with a history of significant joint working among Local Authorities, for example in relation to food and residual waste treatment. There is potential to build on this existing activity and expand regional working to other parts of this service area, for example in relation to arrangements for waste and recycling collection. In considering the scope to do this, we recognise the profile of waste collection issues locally and the different arrangements currently in place, including different service delivery models and contracts. At the same time, we also recognise there is real scope for efficiency savings and further reductions in carbon emissions over time and an opportunity to refocus on providing a more consistent experience for citizens.
- 2.3.42 We would welcome views on the potential for greater regional working in this area and any particular considerations we should have in mind. We are also interested in the opportunity, over time, to consolidate existing regional waste activity on a more consistent footprint with other service areas.

## **Community Safety and Youth Justice**

- 2.3.43 Community Safety Partnerships and Youth Offending Teams are not formally devolved, although they rely heavily on devolved services, such as health, education and social services. If other public services are being delivered on a regional footprint there will be a case for Community Safety Partnerships and Youth Offending Teams to consider moving to a similar footprint that matches the services which support their work.

### **Consultation Question 3:**

*In this White Paper the Welsh Government has set out a number of areas which it believes could also be delivered on a regional basis. Do you think that Local*

*Authorities should also be required to work regionally to deliver these functions? Are*

*there any other practical considerations we should be aware of?*

**Consultation Question 4:**

*Are there any other functions that would benefit from a systematic approach to regional working?*

**Consultation Question 5:**

*Welsh Government believes that, subject to engagement with local government and other partners, there should be flexibility to enable Welsh Ministers to mandate additional functions to be undertaken regionally. Do you agree or disagree? Why?*

**Enabling Greater Regional Working**

2.3.44 This is a starting point, not an end point. Local government has told us it is ambitious in the area of regional working and prepared to do more than the minimum prescribed by the Welsh Government where there is a strong case for regional working. We would encourage Local Authorities to show leadership in this area and identify where they can come together and work regionally on other services. It will be for local determination to take forward regional working in additional service areas or functions. We will ensure that where localities choose to be more ambitious with their regional arrangements there is sufficient flexibility in the system to enable this.

**Consultation Question 6:**

*The Welsh Government believes that the new arrangements should not prevent Local Authorities using their existing powers to undertake additional functions regionally. Do you agree or disagree? Why?*

**2.4 Sharing Services**

2.4.1 The operation of public services relies on underpinning supporting services, some transactional, some specialist, some externally facing and some less so. The Welsh Government considers many of the reasons for greater regional working hold true for these supporting services. The tests set out at paragraph 2.2.1 are also valid for many of these services. They also have the potential to yield significant savings which can be redirected into front-line service delivery. Indirectly, authorities and services which carry high transaction costs are subsidised by those who carry out these activities more efficiently. This is not sustainable.

2.4.2 Regional working arrangements will present opportunities for Local Authorities to build sustainable services. As part of this there will be scope to share Welsh language capacity to ensure those wishing to receive services through the medium of Welsh are able to do so. This will be enabled by both the sharing of staff and professionals delivering services and the sharing of Welsh language capacity in corporate services. In this way, and in line with the Welsh Government's previous commitment, Local Authorities working together can be a catalyst for ambitious improvements in the standard of Welsh language services. There is also an opportunity for Local Authorities to come together to exploit digital technology to open up a wider range of services to delivery through the medium of Welsh.

2.4.3 Consideration of the implications for the Welsh language must be built into regional working arrangements as Local Authorities consider their role in the

delivery of *A million Welsh speakers by 2050*.<sup>6</sup>

- 2.4.4 *Language, Work and Bilingual Services*,<sup>7</sup> the Report of the Working Group on the Welsh Language and Local Government was published in June 2016. A move towards greater regional working will enable many of the Report's recommendations to be taken forward. For example supporting a collaborative approach on leadership, making Welsh language a firm part of the regional economic development agenda will be important for the resilience of communities where Welsh is strong.
- 2.4.5 Many respondents to our consultation on the draft Welsh language strategy, *A million Welsh Speakers by 2050*, emphasised the need to take different approaches in different areas in terms of growing the numbers of Welsh speakers and promoting use of the language. At the same time, some respondents reminded us that as the nature of modern society changes and the way people live their lives change, we will need to understand how this has an impact on language use. For example, as people become increasingly mobile and as communication networks expand, there is a need for language planning to happen increasingly at a regional, as well as local level.
- 2.4.6 The proposed approach to regional arrangements set out in this paper will mean Local Authorities will need to consider how back office and administrative services can most effectively support regional working and create opportunities for the sharing of supporting services. Our aim to support resilience and renewal in local government includes consideration of how and when we should expect to develop shared approaches to supporting or administrative services. We recognise that supporting services would not necessarily need to mirror any new regional arrangements. Flexibility in our approach to regional arrangements, discussed in detail in section 2.7, will allow for consideration of different patterns for regional working. Some supporting and administrative services could be sensibly undertaken on a pan-Wales basis. We also see this as an area offering scope to integrate across public services, for example encompassing health or third sector systems.
- 2.4.7 Even where services remain local or are undertaken regionally, there are likely to be significant operational benefits and cost benefits as a result of adopting national common standards, for example in relation to cyber protection and technology delivery. The rapid development and uptake of cloud based solutions for the provision of key ICT services such as e-mail and data storage provides further scope for efficiency and cost savings. Working together to realise these benefits and building any new joint supporting services on cloud-based technologies is likely to secure greater economies of scale. Similarly, whatever scale a supporting service was being undertaken at, there are real opportunities to enable efficiencies by the adoption of open data standards to allow easy sharing and exploitation of data resources.
- 2.4.8 Local government has successfully introduced some shared back office services, for example, providing back office functions to a range of smaller organisations, shared legal services in West Wales, and local government pensions' services. But other opportunities to share services have been

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<sup>6</sup> <https://consultations.gov.wales/consultations/welsh-language-strategy>  
<https://gov.wales/docs/dsjlg/publications/160614-language-work-bilingual-services-en.pdf>

explored, and not taken forward.

2.4.9 The KPMG report<sup>8</sup> in June 2015 showed that variation existed in the cost per transaction for back office functions across different Local Authorities which could not be explained simply by reference to the nature of the service or the size of the Local Authority. It illustrated that establishing some form of back office shared service could secure significant savings above and beyond those which can be achieved by Authorities reviewing and rationalising their services to bring them into line with the high performers. It did not, however, set out a clear proposal for precisely how such extra savings would be achieved via a shared service arrangement. Nor did it consider other potential benefits in quality of service, ability to improve, expertise and resilience.

2.4.10 In discussions with Local Authorities there is general agreement that this is an area where progress has been inconsistent, and there is likely to be potential for improvements to efficiency, resilience and quality of some services. Whilst we broadly categorise what we mean by shared services later in this paper, the following are some suggestions of activities where service sharing might be taken forward (nationally or regionally):

- Technology platforms, to offer greater consistency as well as cost savings e.g. new Planning Portal, Community Care Information Service
- Specialist services where expert knowledge or skills can sometimes be in high demand and short supply e.g. internal audit; assurance around cyber threats and management, Welsh language and legal expertise, some finance functions, asset management.
- Joint or shared transactional services where processes are consistent or could reasonably be expected to be so e.g. council tax collection and wider revenue and benefits, payroll, transactional services that use the same IT systems.

2.4.11 There is also the example of the NHS Wales Shared Service Partnership (NWSSP) which provides a range of back office administrative services to NHS Trusts in Wales, resulting in cost reductions and efficiencies by introducing common processes and sharing good practice. This has taken time but it has delivered savings (the NWSSP annual report for 2015-16 describes more than £20 million in procurement savings in 2015-2016); improved services against key performance indicators (direct savings of £2 million have been returned to NHS Wales in 2015-2016, against a target of £1 million) and has taken on new functions and services by agreement as it has demonstrated success. At present, the NWSSP cannot provide services to organisations beyond the NHS but Welsh Government has previously consulted upon whether it should take a legislative opportunity to widen its scope to allow it to provide services to Local Authorities and others. There are also examples of local government led equivalent services.

2.4.12 Shared services can be broadly categorised into the following:

- Joint procurement - Examples of which are National Procurement Services and the electronic procurements system (e-PS)

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<sup>8</sup> <http://gov.wales/topics/localgovernment/publications/welsh-local-authorities-administrative-cost-review/?lang=en>



- Shared platforms - Example of which is Public Sector Broadband Aggregation
- Shared Service delivery - Examples of which are Archives Services and Regulatory Services
- Shared back office functions - Examples of which are NHS Wales Shared Service Partnership, Legal services in West Wales and ICT services

- 2.4.13 We are interested in views about where the greatest value is likely to come from in pursuing shared supporting services and how we can collectively make more rapid and deeper progress in this area to continue to secure even more efficient delivery of services as well as other wider benefits.
- 2.4.14 There is also an opportunity to look beyond Local Authorities and to develop solutions which integrate across public service providers. We are interested in views on where the opportunities lie for doing this. Modern technology offers opportunities for dispersed working but the employment changes which might follow greater concentration of shared supporting services would need to be consistent with our overall policy of supporting employment in those communities where this provides the greatest impact on local economies.
- 2.4.15 We recognise that sharing services has been an ongoing journey in Wales with some successes and some projects which have not delivered as planned. We are interested in views on the barriers to successful sharing of services and how these might be overcome. In particular, data sharing has already been flagged as part of our autumn engagement exercise and we are interested in the specific challenges it continues to pose and examples of how this has been overcome.
- 2.4.16 As part of these considerations, we need to understand how they could be enablers of regional working more generally.

**Consultation Question 7:**

*The Welsh Government believes that some back office and transactional services ought to be organised and delivered regionally or nationally. Which services do you believe could best be organised and delivered in these ways?*

**Consultation Question 8:**

*The Welsh Government believes that overcoming data sharing issues is key to taking forward greater regional working of back office functions. What legislative obstacles have made progress on sharing services difficult? How have they been or could they be overcome? What challenges does data sharing pose?*

**Consultation Question 9:**

*The Welsh Government believes sharing more back office functions would be helpful. There are a number of options:*

- *Enable the NHS Wales Shared Service Partnership for providing services to local government (and others)*
- *Establish a similar model to provide back office services to local government (and others)*
- *Establish an alternative model to provide back office services to local government (and others)*

*Which do you believe would be most appropriate to best support regional working? What other alternative models could work effectively and what steps could the*

*Welsh Ministers take to enable or encourage local government-led alternative models to be implemented?*

- 2.4.17 One specific area, which has interests wider than local government, is the potential for better management and use of public sector assets through regional planning and governance. If the public sector is to maximise positive outcomes for people and communities and deliver value for money, its property asset resources must be managed with the same scrutiny and assurance already applied to the management of its financial resources. Public sector partners have many examples to offer of co-location and co-investment. Working together through the pan public sector National Assets Working Group they have also produced and endorsed some useful tools.
- 2.4.18 A more proactive collaborative asset management approach across the Welsh public sector offers the potential to integrate services (including estate management) to improve the customer experience and to create wider efficiencies. It also offers potential to rationalise the estate and improve the quality of public service assets by investing more in fewer shared physical assets. This will allow surplus assets to be included, sometimes in combination, in land release for new homes and employment-related development. A Pilot Study in the Cwm Taf PSB area has been exploring the potential benefits of this approach. The Welsh Government's Budget for 2017/18 includes £2 million new investment to carry out asset mapping across Wales.
- 2.4.19 The Welsh Government is keen to understand how local government and others, including Welsh Government, can work together better to make the best use of their collective assets. Barriers to this in the past have included knowledge of others' plans and opportunities. To support this work it is proposed that a 'Regional Asset Collaboration best practice toolkit' is developed.
- 2.4.20 Such an approach will require appropriate governance arrangements to ensure that collaborative behaviour is embedded in ongoing decisions related to service and estate planning. Given the links to the economy the larger economic footprints may be appropriate in order to successfully engage with the wider public sector and reap the potential benefits.

**Consultation Question 10:**

*The Welsh Government believes that joint understanding and planning of public sector assets is essential to maximize their impact and that this requires regional mapping of estates assets and future intentions. How can this joint governance and decision making best be achieved? Is the larger economic footprint the right one?*

**2.5 Governance and Accountability**

- 2.5.1 Our proposals for regional working will require different governance mechanisms to underpin them. This will ensure that collaborative behaviour is embedded in decision making, accountability and scrutiny. It will need to ensure that Elected Members remain at the heart of the decision making and scrutiny process. It will require flexibility and simplicity to be at the heart of the overarching governance arrangement.
- 2.5.2 A regional governance model will require that decisions which are being taken are in the best interests of people across the region, rather than within

individual local areas. The aim is that, overall, service provision improves as a result of this approach, for example by providing services which no one Authority could deliver alone or by making more effective use of scarce expertise. This might mean for example, that to have greatest impact on a particular issue, the region should allocate more resources to one Local Authority area than another. This may be controversial locally, but governance arrangements will need to be robust enough to make and be accountable for these difficult decisions. To ensure that regional functions can be undertaken effectively and that the accountability arrangements match the footprint on which the functions are being exercised, we propose placing a duty on those exercising the functions and those holding them to account to consider both the local and regional interest in undertaking their responsibilities.

- 2.5.3 Any accountability model at a regional level will need to ensure that there is clarity for local people, officers, Elected Members and other public service organisations about where decisions are being made and on the scope of those decisions. There needs to be clarity over which functions are being exercised where, and who is exercising them on what basis. There must be a clear process to delegate functions for regional decision-making within the framework which Welsh Government will provide. There must also be clear arrangements and real commitment from those exercising functions regionally to report back to their Local Authority and be held to account by its Members.
- 2.5.4 Citizens and communities will need to be clear about how they are able to interact with the regional arrangements in order to influence and contribute to decision making. These new arrangements will further enhance the role of Elected Members, who will have a crucial part to play in ensuring that the people they represent can navigate the new system and act as their advocates.
- 2.5.5 Welsh Government will provide a clear framework for making arrangements to hold those making decisions to account. Regional arrangements will need to be appropriately scrutinised to ensure effective performance and value for money are being delivered, and that better outcomes are being achieved at a regional level. There will need to be transparency, especially in those circumstances where things unfortunately go wrong.
- 2.5.6 We will provide a framework which allows for choices in how scrutiny is undertaken. There will be the option of continuing to undertake scrutiny in each of the constituent Principal Councils within a regional arrangement, or to establish a standing regional scrutiny committee, or to undertake regional scrutiny on a task and finish basis or to adopt a mix of these approaches. In undertaking scrutiny of a regional function, it is proposed that Elected Members should be under a duty to consider the regional interest as well as the interests of their particular Local Authority.
- 2.5.7 We also want Local Authorities to take the opportunity of new regional arrangements to develop smart scrutiny approaches. This means moving away from scrutinising the minutiae of day to day operations and focusing on where the major impacts for citizens are or on matters which are new or contentious. It also means adopting different approaches including using digital and other technologies and giving citizens a key role and real voice in the process.



- 2.5.8 There are a number of approaches which could underpin the new overarching arrangements for regional governance. These range from voluntary joint arrangements, the 'traditional' joint committee, through to new regional entities in which functions are vested and to whom budgets and staff move, for example a 'combined authority'. In discussions with local government over the autumn, we have heard that the most appropriate model for regional governance is likely to be a strengthened joint committee. For the purpose of this White Paper this model is being referred to as a 'Joint Governance Committee'.
- 2.5.9 A 'Joint Governance Committee' would build on existing and familiar joint committee arrangements, but would offer additional benefits, such as a requirement to 'think' regionally. The Welsh Government proposes setting out a common rulebook for the new 'Joint Governance Committee' in legislation to ensure consistency, so there is a robust, common platform from which everyone is working from. These provisions will provide the framework within which Local Authorities would be required to delegate authority to the 'Joint Governance Committee'. We are proposing that once formed, constituent Local Authorities would be required to work together on this basis, they would not be permitted to 'walk away' from the obligation to carry out regional decision making.
- 2.5.10 We propose that the members of any 'Joint Governance Committee' would be the locally Elected Member with responsibility for the functions being exercised by that Committee. We envisage that there might be more than one 'Joint Governance Committee' per region, depending on the footprint on which functions were exercised or, alternatively, that a single 'Joint Governance Committee' might establish a number of Sub-Committees with responsibility for specific functions and services.
- 2.5.11 Where a 'Joint Governance Committee' is exercising functions in multiple service areas or which touch on the interests of more than one portfolio holder, there will be flexibility to either allow one Member to represent the interests of their Local Authority as a whole or for both to be represented, providing matching levels of representation are provided by the other Local Authorities within the 'Joint Governance Committee'.
- 2.5.12 Similarly, we intend to develop a common framework to support pooling of budgets in pursuit of the functions exercised by 'Joint Governance Committees'. This framework will be developed in partnership with local government, in common with the way the rules governing the general local government settlement are developed together.
- 2.5.13 Based on our discussions with Local Authorities, it is proposed that the Welsh Government sets out a framework for 'Joint Governance Committees', this will include:
- **membership arrangements** – our proposal is that the membership of the 'Joint Governance Committee' should be made up of the Elected Member or Members with responsibility for the function(s) being exercised, with the proviso that each Local Authority must have equal membership
  - **delegation of functions** – our proposal is that we will prescribe the functions which must be exercised regionally by the Local Authority. The delegation process will therefore be about providing clarity and

transparency for Elected Members and the public about to whom the delegations are made in each Local Authority and the accountability which has been put in place to hold them to account, there will be no option to refuse to delegate

- **voting arrangements** – our proposal is that each Local Authority will have equal representation and voting power on any ‘Joint Governance Committee’
- **funding flows** from Local Authorities to the ‘Joint Governance Committee’ – our proposal is that we will provide a mandatory framework for this and develop it in partnership with local government
- **scrutiny arrangements** – we will provide a range of options for the approach to scrutiny and ensure that those undertaking scrutiny have a duty to consider the regional as well as the local interest.

2.5.14 We will work with the WLGA and SOLACE to establish an independent task and finish group to help us to develop the statutory framework within which the ‘Joint Governance Committee’ will operate. There is already a range of existing legislation which enables or requires joint working in respect of the functions set out above. In light of our aim to create a simplified, flexible and consistent form of regional governance which has democratic decision making at its core, we will ask the task and finish group to consider this legislation and whether it should be used as part of the framework, in conjunction with it or whether it should be repealed and replaced.

2.5.15 Our vision for these new arrangements is that they will evolve over time and the level of joint working and the scope of what is undertaken regionally will be able to grow.

### **Consultation Question 11:**

*The Welsh Government believes a strengthened joint committee (a ‘Joint Governance Committee’) offers an appropriate governance model for regionally delivered services and intends to set out a framework for local government to use to deliver this. What should the democratic accountability and scrutiny arrangements be for such a model? Should each participating Local Authority have equal voting rights or should they be weighted in some way?*

## **2.6 Regional Footprint(s) Arrangements**

2.6.1 The picture of regional arrangements for local government is complex. There is general alignment of arrangements in some parts of Wales, for example in North Wales and Gwent, but there is greater diversity of arrangements elsewhere. These arrangements have evolved in this way for a range of reasons and one of the key pieces of feedback from the engagement with Local Authority Leaders and Chief Executives was a real desire to simplify these arrangements and reduce the demand on the time of Elected Members and officers in participating in a range of often overlapping or partially duplicatory collaborative arrangements.

2.6.2 On this basis and reflecting the views expressed on possible approaches to a rationalised set of footprints, two footprints were highlighted as potentially appropriate to mandate for the exercise of regional functions in the Cabinet

Secretary for Finance and Local Government's October Oral Statement<sup>9</sup>. These were the 'economic development' footprint (that is something based around the current City Regions and the North Wales Economic Ambition Board footprint) and the current Local Health Board footprint.

- 2.6.3 Since then, we have been engaging on the detail of how the proposed new arrangements for regional working might operate. It has become clear that there are practical reasons why such a simple approach might not offer the maximum advantage and that some flexibility would be beneficial. The challenges are greater in some parts of Wales than others because some have a greater diversity in existing arrangements. In some cases, simply mandating the health footprint might involve disaggregating existing, larger collaborative arrangements (for example, the Education Consortia) or breaking up functioning shared service delivery (for example, Bridgend, Cardiff and the Vale of Glamorgan's Shared Regulatory Service.) Neither of these outcomes would be desirable.
- 2.6.4 Under current arrangements, Bridgend provides social services as part of a wider partnership with Neath Port Talbot and Swansea. These arrangements have taken some time to develop and are working well. However, for other services, Bridgend works in different combinations most notably for education improvement where it forms part of the Central South Education Consortium. Bridgend is also part of the Cardiff Capital Region.
- 2.6.5 The proposals present an opportunity to look again at the position of Bridgend and whether consistency could be promoted by rationalising the pattern of regional services in which Bridgend is currently involved.

**Consultation Question 12:**

*The Welsh Government believes that in order to put in place arrangements which reduce complexity for Authorities and their partners the position for Bridgend needs to be considered. Although Bridgend is fundamentally concerned in this, other partners including other Local Authorities and the Local Health Boards also have valid interests. We are therefore seeking views on how best to address the issues set out here.*

- 2.6.6 During our autumn engagement a number of Leaders and officers have pointed to the benefits of flexibility and having the ability to work together at sub regional level (for example within the North Wales footprint) or to work together where there is commonality of demographics or of place (for example across cities in South East Wales).
- 2.6.7 These considerations are finely balanced and we have identified four potential approaches to the footprint question:

**Option 1: Mandating prescribed footprints for regional working**

- 2.6.8 Welsh Government would require regional working by specifying what functions had to be exercised on which footprint. This is the original approach arising from the discussions in the summer based on the 'economic development' footprint and Local Health Board boundaries and would be the most rigid approach. It would have the advantage of clarity and simplification.

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<sup>9</sup> <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=3994&language=en&assembly=5&c=Record%20of%20Proceedings&startDt=04/10/2016&endDt=04/10/2016#427466>

Greater flexibility could be provided by allowing building blocks of footprints to be combined to support the delivery of specific services across a wider area. For example, a regional collaboration which spanned two Local Health Board boundaries.

#### Option 2: Mandating a framework

2.6.9 This option would offer the greatest flexibility and would see Welsh Government requiring regional working for specific services, but without specifying the footprint on which it had to take place, which would be left to local determination. Welsh Government would provide a framework within which that local determination would be made. For example, this could involve specifying a minimum number of Local Authorities that need to be part of a regional arrangement or requiring the Local Authorities have regard to certain things, such as Local Health Board boundaries.

#### Option 3: A framework and a footprint

2.6.10 An alternative approach is where for some functions a footprint would be prescribed, for example transport planning and strategic land use planning might be prescribed to take place on an economic development footprint. However, for other functions, such as public protection, regional working arrangements would need to comply with the framework for regional working, for example, a minimum number of Local Authorities working together, and / or consideration of Local Health Board boundaries.

#### Option 4: Deliberatively Regional

2.6.11 Another variant on requiring regional working might be one where Welsh Government would engage in a deliberative process with local government to determine the appropriate footprint for each service / function and the footprints would be made mandatory at the conclusion of that process.

### **2.7 Preferred Approach**

2.7.1 Having considered the feedback we have already received on this important issue and undertaken our own assessment of the options, our preferred approach is Option 3. We believe that this hybrid approach offers an appropriate balance between requiring more systematic working and sufficient flexibility to allow Local Authorities to come together to put in place arrangements that best suit local circumstances.

2.7.2 There was a broad welcome for mandating an 'economic development' footprint. We propose that this footprint should be based on the WLGA regions, which are broadly coterminous with the existing economic development areas: Cardiff Capital Region, North Wales Economic Ambition Board and the Swansea Bay City Region. Our expectation is that the distinct set of arrangements that are already in place for Growing Mid Wales and the Swansea Bay City Region would continue under the umbrella of the Central and South West Wales 'Joint Governance Committee' area.

2.7.3 We anticipate, subject to feedback as part of this White Paper consultation, that this 'economic development' footprint would be mandated to undertake transport planning, certain strategic land use planning functions and economic development on behalf of their constituent Authorities. We will provide flexibility in how these arrangements must work to ensure that the scope of the current City Deal arrangements could be maintained, which would be a particular consideration in expanding the Swansea Bay City

- 2.7.4 For the other functions identified in section 2.3, the specific footprints to be adopted will be determined by the constituent Local Authorities, within a framework which would guide that determination with a view to removing overlap and promoting simplicity as far as possible.
- 2.7.5 To facilitate the decision making on how other regional arrangements should be organised, the overarching 'Joint Governance Committee' operating at the 'economic development' footprint level would have oversight of the establishment of any sub-regional arrangements and would oversee their working arrangements. We propose that the overarching 'Joint Governance Committee' is required to put in place and monitor the governance arrangements for the region and ensure the efficient and effective delivery of those services and achieving outcomes for the region.
- 2.7.6 There are some functions where there are already well established regional arrangements which would mean working across these boundaries, for example the Western Bay Adoption Services, or where the six North Wales Authorities work with Powys on Minerals and Waste Joint Planning. We would not require these working arrangements to be changed, however, we would expect that the governance of these arrangements was considered by the respective 'Joint Governance Committees' to ensure robust governance arrangements were in place.
- 2.7.7 Equally, there may be opportunities for working across regional footprints where that is the right approach. For example, the *Language, Work and Bilingual Services*,<sup>10</sup> Report recommends that a linguistic-economic strategy is developed for the counties of Anglesey, Gwynedd, Ceredigion and Carmarthenshire. Flexibility in regional working arrangements would allow for such an approach to be considered.
- 2.7.8 In considering the current and future needs of local people and communities, Local Authorities may consider voluntary mergers (discussed in Section 3). When considering voluntary merger proposals, consideration will need to be given to the impact on economic development footprints.
- 2.7.9 Our proposals represent an evolution of existing arrangements but one which puts them on a clear, consistent basis. Our autumn engagement, and proposals from the WLGA have indicated that there might be a desire to take governance arrangements further to improve outcomes in the future. It has been suggested that Welsh Ministers pursue legislation that would enable the creation of Combined Authorities in due course where there was a robust case. We are proposing that such provision could be made alongside provision for the proposals for 'Joint Governance Committees' to be used as and when they were required by local government to further their objectives.
- 2.7.10 We propose that a review of these new regional arrangements is undertaken after the legislation is implemented to track progress in bringing about change and to consider the effectiveness and efficiency of the new arrangements.

**Consultation Question 13:**

*The Welsh Government believes that 'Option 3: A framework and a footprint' is the most appropriate model for future regional working.*

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<sup>10</sup> <http://gov.wales/docs/dsjlg/publications/160614-language-work-bilingual-services-en.pdf>



- *What are your thoughts on the proposed mandatory economic development footprint for 'Joint Governance Committees'?*
- *How could a framework approach for sub-regional working in other services areas operate in practice?*
- *Is it appropriate for there to be flexibility for regional working to cross economic development boundaries in exceptional circumstances? Which circumstances would they be?*
- *How should the governance arrangements at the mandatory economic development 'Joint Governance Committees' have oversight of sub regional working?*

**Consultation Question 14:**

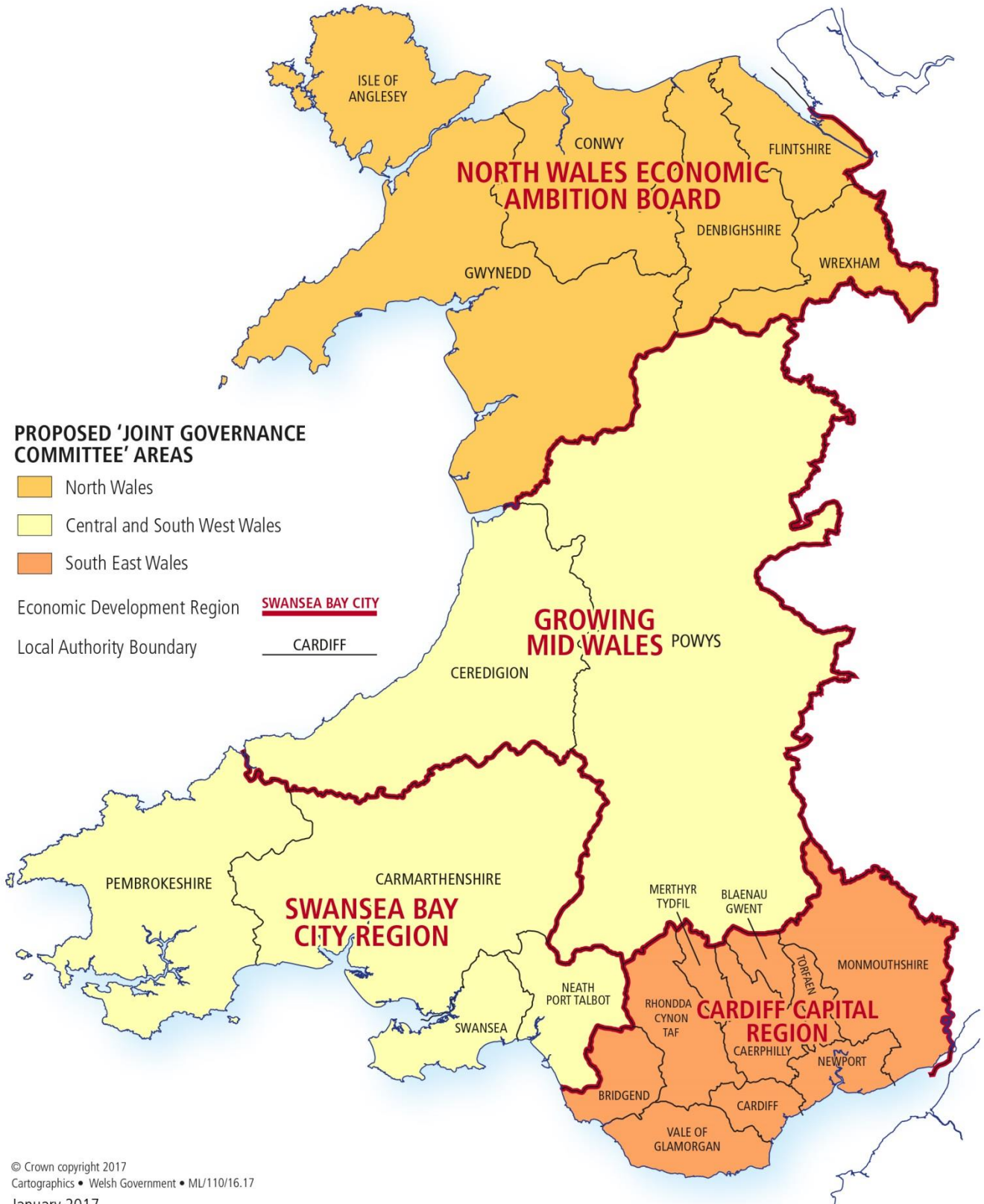
*The Welsh Government would welcome comments on the appropriateness of seeking powers to create a Combined Authority. In particular, views on what minimum expectations there should be in considering the appropriateness of creating a Combined Authority are welcomed.*

## **2.8 Funding Regional Arrangements**

- 2.8.1 The Welsh Government has protected the funding for local government. However, the financial outlook for public services continues to challenge us all. Levels of financial support are unlikely to increase significantly in the future – difficult financial outlooks are, unfortunately, the new norm. Coupled with this are continuing cost pressures on all our budgets; increasing demand for many services; and tough economic challenges. As a consequence, local government continues to voice concerns about less headroom in budgets to deliver services and, importantly, to invest in improvement and new transformative delivery models. We must therefore continue to look at the funding arrangements to ensure they remain fit for purpose as services evolve.
- 2.8.2 Any regional funding arrangement will need to be as simple as is practicable, offering flexibility to suit different functions, different roles and remits, and different footprints. The arrangements need to be able to flex to support an emerging model. Importantly, regional funding arrangements must be transparent. The flow of finance between public bodies must be understandable to citizens, to Government, to the regulators and to local government itself. A range of possible funding models exists including precepting, levying, grant funding, recharging and pooled budgets. In discussions with local government, pooled contributions from the constituent local authorities has emerged as the most practical solution.
- 2.8.3 Local Authorities and other public bodies already finance a number of collaborative arrangements. Principal authorities pool resources to support collaborative working and it is a funding model which is well-established, with minimal barriers and a high degree of flexibility. The majority of existing Joint Committees identify a lead Local Authority in relation to finance and this arrangement appears appropriate within a regional context. We intend to build on the existing arrangements where these work best, rather than add complexity by imposing a new and complex funding model.

# WALES

## Proposed 'Joint Governance Committee' Areas



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January 2017



- 2.8.4 We propose that a mandatory financial framework is developed to ensure the expenditure of each 'Joint Governance Committee' is met through pooled contributions from the constituent local authorities.
- 2.8.5 The amounts to be pooled would be determined by local agreement, providing local government with the flexibility and autonomy to make this work. A crucial feature of this model is that the constituent authorities agree the levels and apportionment of funding for the functions to be carried out regionally. The ability of authorities to reach and adopt such funding agreements will be fundamental to their success in working together to deliver functions on a regional basis. It is proposed that the framework also provides for a default arrangement which would be invoked where local agreement is not reached. As part of developing such a framework in partnership with local government, consideration will need to be given to where the legal authority to spend public money sits within a regional arrangement. For example, many collaborative arrangements include legal agreements between Authorities to confirm that when a lead Authority acts, it is acting on behalf of the others so that the financial liability does not fall to a single Authority.
- 2.8.6 In contributing financially to regional expenditure, Local Authorities would need to take this into account in their annual budget setting process and in relation to their statutory duty to set a balanced budget. This will require early discussions on the level of regional expenditure and the local contributions needed. It would be appropriate for each 'Joint Governance Committee' to produce a Medium Term Financial Plan (and associated medium term delivery plan), so that Local Authorities can forward plan their finances. We believe that to offer transparency to the public, any regional arrangements should be required broadly to balance income and expenditure in-year. Consideration will be given as to whether a limited reserves facility would be practicable.
- 2.8.7 Existing collaborative arrangements (under a Joint Committee) are subject to formal accounting and audit requirements. We do not see a need to change these requirements. The Chief Finance Officer (Section 151 Officer) has an important role in securing the best value for public money and driving efficiencies. The Chief Finance Officer has particular statutory duties and a fiduciary responsibility to the taxpayer. The Chief Finance Officer (and the Monitoring Officer) has a role in advising whether particular decisions are likely to be contrary to the policy framework or budget of the Council. Many Chief Finance Officers also undertake this role for particular services or collaborative arrangements. The nature of this role in the context of greater regional working will be the subject of detailed discussions with local government in developing the financial and governance frameworks.

**Consultation Question 15:**

*The Welsh Government believes that a mandatory financial framework should be developed to ensure the expenditure of each 'Joint Governance Committee' is met through pooled contributions from the constituent Local Authorities.*

- *Should the expenditure of 'Joint Governance Committees' be met by constituent Local Authorities, in proportions to be agreed locally, to ensure the most flexible approach?*
- *Should the framework provide for a default position if local agreement cannot be reached, and how such a process might be triggered?*



- *What further considerations might relate to, or need to be included in, a financial framework?*

## **2.9 Wider Reforms to Finance**

2.9.1 The Welsh Government also wishes to explore more wide-ranging reform of the local government finance system, to meet our aims of improved sustainability of services and of greater fairness for Wales' citizens and businesses. The future role for local government outlined in this White Paper has a bearing on the wider changes which can be made to the finance system. A separate statement has been published 31<sup>st</sup> January 2017 setting out more detail on the areas intended to be explored. The Welsh Government will consult on proposals as they are developed.

## **2.10 Workforce Matters**

2.10.1 The most valuable asset of the public service is its workforce. For public services to thrive in the future we must nurture and develop our staff to ensure they have the capacity and capability to adapt to the changing needs of our society and to continue to deliver excellent public services.

2.10.2 Attracting and retaining our best talent is critical to driving the transformational change to which we aspire, and people need interesting and varied opportunities if they are to commit to a career in public services. In order to maximise the opportunities available to individuals, Wales needs to develop a public service that enables staff to develop flexible careers across the whole service, sharing experiences and ways of working. This will mean that public services are better able to work together to support effective service delivery.

2.10.3 Establishing resilient services is paramount to the future of local government. Issues of capacity and scale affect many parts of local government and the wider public sector, specialist skills will need to be shared and technical expertise utilised collaboratively across organisational and sectorial boundaries. There are a range of organisations already working collaboratively to do this.

2.10.4 No single workforce model has been adopted by these organisations. Some have chosen to leave staff where they are and manage across a number of different employers. Others have chosen to transfer staff or to create a single shared staffing structure. Some have chosen to harmonise terms and conditions, whilst others have retained separate terms and conditions to manage staff across multiple organisations. Following the single status agreement, the job evaluation and grading process was individually undertaken by local government. This has provided consistency within organisations, however inconsistencies continue to exist across local government as a whole. Local government has the opportunity to develop greater standardisation of approach, where appropriate, to workforce matters to smooth the path to regionalised working, whilst ensuring that the equalities secured by individual Local Authorities through enacting the single status agreement, are not lost.

2.10.5 The Public Services Staff Commission will no longer be made a statutory body and will be brought to a close in March 2018. Until then, it will continue to provide advice on workforce matters under the strategic direction of the

Workforce Partnership Council. In coming months, the Workforce Partnership Council will be subject to a wider review, coproduced by social partners working together. The purpose of this review will be to ensure the Workforce Partnership Council has clear roles, responsibilities and tripartite structures and is well placed to drive social partnership working in Wales within the changing context outlined in this White Paper.

- 2.10.6 In August 2015 a task and finish group of the Workforce Partnership Council was established to focus on workforce planning and mobility. The work of this group is ongoing. There may still be a need for Welsh Government Ministers to provide statutory guidance on matters such as approaches to recruitment, retention, workforce planning, performance management.
- 2.10.7 The proposals around regional working, if accepted, will affect the local government workforce. Matters around how we can maximise the opportunities of regional working for the local government workforce, and mitigate any potentially negative effects, will be brought to the Workforce Partnership Council.
- 2.10.8 The previous consultation provided mixed views on the value of Welsh Government having such a statutory guidance making power. Annex One sets out a brief summary of previous proposals and their current status. We believe that to support organisations to move to a more consistent and regional approach to delivering services it may be helpful to have the ability to issue statutory guidance where there is an identified need. Welsh Government's intention would be to only issue guidance on workforce matters where it will enhance the development of national or regional delivery of public services.

### **Consultation Question 16:**

*The Welsh Government believes that to support organisations to move to a more consistent and regional approach to delivering services it will be necessary to issue statutory guidance where there is an identified need. Do you agree or disagree? If you agree, what types of advice, guidance and support on leadership and workforce matters might lead to greater local, regional and national consistency?*

## **2.11 Public Services Boards**

- 2.11.1 People's lives don't stop at geographical or service boundaries. Public services need to work together behind the scenes to ensure seamless services for citizens. Public Services Boards have a unique role in bringing together the wider public service to improve the economic, social, environmental and cultural wellbeing of their areas. In other words, to make a visible difference for citizens. The work that is already underway must continue at pace in order to support regional working.
- 2.11.2 The reform of local government, and a requirement for Local Authorities to work increasingly on a regional basis, will have broader implications for public service partners and Public Services Boards.
- 2.11.3 Local Authorities will be asked to come together to exercise functions on a regional basis. This will mean Public Services Boards, in bringing together the key public service partners, will have to consider how they work with the new regional arrangements. They will also need to give consideration as to whether it would be appropriate to organise themselves to reflect new regional arrangements.

2.11.4 There are already extensive powers for Boards to work together on a larger footprint. The legislation also allows for Public Services Boards to merge, based on the Local Health Board footprint. It may be appropriate to amend this legislation allowing for greater flexibility in the merger (and where necessary de-merger) of Boards to allow them to accommodate different regional footprints.

**Consultation Question 17:**

*The Welsh Government believes it would be helpful if Public Services Boards could collaborate or merge across Local Health Board Boundaries. Do you agree or disagree? Why?*

**Consultation Question 18:**

*The Welsh Government believes Public Services Boards should be allowed to de-merge as well as merge. Do you agree or disagree? Why?*

### **3. VOLUNTARY MERGERS**

- 3.1.1 In considering the current and future needs of local people and communities, Local Authorities must give serious thought as to how best to organise themselves to maximise the impact they can have. Despite greater regional working, it may be that Local Authorities choose to come together in to a single larger Authority to better deliver for local people.
- 3.1.2 This will require Local Authorities to develop a robust proposal for structural change. The Welsh Government will not set out a long list of specific criteria that a proposal must meet; the rationale and circumstances for voluntary merger will be different in each case, and Local Authorities must have the flexibility available to them to bring forward proposals in different circumstances. But those committed to the merger process will need to be clear as to the opportunities and benefits, in both the short and medium term. Therefore, the Welsh Government believes it is reasonable for there to be a set of minimum expectations that should be met in considering the appropriateness of voluntary merger.
- 3.1.3 In developing proposals for merger, account would need to be taken of the ongoing resilience of the organisations, effective delivery of services and outcomes for local people, and the proposed future financial position. Proposals should deliver sufficient benefits to people and communities to warrant the merger. The case for change should be built together, by the Local Authorities, and their local stakeholders. As with the previous voluntary merger prospectus and the Local Government (Wales) Act 2015, we would require, any proposal to be consulted upon locally. This includes consultation with local people, staff (and any representative bodies), and other public service partners. Any final proposal to merge would need to be subject to a successful resolution by the full Council of all of the merging authorities.
- 3.1.4 A proposal for voluntary merger will need to be developed in dialogue with Welsh Government. This will enable Welsh Government, and others, to provide appropriate support. Discussion and cooperation will be crucial to ensure a workable timetable and the proposal is fit for purpose in the longer term.
- 3.1.5 Once a final merger proposal is put forward, the Welsh Government would need formally to accept it. Welsh Government would then ask the Local Democracy and Boundary Commission for Wales to undertake an electoral review of the proposed new authority area and bring forward regulations enabling merger to happen. Such regulations would require approval from the National Assembly for Wales. It is possible that more than one merger proposal could be brought forward at any one time, and that the regulations required may be different to reflect the different needs of merging bodies. Such regulations are likely to cover:
- the transfer of staff, assets and liabilities
  - details on elections
  - the setting up of transition committees and the shadow Local Authority
  - the implementation of any statutory transactions regime as necessary

- 3.1.6 It may be helpful to issue guidance on these issues, and as such Welsh Government intend to take guidance making powers with regards to voluntary merger.
- 3.1.7 Welsh Government will need either to seek new powers in order to give effect to voluntary mergers or to amend the existing legislation allowing for voluntary mergers which is contained in the Local Government (Wales) Act 2015 (the 2015 Act). The powers in the 2015 Act allowing for voluntary merger were linked to a strict timetable for the then proposed merger programme. They cannot now be used for voluntary mergers which would take effect after 1 April 2018, hence the need for new legislation or to amend existing legislation.

**Consultation Question 19:**

*The Welsh Government would welcome comments on what minimum expectations there should be in considering the appropriateness of voluntary merger.*

## 4. A FRAMEWORK FOR LOCAL LEADERSHIP

### 4.1 Shared Expectations

- 4.1.1 The goals and ways of working set out in the WFG Act are the vision for the future within which we all must work. The Welsh Government needs to ensure it is providing the framework that local government needs to deliver excellent public services to local people and communities. We are clear that our 'ask' must be different. Welsh Government should set the broad strategic framework within which local government works to deliver the outcomes that we are collectively trying to achieve. This is a different relationship; it is one based on mutual respect and trust. It is an open and ongoing dialogue around shared problems. It requires maturity on both sides.
- 4.1.2 In '*Taking Wales Forward*'<sup>11</sup> the Welsh Government commits to changing the relationship between Welsh Government, the WLGA and local government. To this end the Welsh Government, working with local government, will refresh the Local Government Partnership Scheme which sets out the principles that the Welsh Government and local government will use to work together for the citizens of Wales. We remain committed to reducing unnecessary burdens on the public sector and business. Welsh Government are committed to increasing funding flexibilities for Local Authorities and are working closely with local government to ensure the most appropriate delivery mechanisms for future funding, this includes looking at transferring further grants into the Revenue Support Grant. This goes beyond the public service, for example, the Cabinet Secretary for Economy and Infrastructure is considering the range of panels, bodies and groups that are engaged in providing advice across the business and economy landscape with a view to simplifying arrangements.
- 4.1.3 Welsh Government will provide the framework within which local government can operate best to meet the current and future needs of individuals and communities. This framework must be flexible, offering a menu of choices to allow local government to operate in ways that best meets local needs. In turn, local government must work with local people and communities to shape a shared future.
- 4.1.4 The Welsh Government must be clear on what outcomes it expects local government to deliver. Sometimes this will mean delivering outcomes in a consistent way, for example setting minimum standards. On other occasions this could mean creating consistency in governance arrangements to ensure there is transparency in decision making, so local people can understand how and where decisions are being made.
- 4.1.5 As part of developing these new proposals for local government reform we have sought the views of Leaders, Elected Members, Chief Executives, local government officers and the wider public service. We are committed to an ongoing relationship where we are open about the challenges we collectively face and where we work together, as one public service, to meet those challenges. Shared leadership will require trust, a willingness to work together and to compromise, as well as a mutual appreciation of our respective but distinctive roles in improving outcomes for people in Wales.

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<sup>11</sup> <http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf>



- 4.1.6 Part of Welsh Government's commitment to this will include looking to reduce performance reporting requirements, including plans, annual reports and strategies. We will ensure this approach is reflected in the legislative proposals brought forward in a new Local Government Bill. But we will also work with colleagues more broadly across Welsh Government to remove unnecessary burdens put on local government. We will continue to consider the use of specific grants, seeking to offer as much financial flexibility as possible for local government to work within.
- 4.1.7 We remain committed to providing a general power of competence to Local Authorities and those Community Councils which meet minimum criteria. This will allow local government to do more, being more innovative and flexible in their approach. Local Authorities will be able to use this power to work with others to provide cost-effective services and facilities in new ways to meet the needs of local communities. A Council could lend or invest money; or set up a company or co-operative society to trade and engage in commercial activity. Use of the power is not restricted to the geographical area of the authority or for the benefit of its residents. It offers Local Authorities a breadth of opportunity to innovate, and local citizens must be part of this joint enterprise.

## 4.2 Distributed Leadership

- 4.2.1 Everyone has some leadership responsibilities. Faced with a problem to be solved, the first question any employee of local government should ask "What contribution can I make to resolving this matter?" A full resolution will then involve contributions from others, working together. This form of distributed leadership is the antithesis of an approach which invites employees always to pass problems higher and higher up hierarchical management structures.
- 4.2.2 Effective leadership will be key to enabling and delivering these changes. Not only is there a corporate responsibility for leadership. There are also expectations on individuals, Elected Members and officers, to take responsibility for leading. This goes way beyond any legislation or guidance that Welsh Government or others may produce. This is an ethos; a commitment to developing learning organisations, where the needs of local people and communities are put at the heart of decision making and our approach is based on a co-productive relationship. We have already set out the values we expect all public services, including Welsh Government, to embody through 'One Welsh Public Service'.<sup>12</sup> These values are set within the context of the Well-being of Future Generations Act and articulate some of the behaviours we would expect leaders at all levels to display in their daily working.
- 4.2.3 To support Local Authorities to build on this we will pursue a requirement for Leaders to undertake objective setting with Cabinet Members. As a result of feedback received during the previous consultation this will be amended to a minimum of twice during an election cycle, although Leaders can choose to do this more frequently. As previously proposed, we will place a new duty on leaders of political groups to promote good standards of conduct by their members and to co-operate with Standards Committees in exercising their functions. Where appropriate, Standards Committees will hear cases of

<sup>12</sup> <https://academiwales.gov.wales/pages/one-welsh-public-service>

alleged failure by members to perform prescribed performance duties, as well as breaches of the member code of conduct.

**Consultation Question 20:**

*The Welsh Government would welcome comments on any of the proposals set out previously in the draft Local Government Bill and associated consultation paper, Annex One refers.*

### **4.3 Performance and Improvement**

4.3.1 Part of our plans to give local government the framework to lead includes an ongoing commitment to changing performance management arrangements. Welsh Government intends to repeal Part 1 of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) for all ‘Improvement Authorities’.<sup>13</sup>

#### **Fire and Rescue Authorities**

4.3.2 The fire and rescue services in Wales have a track record of delivery. They have reduced fires and fire casualties by over 50% since responsibility was devolved in 2004. They also have a long history of regional working, having operated on that basis since 1996. In that sense, they already represent an example of the broad approach which this White Paper proposes for other Local Authority services.

4.3.3 However, Fire and Rescue Authority governance and funding arrangements do not generate sufficient accountability, for instance, Council leaders and cabinet members are generally not members. There is also no separation between executive and scrutiny functions, and budgets are set without any formal external challenge or control.

4.3.4 To correct this, and to ensure that fire and rescue services are properly integrated with other regionalised services, it is proposed that Fire and Rescue Authorities will change their governance arrangements so that their membership will resemble that of Joint Governance Committees, and budgets would be set on a pooled basis by agreement. This would not change the role, number or boundaries of Fire and Rescue Authorities, or their existence as separate organisations empowered to employ staff, spend money and exercise functions on their own account.

4.3.5 As part of the new Bill it is proposed that the 2009 Local Government Measure will no longer apply to Fire and Rescue Authorities from the same date as Local Authorities. They will not be subject to the new improvement and performance regime set out for Local Authorities. A full consultation will be undertaken in due course as to the new governance, funding and performance management arrangements for Fire and Rescue Authorities.

#### **National Park Authorities**

4.3.6 The Future Landscapes Wales programme, chaired by Lord Dafydd Elis-Thomas AM, was established in October 2015 and involves representatives of the National Parks, Areas of Outstanding Natural Beauty, interest groups and business. It was initially tasked to explore the Marsden Report on the Review of Designated Landscapes in Wales and consider the case for reform.

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<sup>13</sup> Improvement Authorities are: Local Authorities, the National Parks and the Fire and Rescue Authorities



- 4.3.7 The Marsden Report recommended that “*The Welsh Government should reduce the disproportionate regulatory burden on National Park Authorities that is designed for larger and more complex Local Authorities.*” This view is endorsed by Future Landscapes Wales which is advocating that work should begin immediately to develop a proportionate approach to planning and performance reporting which discharges duties under the Well-being of Future Generations Act and can be adopted as substitutes or supplements to the other statutory reporting requirements.
- 4.3.8 As part of the new Bill the 2009 Local Government Measure will no longer apply to National Park Authorities from the same date as Local Authorities. They will not be subject to the new improvement and performance regime set out for Local Authorities. An alternative approach will be developed tailored to the needs and size of the National Park Authorities, but consistent across all three.

**Consultation Question 21:**

*The Welsh Government believes that Part 1 of the Local Government (Wales) Measure 2009 should be repealed for all ‘Improvement Authorities’. Do you agree? Why?*

**Local Authorities**

- 4.3.9 Following positive feedback, Welsh Government remains committed to changing the performance framework to one that is guided by the principles of the WFG Act and informed by good governance principles. Local Authorities will be required to secure good governance (as set out by the CIPFA good governance framework)<sup>14</sup> and in doing so take part in self assessment and peer review. Local government, working with its partners and with constructive external challenge, is best placed to understand how to build and deliver excellence within the sector, for the sector. The provisions in the Draft Bill allow for flexibility in how Local Authorities approached self assessment and peer review. We remain committed to local ownership of performance and giving Local Authorities choice in how they deliver improvement.
- 4.3.10 Our expectations of Local Authorities to take greater responsibility for their improvement journey remains. Welsh Government intends to require Corporate Governance and Audit Committees to take a greater role in challenging the performance of their Local Authority area, ensuring Elected Members are at the heart of driving improvement.
- 4.3.11 Audit, inspection and regulation bodies also have a role to play in enabling local government to achieve more for local people. Welsh Government remains committed to asking these bodies to work together more effectively and also work more closely with Authorities to support better outcomes for citizens.
- 4.3.12 As previously set out, Welsh Government will retain a power of intervention, and the ability to commission and act upon the findings of independent governance reviews, where there are concerns. This is in addition to intervention arrangements under service specific areas.

<sup>14</sup> <http://www.cipfa.org/policy-and-guidance/standards/international-framework-good-governance-in-the-public-sector>

## 5. LEADING LOCALITIES

### 5.1 Working in Partnership with People

- 5.1.1 Local government has a key role in helping communities to define the futures to which they aspire. This isn't just about organisations working with each other when there is crisis; but about how they work together *with* their communities to prevent crisis. Co-production with citizens must be at the heart of this. There are legitimate roles for local communities (whether through a Community Council and/ or community groups), Local Authorities, regional bodies, and national Governments in 'place shaping'.
- 5.1.2 In shaping the future for communities in Wales there needs to be a golden thread that links community level aspirations with national goals. The Well-being Goals set that framework. To make this golden thread a reality requires close working between Community Councils, Local Authorities, other public bodies and Public Services Boards, and any regional arrangements. The challenge will be to all head in the same direction, without unnecessary duplication. Working in partnership to maximise outcomes for people and communities; ensuring that organisations are undertaking the most impactful activity given their skills, expertise, and remit.

### 5.2 Role of Councillors

- 5.2.1 Our proposals for local government reform put Councillors at the heart of the process, leading their local communities. Local Councillors, whether sitting on Community Councils or Local Authorities, are critical in advocating for communities and individuals. They are elected to represent their communities, speaking up for their ambitions and aspirations, but also holding to account those responsible for decisions around and delivery of services, ensuring that services meet the needs of local people and communities.
- 5.2.2 Councillors must represent their communities, but they should also be representative of their communities. Our aim is to promote greater diversity amongst those who stand for election. To strengthen this connection we are taking steps to increase diversity among those who stand for election and encourage greater participation in local democracy.
- 5.2.3 We have been working over the last three years to create a diverse pool of candidates for the local elections later this year. Since the publication of the McAllister report "On Balance"<sup>15</sup> in 2014, the Welsh Government has led the Diversity in Democracy campaign. As well as encouraging political parties to commit themselves to selecting candidates from under-represented groups in winnable seats, the campaign has included the recruitment of around 50 mentees, who have shadowed existing Councillors.
- 5.2.4 We will use evidence from the WLGA's exit survey on Councillors standing down this year, the candidates' survey of all those standing for election this year, and the evaluation of our Diversity in Democracy programme to examine how the profile of Councillors changes in 2017 and give consideration to what more needs to be done.

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<sup>15</sup> <http://gov.wales/topics/localgovernment/publications/expert-group-report/?lang=en>

- 5.2.5 We propose to retain the provisions from the Draft Bill which would require Local Authorities to produce strategies explaining how the public can understand how decisions are made and how they can participate in the process. In addition, we intend to make broadcasting of Council meetings – already widely practised – a statutory requirement and Councils will be required also to allow Members to attend Council meetings remotely if they have domestic, business or travel difficulties preventing them getting to the main meeting place.
- 5.2.6 New duties for Leaders of political groups to ensure high standards of conduct amongst their members will add to a package designed to make life as a Councillor more attractive and to encourage a more diverse range of people to consider involvement in the future.
- 5.2.7 Councillors are the voice of their communities. The previous White Paper and Draft Bill sought views designed to provide clarity as to what local people can expect from Local Authority Councillors. This included holding regular surgeries, responding to correspondence in set timescales, publishing reports on their activities. In the light of the Jo Cox tragedy and other representations, we intend to modify the need to hold surgeries with a provision which requires that Councillors must provide opportunities for their constituents to be in contact with them, there will be a menu of choices that Councillors will be able to choose from to best suit their local communities.
- 5.2.8 The Draft Bill included some proposals which we now consider to be too rigid. Leaders were to be required to hold annual public meetings. All Councillors were to be required to produce annual reports. Instead we intend to bring forward proposals that offer Leaders and Councillors a menu of how they might improve, where necessary, their interaction with the public. The important point will be that they engage consistently – and make themselves available to the public – and provide regular information as to how they have done this.

### **Consultation Question 22:**

*The Welsh Government believes there should be minimum expectations on Councillors for interacting with their local constituents. Do you agree or disagree? If so, what should these minimum expectations be?*

## **5.3 Listening to Localities**

- 5.3.1 Local people and communities should also have the opportunity to put their views forward through an open dialogue with their Local Authority. The previous White Paper and Draft Bill set out proposals requiring Local Authorities to set out how they intend to support and encourage their local communities to participate in the democratic process, outlining how local people would be able to contribute to the development of plans and policies. We believe this remains critical and we intend this to include how local people can be part of the regional as well as the local democratic process.
- 5.3.2 The previous White Paper and Draft Bill proposed a requirement to establish ‘community area committees’ for all Local Authorities as a mechanism for gathering views on local priorities and objectives to be fed into the decision-making process. There was strong resistance to requiring such an arrangement in the previous consultation, particularly around the potential for these committees to take on functions. Part of the rationale for ‘community

area committees' was to counterbalance concerns that larger merged Local Authorities would be further from local communities, therefore such a provision is no longer necessary. However, Section 18 of the Local Government Act 2008 already allows Local Authorities to establish area committees; some Local Authorities are using these and have indicated that the legislation could be amended so Local Authorities could choose to establish them or to use existing area committees to be used in more flexible ways.

**Consultation Question 23:**

*The Welsh Government believes it could be helpful to make some minor changes to existing area committee legislation to increase their flexibility. What do you believe these changes should be?*

**5.4 Balancing Local and Regional Leadership**

- 5.4.1 The requirement for Local Authorities to work on a regional basis will have implications for the way in which Councillors, the Local Authority and employees operate. All will need to be clear about how they balance the responsibilities they have to their local area, with those for the larger region.
- 5.4.2 Councillors and officers are expected to act with integrity, honesty, impartiality and objectivity for the best interests of their communities and to act in the public interest. The proposed regional arrangements will require them to act in the interests of both their Local Authority and any regional arrangement. There will be times when decisions made in one setting will have implications for the other. We will have to be clear about how these responsibilities interact with each other.
- 5.4.3 We intend to review the Member<sup>16</sup> and employee<sup>17</sup> codes of conduct to ensure they support effective decision-making at the local and regional level.

**Consultation Question 24:**

*The requirement for Local Authorities to work on a regional basis will require Councillors, the Local Authority and employees to balance the responsibilities they have to their local area, with those for the larger region. How best could this be achieved?*

**5.5 Local Government Functions**

- 5.5.1 In the previous White Paper and Draft Bill, we proposed to revoke Section 13 of the Local Government Act 2000 and replace it with provisions which would allow Local Authorities to make their own decisions on the allocations of functions, subject to statutory guidance and a fall-back power of intervention by Welsh Ministers. In delivering the new regional model, Local Authorities may need to delegate functions to the regional arrangement. There could be significant complications if these functions are delegated in different ways. It would also affect the representation of the participating authorities if functions were the responsibility of the executive in some, but the full Council in others.

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<sup>16</sup> The conduct of members is governed by a set of 10 general principles of conduct (based on the 7 Nolan principles) prescribed in the Conduct of Members (Principles) (Wales) Order 2001 and a code of conduct prescribed in the Local Authorities (Model Code of Conduct) (Wales) Order 2008.

<sup>17</sup> The code of conduct for "qualifying employees" is prescribed in Code of Conduct (Qualifying Local government Employees) (Wales) Order 2001

- 5.5.2 During the initial stage of the establishment of regional arrangements, it would be best if individual Local Authorities had similar provisions for the responsibility for functions within the Council. In the longer term, it may be possible to revisit this and see whether a change along the lines previously considered would be practical and preferable. Therefore Welsh Government is not proposing to move from the existing regime at this time.
- 5.5.3 In the meantime, Welsh Government intends to consult with local government on amendments which are required to the existing regulations in order to capture new responsibilities which have been placed on Local Authorities in recent years.
- 5.5.4 The Localism Act 2011 enabled English authorities to return to the committee system. Only a handful have done so. The Welsh Government suggests that Councils in Wales should have the opportunity to choose a non-executive model if they wish. Any move away from a cabinet system would require different rules for the appointment of members to any joint regional governance arrangement. They would have to ensure that it did not provide an obstacle to them effectively participating in regional arrangements.

**Consultation Question 25:**

*The Welsh Government intends to make a return to a form of the committee system available to Local Authorities where it best meets local circumstances. How would this option best work within the context of the proposals for new regional arrangements?*

**5.6 Leadership from Officers**

- 5.6.1 The move to a regional model will take time. Leading the workforce during this period will require strategic vision across all tiers of the organisation. Evidence has shown that leaders who are not committed fully to a process fail to maximise the opportunities for change.
- 5.6.2 Bringing together disparate teams to plan, commission and deliver a single regionalised service brings immediate challenges but longer term benefits. Leaders will need to consider how they can for example, harmonise terms and conditions that will meet the needs of both the workforce and the organisations.
- 5.6.3 Collaborative arrangements will have implications for all statutory officers. There are a number of statutory positions that have been created including:
- Head of Paid Service
  - Chief Finance Officer
  - Monitoring Officer
  - Head of Democratic Service
  - Director of Social Services
  - Director of Education
  - Director of Children’s Services
- 5.6.4 Delivery of a regional service would be best facilitated if the statutory responsibilities for that regional service fell to a single individual, for example education responsibility would fall to a regional education director. The structure beneath the regional management will be for the Local Authorities

and regional management to discuss and agree. It is envisaged that the organisational structures beneath the regional management team will adapt over time. We will examine the existing legislation in respect of statutory officers to ensure it contains appropriate provisions, so that, over-time, clarity can continue to be provided as to how a regional model would work in terms of statutory officers responsibilities.

**Consultation Question 26:**

*The Welsh Government believes it may be appropriate to limit future designation of relevant statutory Senior Officer posts to a regional level where the functions are being delivered regionally. Do you believe this is appropriate? Why? If so, how might this best be delivered?*



## 6. COMMUNITY COUNCILS

- 6.1.1 The WFG Act provides a shared vision for public services in Wales for the future. Community Councils should all be considering how they can increasingly work with other partners and local citizens to contribute to the well-being of their area, regardless of whether they have a legal duty to do so or not.
- 6.1.2 Community Councils are an integral part of local government. They are often closest to people and local communities, and therefore uniquely placed to see, and provide, those services which can have a significant impact on an individual's well-being. Where Community Councils exist within an area, Local Authorities and Public Services Boards will look to them to be a voice of communities. Like Local Authority Councillors, Community Councillors must represent and be representative of their communities. They should actively engage with their local people and businesses to help identify ambitions and needs of local communities, but also to understand the strengths and assets that their communities have.
- 6.1.3 There is enormous variability in current arrangements, not only in terms of coverage, but in responsibilities, budgets and ambition. As such it is important that we take the opportunity to consider what we could learn from the high performing Community Councils and give consideration to how we might support all Community Councils into this space. This includes consideration of the support that Community Councils might need, but also the flexibility that would help them go further in their ambitions.
- 6.1.4 We need to open up an honest debate about what the future of Community Councils might look like, and consider what the right organisational format is to support local communities. To contribute to this debate the Welsh Government will commission a comprehensive review of the Community Council sector. Until we have concluded that work we do not intend to proceed with structural reform or to commission the Local Democracy and Boundary Commission for Wales to undertake reviews of Community Council arrangements at this time.
- 6.1.5 Whilst we need to look to the longer term future of Community Councils, the sector cannot stand still. There are things that can be done now to strengthen the role of Community Councils and improve their operation and governance, enabling them to take on the provision of services and assets to local communities where they choose to do so.
- 6.1.6 We have developed an 'agenda of action' to help build resilience and renewal in the sector in the short to medium term. Many of these are actions we can take together using existing powers.
- Producing a toolkit to support Community Councils in working through what is required in taking on new services and assets, building on experiences of the key ingredients.
  - Re-energising ties between Community Councils and Local Authorities and provide a platform to share the good examples across Wales, bringing the new cadre of county and Community Councillors together after the Local government elections next year at a conference focused on strengthening these key relationships.

- Facilitating the creation of clusters of smaller Community Councils, by making some modest funding available to support the initial setting up of joint arrangements.
- Commissioning the Local Democracy and Boundary Commission for Wales to draw up guidelines for Local Authorities to secure consistency in the manner in which community reviews are conducted.
- Supporting Community Councils to raise awareness of and encourage participation in Community Council elections, and to increase diversity.

6.1.7 Some of the actions we can take would require us to legislate, and we intend to use this opportunity to do so.

- Making the General Power of Competence available to innovative ambitious Councils looking for more freedom to serve their communities. The proposal we have previously consulted on remains essentially the same, with some changes planned to how Councils which meet the requirements and pass a resolution are referred to: and how long Councils continue to hold the status after passing a resolution
- Previously we proposed placing a duty on Local Authorities to consider whether certain training should be compulsory for members of Community Councils. We still believe there would be value in all Community Councils considering whether they have the skills and expertise needed to be able to operate effectively. Therefore we intend to place an obligation on Community Councils to consider and plan for their training needs, and publish and review their plan regularly. The duty could be met in a way which was proportionate to the size and responsibilities of the Council.
- Ensuring citizens are kept informed and have the right to make representations on any business conducted at a Council meeting, learning from where this is done well. This is part of an ethos of co-production.

**Consultation Question 27:**

*The Welsh Government believes there are things that can be done now to help build resilience and renewal in the sector in the short to medium term and would welcome comments on the list of actions at paragraph 6.1.6 that could be taken in the short term to help the sector be more effective/ resilient views on any other actions which could be taken?*



## 7. ELECTIONS AND VOTING

- 7.1.1 This White Paper is being published as the Wales Bill comes towards the end of its Parliamentary journey. Therefore many of the proposals that we are seeking views on in this chapter are predicated on the National Assembly for Wales assuming greater responsibility in these areas. We are therefore seeking initial views to help inform thinking on reforms to electoral registration and voting arrangements. The National Assembly will be considering separately the potential for reforms to its elections. A more detailed consultation will take place later this year, subject to the Wales Bill being passed, on the detail of reforms.
- 7.1.2 Proposals Welsh Government are likely to consider are; a review of postal voting procedures, the use of all-postal elections, electronic voting, electronic counting of votes, voting at places other than polling stations, and proposals to hold elections on different days. Consideration will also be given to whether local returning officers/ electoral registration officers would be allowed to trial these reforms in different ways better to meet the needs of different communities and locations. Proposals will be brought forward to remove entitlement to personal fees for returning officers.
- 7.1.3 Welsh Government also intends to explore how a single electronic register for Wales might be developed. This would include looking at issues such as; data sharing, automatic voter registration, and greater access to register information by Local Authority staff. Importantly, consideration will be given to reducing the voting age to 16 for local government elections. It should be noted that the franchise for elections to the National Assembly is the same as that for local government. On the basis of the provisions of the Wales Bill, the Assembly would be able to determine whether that arrangement would remain for the future.
- 7.1.4 Welsh Government remains committed to moving to a five-year term for local government. However in doing so we would require greater transparency for those standing for office. We are considering a proposal to require candidates to make clear whether they were or are members of a registered political party, whether they were formally selected to stand for that party or not. All candidates would also be required to publish election statements to a central website to allow voters easily to access information on the manifestos of all candidates. Welsh Government intend to take forward previous proposals preventing Assembly Members from also serving as Councillors concurrently.
- 7.1.5 Each Local Authority has its own democratic mandate and is made up of Councillors who serve as the directly elected representatives of local people. It is vital that the system for electing local Councillors is one which commands the respect and confidence of local people. Therefore we are exploring the following reforms which would allow local government greater flexibility to put in place local electoral arrangements.
- 7.1.6 Currently Local Authorities in Wales use the 'First Past the Post' system<sup>18</sup> of voting. It has been used in local government elections in Wales for well over a century. 'First Past the Post' means that candidates with the most votes win

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<sup>18</sup> First Past the Post System: Voters put an X next to their favoured candidate and the candidate with the most votes in the constituency wins.

seats. For example, an area is divided into a number of electoral wards and each ward has a fixed number of Councillors, this can range from one up to as many as five. In an election, voters in a ward have as many votes as there are Councillors (although the voter need not use every vote). The votes cast for each candidate are counted and totalled. If the ward is entitled to one Councillor, then the candidate with the most votes in that ward is elected; if the ward is entitled to two Councillors, the two candidates with the most votes in that ward are elected, etc up to five candidates.

- 7.1.7 Supporters of the ‘First Past the Post’ system take the view that the voting and counting procedures are simple and there is a straightforward relationship between where a candidate finishes in the final tally and whether or not they are elected. Opponents claim that the system produces results which are often disproportional, (i.e. the system favours the strongest party locally and therefore does not reflect the preferences of voters across the area). Critics also take the view that this system encourages tactical voting and votes can be “wasted” i.e. cast for candidates who have little or no chance of winning, or for the winning candidate above the level they need to win.
- 7.1.8 The Welsh Government believes, subject to powers in this area being devolved to Wales, that like the National Assembly for Wales, local authorities as a tier of government should have the opportunity to consider the appropriateness of their own voting arrangements.
- 7.1.9 There are several other systems in use elsewhere. For example, elections to the National Assembly for Wales, the Scottish Parliament and the London Assembly are conducted under the ‘Additional Member’ system<sup>19</sup>; elections in Great Britain to the European Parliament are held under the ‘Party List’ system.<sup>20</sup> The ‘Additional Member’ and ‘Party List’ systems require voters to choose from a list of candidates presented by a registered political party. Whilst Independent and non-affiliated candidates are able to stand their chances of election are much reduced.
- 7.1.10 The Northern Ireland Legislative Assembly and local Councils in both Scotland and Northern Ireland are elected using the ‘Single Transferable Vote’ system.<sup>21</sup> In the ‘Single Transferable Vote’ system voters are asked to rank the available candidates in order of preference. To be elected, a candidate must achieve a minimum “quota”, or share of the votes, determined by a calculation based on the number of people voting and the number of seats to be filled. By ranking their vote, if the voter’s preferred candidate has no chance of being elected or has enough votes to achieve

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<sup>19</sup> Additional Member System: A hybrid voting system where voters are asked to vote in two ways. It combines elements of First Past the Post where voters mark an X next to the candidate they want to represent them in their constituency, and proportional representation, where voters mark an X next to a party who have a list of candidates to represent a larger regional constituency.

<sup>20</sup> Party List System: Parties present lists of candidates, seats are awarded according to their party’s share of the vote. This is usually done using an electoral formula or a quota.

<sup>21</sup> Single Transferable Vote System: Voters rank candidates in order of preference. To get elected, candidates need to reach a set share of the votes (determined by the number of seats to be filled). Each voter gets one vote, which can transfer from their first-preference to their second-preference. If your preferred candidate has little chance of being elected or has enough votes already, your vote is transferred to your second choice candidate in accordance with your instructions.

and exceed the quota, their vote may be transferred from the voter's first-preference to their second-preference.

- 7.1.11 The 'Single Transferable Vote' system produces election results which generally reflect the proportions of votes cast for the different political parties, groups and independents across the total area. This system does not present the same difficulties for independent or non-affiliated candidates as the 'Additional Member' or 'Party List' systems.
- 7.1.12 The Welsh Government considers that, because of the substantial presence of independent candidates, among the alternatives, the other electoral system which best reflects the current and future needs of local government in Wales is the 'Single Transferable Vote'. As such, the Welsh Government proposes to make legislation which will allow Councils in Wales to decide which voting system best reflects the needs of their local people and communities. Local Authorities will be able to use the 'First Past the Post' or the 'Single Transferable Vote' systems for elections to their Council.<sup>22</sup> It will be for Councils themselves to make the choice of voting systems for their own localities.
- 7.1.13 Councils will continue to use the current electoral system, until such time as they decide to change. If a Council decides to change electoral arrangements, it must use the new system for at least the next two whole Council ("ordinary") elections which follow the decision. After two whole Council elections under the new electoral system, a Council will be able to switch back to the previous system if it chooses to do so. By-elections will be held using the same electoral system as is being used for the whole Council elections.
- 7.1.14 The Welsh Government does not intend to extend the option to Community Councils of the 'Single Transferable Vote' system at this time. It will be considered as part of the review of Community Councils paragraph 6.1.4 refers.

**Consultation Question 28:**

*The Welsh Government is seeking initial views on all of the proposals set out in Chapter 7 on elections and voting.*

**Consultation Question 29:**

*The Welsh Government would welcome any views on the potential financial and non-financial benefits and costs associated with the proposals in the White Paper.*

**Consultation Question 30:**

*The Welsh Language Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on the opportunities for people to use the Welsh language and treating the Welsh language no less favorably than the English language. The Welsh Government seeks views on that assessment. Are there any other positive or adverse effects not identified in the assessment? Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?*

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<sup>22</sup> The proposal is conditional on the National Assembly for Wales being granted responsibility for local government elections under the Wales Bill currently going through Parliament

**Consultation Question 31:**

*The Children's Rights Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on children and young people. The Welsh Government seeks views on that assessment. Are there any other positive or adverse effects not identified in the assessment? Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?*

**Consultation Question 32:**

*The Equalities Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment. Are there any other positive or adverse effects not identified in the assessment? Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?*

**Consultation Question 33:**

*Please provide any other comments you wish to make on the content of this White Paper.*

## 8. ANNEX ONE: Status of Proposals Consulted on as Part of the Previous Draft Bill Consultation

**Table One: Status of Previous Draft Bill Provisions**

Policy Proposal	Included in new Bill	Commentary
<b>Part 1: Local Government Areas and Councils</b>		
Local government areas ( <i>Compulsory Mergers</i> )	Omit	Compulsory mergers are no longer Government policy.
County Councils	Retain	These sections are mainly intended to update and make clearer the language used to express the basic constitutional arrangements for Local Authorities in Wales. Retention is part of a long term process to make the ancient and sometimes complex law of Local Authority constitutions more open and transparent. Section 12 (change of name of Council) will be retained but amended to refer to county boroughs also, since county borough status will not be abolished as originally proposed.
Establishing the Councils for the new counties	Omit	Proposal was consequential upon compulsory mergers.
<b>Part 2: General Power of Competence</b>		
The general power	Include	There was widespread support for a general power of competence. This proposal will be included in the new Bill.
Eligibility for the general power for Community councils	Amend	Basic proposal remains, some changes to the community councils which meet the requirements and pass a resolution are referred to: and how long councils continue to hold the status after passing a resolution.
<b>Part 3: Promoting Access to Local Government</b>		
Public participation in local government	Retain	This proposal will be included in the new Bill. It would place a duty on Local Authorities to encourage local people to participate in the Council's decision-making processes, input their views and have them taken into account. would also require Councils will be required to consult widely on their budget proposals.
Community area committees	Amend	Omit requirement to have Area Committees of the kind expressed in previous provisions. The White Paper seeks views as to whether, for those local authorities which might wish to operate or continue to operate area committees, any changes are required to the current provisions.
Improvement requests	Omit	There was not sufficient support for this proposal.

Policy Proposal	Included in new Bill	Commentary
Access to meetings etc	Amend	Duty on Leaders/mayors to address public meetings to be modified to enable flexibility about how Leaders engage with the public. This will include a requirement to publish how they intend to do this and report on how successful their initiatives have been. Other proposals in this section retained for inclusion in the new Bill.
Duty to publish a constitution guide	Retain	This proposal will be included in the new Bill. It will require Councils to produce an easy-to-read summary of their constitution, enabling people to see how decisions are made and by whom.
<b>Part 4: Functions of County Councils and Their Members</b>		
Duties on members of county Councils	Amend	Retain in principle but make some minor amendments such as the duty to hold surgeries to be changed to one of facilitating discussion of constituents' issues with them in private; annual reports duty to be replaced by one requiring Councillors to say how they have carried out communications with their electorate. In response to consultation responses, we intend to extend the period of time from two to three weeks for Councillors to respond to correspondence.
Breaches of duties	Amend	A Member receiving a sanction from a standards committee can become subject to a petition which, if receiving sufficient signatures (at least 20% of the local electorate), would trigger a by election.
Further provisions about duties on members	Retain	Leaders of political groups to be required to promote good standards of conduct amongst their Members. This proposal will be included in the new Bill. The provisions relating to the role of standards committees in providing advice and training on the new duties of members will also be retained.
Executives of county Councils	Amend	We will retain the need for leaders to agree objectives with their Cabinet Members, but allow flexibility about the regularity of review.
Appointment of certain chief officers	Retain	This proposal will be included in the new Bill. It will require leaders to make arrangements to manage the performance of the chief executive and also provide that the Head of Democratic Services become a chief officer position.
Overview and scrutiny committees and standards committees	Retain	This proposal will be included in the new Bill and will require the establishment of joint overview and scrutiny committees where services are being delivered collaboratively.
Minor amendments to other legislation	Retain	These will be included in the new Bill.



Policy Proposal	Included in new Bill	Commentary
<b>Part 5: County Councils: Improvement of Governance</b>		
Duty to make arrangements to secure good governance	Retain	This proposal will be included in the new Bill.
Corporate plans	Omit	The WFG Act in effect already asks local authorities to produce a corporate plan.
Assessments of governance arrangements	Retain	This proposal will be included in the new Bill. Local Authorities will be required to secure good governance, this will be tested through regular self assessment and period peer review.
Governance reviews and intervention	Retain	This proposal will be included in the new Bill.
Co-ordination between regulators	Amend	This proposal will be included in the new Bill but amended following feedback from regulators.
Corporate governance and audit committees	Retain	This proposal will be included in the new Bill.
<b>Part 6: Community Councils</b>		
Review of Community Council arrangements	Omit	An independent review to take a more comprehensive look at the future of the community council sector is being commissioned, .
Members of Community Councils to complete training	Amend	Rather than require Community Councillors to undertake specific training community councils will be placed under a duty to consider their training needs and prepare and publish a plan setting out how it proposes to respond to the training needs identified.
Community Council election dates	Amend	The proposal to change the term of office from four years to five years is retained but the change no longer needs to be linked to the timescales for introducing compulsory mergers and will be linked to the introduction of five year terms for principal authorities generally.
<b>Part 7: Workforce Matters</b>		
Guidance on workforce matters	Amend	Consideration will be given to retaining a statutory guidance power, enabling Welsh Ministers to issue guidance about workforce matters.
Public Services Staff Commission	Omit	The Staff Commission will not be put on a statutory footing but will continue until April 2018.
<b>Part 8: General and Schedules</b>		
<b>General</b>		
Interpretation	Amend	Will need to reflect final content of Bill on introduction.

Policy Proposal	Included in new Bill	Commentary
Application of Act in relation to counties and county boroughs until 1 April 2020	Omit	Provision was consequential upon compulsory mergers.
Powers to make consequential etc provision / regulations and orders	Amend	Will need to reflect final content of Bill on introduction.
Coming into force	Amend	Will need to reflect final content of Bill on introduction.
<b>Schedules</b>		
Counties in Wales	Omit	Provision was consequential upon part 1, chapter 1
New Councils: first ordinary elections	Omit	Provision was consequential upon part 1, chapter 1
New Councils: finance	Omit	Provision was consequential upon part 1, chapter 1
Transitional etc provision	Omit	Provision was consequential upon part 1, chapter 1
The 1972 Act: amendments and transitional provision	Retain with some omitted	Most of these provisions are linked to the intention to update and make clearer the language used to express Local Authorities' constitutional arrangements and these will be retained. County borough status will continue so the provisions which removed the status are not needed and will be omitted. Omit the provisions which removed the options to have elections by halves and thirds. Principal authorities will continue to have the options available to them.
Assistants to Local Authority executives	Retain	Enables appointment of deputy cabinet members.
Consequential amendments: chief executive	Retain	Council Leaders will be required to set objectives for chief executives.
Community area committees: further amendments and repeals	Omit	Consideration now being given to amending existing legislation which provides for local authorities to have area committees, rather than replacing it.
Renaming of county Council audit committees	Retain	Broadens power of audit committees and renames as Audit and Corporate Governance Committees



**Table Two: Status of Proposals in the Accompanying Consultation Document to the Draft Bill (where not covered in the White Paper above)**

Policy Proposal	Included in new Bill	Commentary
<b>Part 1: Local Government Areas and Councils</b>		
Accounts and Audit Requirements	Include	If there are any changes required to the existing framework as a result of mandatory and systematic regional working, these will need to be reflected in the new Bill.
Council Tax	Exclude	Linked to Local Authority merger proposals.
Non-Domestic Rates	Include	Additional powers for Billing Authorities to require information from non-domestic rate payers and inspect non-domestic properties, where necessary for the investigation of potential fraud or avoidance of rates.
<b>Part 3: Promoting Access to Local Government</b>		
Conduct of business (review of schedule 12, LGA 1972)	Include	This will enable notices of meetings and other papers to be produced electronically only, if so desired.
Removal of the restriction on having community council meetings in licensed premises	Include	This will enable community councils to hold meetings in licensed premises. There is no longer an intention to propose that community councils adopt standing orders prohibiting the consumption of alcohol at meetings.
<b>Part 4: General Power of Competence</b>		
Delegation of functions to third parties	Include	It is proposed to reform Part 2 of the Deregulation and Contracting Out Act 1994 to provide for a new regime that will allow Local Authorities to delegate the exercise of certain of their functions to third parties, by order made by the Welsh Ministers.
Electoral Qualifications – 'serving on more than one council	Exclude	Consideration of whether an elected member of a principal council should be able to serve on a Community Council, or a community Councillor should be able to serve more than one community council, will form part of the review of the community council sector.
Remote attendance at meetings	Include	This will make it a requirement for Local Authorities to have arrangements for remote attendance.
Remuneration of members: power for WMS to guide the	Exclude	Welsh Ministers can provide view to IRP in the remit letter if so desired.

Policy Proposal	Included in new Bill	Commentary
IRP to review model of remuneration.		
Powers to dismiss Senior Officers	Exclude	No enthusiasm to follow English route of dispensing with role of Independent Person.
Transfer of Local Authority assets / community asset transfer	Exclude	Existing guidance on community asset transfers was updated in March 2016 and will continue to be kept under review.
<b>Part 5: County Councils: Improvement of Governance</b>		
State of Local Government Report	Omit	We do not intend to pursue powers in this area.
Single Information Portal	Omit	Legislation would not be required to create an information portal
Complaints	Omit	Complaints handling would be considered under the broader 'good governance' requirement
<b>Part 6: Community Councils</b>		
Community councils: publication of annual report	Omit	No longer proceeding with this requirement.
Performance Management of Community Councils	Omit	Consultation on the previous draft bill showed general support for performance management but confirmed this was already happening as part of good employment practices and did not need to be further legislated for.
Review of Community Council legislation	Omit	Consideration is being given to potential for consolidation of existing legislation but any proposed changes to the provisions in the Local Government Act 1972 would need to be informed by the review of the community council sector.
Community Polls	Omit	Provisions in relation to polls conducted for the purpose of forming or dissolving a community council will stay in place pending the review of the community council sector and any legislative reform which follows.

**9. ANNEX TWO: Consultation Questions**

Your Name	
Organisation (if applicable)	
Email/ telephone	
Your address	

**CHAPTER 2**

<p>Consultation Question 1. (Para 2.2.1): The Welsh Government believes that it appropriate to consider 'tests' to frame thinking around regional working.</p> <p>a) Do you think the 'tests' set out are helpful in guiding thinking?</p>
<p>b) Are there other tests or considerations that might also be used?</p>
<p>Consultation Question 2. (Para 2.3.35): In this White Paper the Welsh Government has set out a number of areas which it believes should be required to be delivered on a regional basis.</p> <p>a) Do you agree that these areas should be delivered regionally?</p>
<p>b) What practical considerations should we consider in taking these proposals forward?</p>
<p>c) What other 'ancillary' powers would be required to ensure the effective exercise of the functions exercised regionally?</p>
<p>Consultation Question 3. (Para 2.3.43): In this White Paper the Welsh Government has set out a number of areas which it believes could also be delivered on a regional basis.</p> <p>a) Do you think that Local Authorities should also be required to work regionally to deliver these functions?</p>
<p>b) Are there any other practical considerations we should be aware of?</p>
<p>Consultation Question 4. (Para 2.3.43): Are there any other functions that would benefit from a systematic approach to regional working?</p>

<p>Consultation Question 5. (Para 2.3.43): Welsh Government believes that, subject to engagement with local government and other partners, there should be flexibility to enable Welsh Ministers to mandate additional functions to be undertaken regionally.</p> <p>Do you agree or disagree? Why?</p>
<p>Consultation Question 6. (Para 2.3.44): The Welsh Government believes that the new arrangements should not prevent Local Authorities using their existing powers to undertake additional functions regionally.</p> <p>Do you agree or disagree? Why?</p>
<p>Consultation Question 7. (Para 2.4.16): The Welsh Government believes that some back office and transactional services ought to be organised and delivered regionally or nationally.</p> <p>Which services do you believe could best be organised and delivered these ways?</p>
<p>Consultation Question 8. (Para 2.4.16): The Welsh Government believes that overcoming data sharing issues is key to taking forward greater regional working of back office functions.</p> <p>a) What legislative obstacles have made progress on sharing services difficult?</p>
<p>b) How have they been or could they be overcome?</p>
<p>c) What challenges does data sharing pose?</p>
<p>Consultation Question 9. (Para 2.4.16): The Welsh Government believes sharing more back office functions would be helpful. There are a number of options:</p> <ul style="list-style-type: none"><li>• Enable the NHS Wales Shared Service Partnership for providing services to local government (and others)</li><li>• Establish a similar model to provide back office services to local government (and others).</li><li>• Establish an alternative model to provide back office services to local government (and others).</li></ul> <p>a) Which do you believe would be most appropriate to best support regional working? Why?</p>

b) What other alternative models could work effectively and what steps could the Welsh Ministers take to enable or encourage local government-led alternative models to be implemented?
<p>Consultation Question 10. (Para 2.4.21): The Welsh Government believes that joint understanding and planning of public sector assets is essential to maximize their impact and that this requires regional mapping of estates assets and future intentions .</p>
a) How can this joint governance and decision making best be achieved?
b) Is the larger economic footprint the right one?
<p>Consultation Question 11. (Para 2.5.16): The Welsh Government believes a strengthened joint committee (a 'Joint Governance Committee') offers an appropriate governance model for regionally delivered services and intends to set out a framework for local government to use to deliver this.</p>
a) What should the democratic accountability and scrutiny arrangements be for such a model?
b) Should each participating Local Authority have equal voting rights or should they be weighted in some way?
<p>Consultation Question 12. (Para 2.6.5): The Welsh Government believes that in order to put in place arrangements which reduce complexity for Authorities and their partners the position for Bridgend needs to be considered. Although Bridgend is fundamentally concerned in this, other partners including other Local Authorities and the Local Health Boards also have valid interests. We are therefore seeking views on how best to address the issues set out here.</p>
<p>Consultation Question 13. (Para 2.7.9): The Welsh Government believes that 'Option3: A framework and a Footprint' is the most appropriate model for future regional working.</p>
a) What are your thoughts on the proposed mandatory economic development footprint for 'Joint Governance Committees'?
b) How could a framework approach for sub-regional working in other services areas operate in practice?

c) Is it appropriate for there to be flexibility for regional working to cross economic development boundaries in exceptional circumstances? Which circumstances would they be?

d) How should the governance arrangements at the mandatory economic development 'Joint Governance Committees' have oversight of sub regional working?

Consultation Question 14. (Para 2.7.9):  
The Welsh Government are seeking views on the appropriateness of seeking powers to create a Combined Authority, in particular, comments on what minimum expectations there should be in considering the appropriateness of creating a Combined Authority would be welcomed.

Consultation Question 15. (Para 2.8.7):  
The Welsh Government believes that a mandatory financial framework should be developed to ensure the expenditure of each 'Joint Governance Committee' is met through pooled contributions from the constituent Local Authorities.

a) Should the expenditure of 'Joint Governance Committees' be met by constituent Local Authorities, in proportions to be agreed locally, to ensure the most flexible approach?

b) Should the framework provide for a default position if local agreement cannot be reached, and how such a process might be triggered?

c) What further considerations might relate to, or need to be included in, a financial framework?

Consultation Question 16. (Para 2.10.7):  
The Welsh Government believes that to support organisations to move to a more consistent and regional approach to delivering services it will be necessary to issue statutory guidance where there is an identified need.

Do you agree or disagree? If you agree, what types of advice, guidance and support on leadership and workforce matters might lead to greater local, regional and national consistency?

Consultation Question 17. (Para 2.11.4):  
The Welsh Government believes it would be helpful if Public Services Boards could collaborate or merge across Local Health Board Boundaries.

Do you agree or disagree? Why?

Consultation Question 18. (Para 2.11.4):  
The Welsh Government believes Public Services Boards should be allowed to de-merge as well as merge. Do you agree or disagree? Why?

### CHAPTER 3

Consultation Question 19. (Para 3.1.7):  
The Welsh Government would welcome comments on what minimum expectations there should be in considering the appropriateness of voluntary merger.

### CHAPTER 4

Consultation Question 20. (Para 4.2.3):  
The Welsh Government would welcome comments on any of the proposals set out previously in the draft Local Government Bill and associated consultation paper, Annex One refers.

Consultation Question 21. (Para 4.3.8):  
The Welsh Government believes that Part 1 of the Local Government (Wales) Measure 2009 should be repealed for all 'Improvement Authorities'.

Do you agree? Why?

### CHAPTER 5

Consultation Question 22. (Para 5.2.8):  
The Welsh Government believes there should be minimum expectations on Councillors for interacting with their local constituents.  
Do you agree or disagree? If so, what should these minimum expectations be?

Consultation Question 23. (Para 5.3.2):  
The Welsh Government believes it could be helpful to make some minor changes to existing area committee legislation to increase their flexibility.

What do you believe these changes should be?

Consultation Question 24. (Para 5.4.3):  
The requirement for Local Authorities to work on a regional basis will require Councillors, the Local Authority and employees to balance the responsibilities they have to their local area, with those for the larger region.

How best could this be achieved?

Consultation Question 25. (Para 5.5.4):  
The Welsh Government intends to make a return to a form of the committee system available to Local Authorities where it best meets local circumstances.

How would this option best work within the context of the proposals for new regional arrangements?

Consultation Question 26. (Para 5.6.4):  
The Welsh Government believes it may be appropriate to limit future designation of relevant statutory Senior Officer posts to a regional level where the functions are being delivered regionally.

Do you believe this is appropriate? Why? If so, how might this best be delivered?

## CHAPTER 6

Consultation Question 27. (Para 6.1.7):  
The Welsh Government believes there are things that can be done now to help build resilience and renewal in the sector in the short to medium term and would welcome comments on the list of actions at paragraph 6.1.6. Views on any other actions which could be taken are also welcomed

## CHAPTER 7 & General Questions

Consultation Question 28. (Para 7.1.14):  
The Welsh Government is seeking initial views on all of the proposals set out in Chapter 7 on elections and voting.

Consultation Question 29. (Para 7.1.14):  
The Welsh Government would welcome any views on the potential financial and non-financial benefits and costs associated with the proposals in the White Paper.

Consultation Question 30. (Para 7.1.14):  
The Welsh Language Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on the opportunities for people to use the Welsh language and treating the Welsh language no less favourably than the English language. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?



<p>Consultation Question 31. (Para 7.1.14): The Children's Rights Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on children and young people. The Welsh Government seeks views on that assessment.</p>
<p>a) Are there any other positive or adverse effects not identified in the assessment?</p>
<p>b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?</p>
<p>Consultation Question 32. (Para 7.1.14): The Equalities Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.</p>
<p>a) Are there any other positive or adverse effects not identified in the assessment?</p>
<p>b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?</p>
<p>Consultation Question 33. (Para 7.1.14): Please provide any other comments you wish to make on the content of this White Paper.</p>

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## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

<b>COMPLAINTS AND COMPLIMENTS</b>		
<b>Recommendations / key decisions required:</b> To note the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

## COMPLAINTS AND COMPLIMENTS

The authority received 731 complaints during 2016/2017, compared to 501 in 2015/2016. This reverses the trend which has seen the number of complaints reduce from 573 in 2014/2015. The increase is largely attributable to a significant rise in complaints regarding waste collection services.

A total of 693 complaints were responded to during the year, including a number carried over from the previous municipal year.

The number of cases responded to within the required time period rose to 74% which represents a significant improvement over both previous years (62% and 66% respectively).

The number of compliments received again fell slightly from 542 to 515.

A detailed analysis of complaints and compliments received by department is set out in the attached report.

The Committee is asked to note the report.

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**Complaints and Compliments Report  
End of Year  
April - March  
2016/17**

**Anthony Maynard  
Communities & Safeguarding Manager**

## Contents:

	Scrutiny Guidance note	<b>3</b>
<b>1</b>	Principles	<b>4</b>
<b>2</b>	Definition	<b>4</b>
<b>3</b>	Complaints investigated & responded to during 2016 - 17	<b>5</b>
<b>4</b>	Summary of Complaints	<b>6</b>
<b>5</b>	Redirected Communication	<b>8</b>
<b>6</b>	Complaints with any equalities or Welsh Language issues	<b>9</b>
<b>7</b>	Complaints determined by the Ombudsman during 2016/17	<b>9</b>
<b>8</b>	All Departments Compliments	<b>10</b>
<b>9</b>	Departmental Complaints & Compliment Analysis	
<b>9.1</b>	Chief Executive's	<b>11</b>
<b>9.2</b>	Education & Children's Services (inc corporate and statutory complaints)	<b>13</b>
<b>9.3</b>	Corporate Services	<b>15</b>
<b>9.4</b>	Community (inc corporate and statutory complaints)	<b>16</b>
<b>9.5</b>	Environment	<b>20</b>
<b>9.6</b>	Cross Departmental	<b>23</b>

## Scrutiny Guidance Note

Committee	Please refer to these sections of the report specifically:
Community	<b>9.4</b> <b>Leisure</b> <b>Housing</b> <b>9.5</b> <b>Planning</b> <b>Property Services</b>
Environment & Public Protection	<b>9.4</b> <b>Public Protection</b> <b>9.5</b>
Social Care & Health	<b>9.4</b> <b>Primary, Community &amp; Social Care</b> <b>Mental Health &amp; Learning Disabilities</b>
Education & Children's Services	<b>9.2</b>
Policy & Resources	<b>9.1</b> <b>9.3</b>

## 1. Principles

Carmarthenshire County Council's Complaints Procedure was adopted in May 2011. The procedure aims to emphasise the following principles:

- To ensure that as many complaints as possible are **resolved at stage 1** local resolution.
- To ensure that investigations follow the '**Investigate Once, Investigate Well**' principle.
- To adopt a stronger emphasis on **learning from complaints** and utilising them where possible to reform service design.

## 2. Definition

The **definition of a complaint** is an expression of dissatisfaction or concern,

- about a public service provider's action or lack of action
- or about the standard of service provided
- which requires a response
- whether about the public service provider itself, a person acting on its behalf, or a public service provider partnership.

Complaints which are currently open and under investigation are **not included** in this report.

The complaints referred to within this report are those where the investigation has been completed during the review period.

### 3. Complaints investigated and responded to between April 2016 – March 2017

SERVICE	Stage 1				Stage 2					
	No. of Complaints responded to <sup>1</sup>	No. receiving a full response within allocated time period <sup>2</sup>		No. receiving a full response after allocated time period <sup>3</sup>	No. of Complaints responded to	No. receiving a response within allocated time period <sup>4</sup>		No. receiving a response after allocated time period		
Chief Executives	13	11	85%	2	15%	1	0	0%	1	100%
Education & Children's Services (excluding Statutory Complaints)	50	36	72%	14	28%	3	1	34%	2	66%
Corporate Services	24	24	100%	0	0%	0	0	0%	0	0%
Communities (excluding Statutory Complaints)	108	68	63%	40	37%	11	7	64%	4	36%
Environment	445	277	62%	168	38%	13	2	15%	11	85%
Cross Departmental Issues	10	5	50%	5	50%	1	0	0%	1	100%
Statutory Social Services Complaints – covering Children Services, Adult Social Services and Mental Health and Learning Disabilities <sup>5</sup>	43	11	26%	32	74%	9	0	0%	9	100%
<b>TOTAL</b>	<b>693</b>	<b>432</b>	<b>62%</b>	<b>261</b>	<b>38%</b>	<b>38</b>	<b>10</b>	<b>26%</b>	<b>28</b>	<b>74%</b>

<sup>1</sup> This is the cumulative figure of complaints investigated and responded to within the period of the report this financial year

<sup>2</sup> Any corporate complaint which has been investigated and responded to within 10 working days. Any Statutory Social Service Complaint where an investigation has been undertaken and a response has been sent within the allocated time period. This initially would be 10 working days, with an additional 10 working day extension with the complainant's consent

<sup>3</sup> Any complaints which have been investigated and responded to outside the allocated time period

<sup>4</sup> Any corporate complaint which has been investigated and responded to within 10 working days. Any Statutory Social Service Complaint where an investigation has been undertaken and a response has been sent within the allocated time period. This initially would be 25 working days, or up to 3 months with the complainant's consent

<sup>5</sup> These are any complaints logged which fall under the Statutory Social Services Complaints Procedure

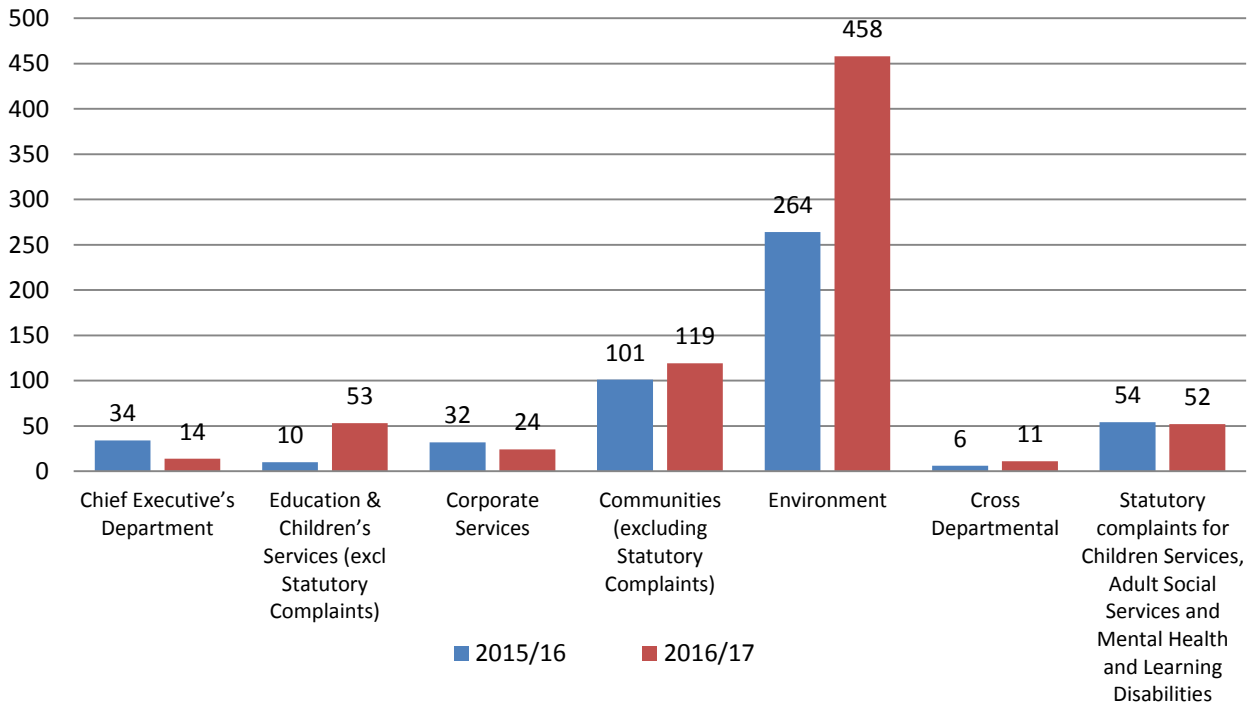
## 4. Summary of complaints

- The Authority investigated and responded to 731 complaints during 2016/17, compared to 501 during the same period for 2015/16.
- The increase in the number of complaints received is largely attributable to a spike in complaints regarding refuse collection, following the rationalisation of routes.
- Overall, 60% of cases received a response within the allocated time period, compared to 62% for the same period last year.

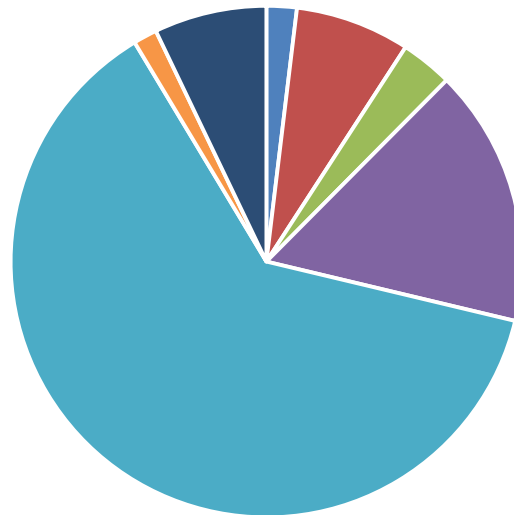
<b>Department</b>	<b>Total No. of complaints received</b>
Chief Executive's Department	14
Education & Children's Services (excl Statutory Complaints)	53
Corporate Services	24
Communities (excluding Statutory Complaints)	119
Environment	458
Cross Departmental	11
Statutory complaints for Children Services, Adult Social Services and Mental Health and Learning Disabilities	52
<b>Total</b>	<b>731</b>

**\*\*Comparisons are approximations only due to departmental reorganisations\*\***

### Number of Complaints investigated & responded to during 2016/17 compared to 2015/16



## Complaints by Department 2016/17



- Chief Executive's
- Corporate Services
- Environment
- Statutory complaints
- Education & Children's Services (Corp Complaints)
- Communities (Corp Complaints)
- Cross Departmental

### 5. Redirected Communication

The Complaints Team also addressed a further **586** "Redirects" – enquiries and requests for assistance which offered the team the opportunity to try and rectify difficulties before complaints arise. This figure would also include any dissatisfaction received regarding properly made Policy decisions which would not be addressed by the formal Complaints Policy.

Department	Total No of Redirected communication received
Chief Executive's Department	28
Education & Children's Services	36
Corporate Services	13
Communities	175
Environment	300
Cross Departmental	26



External Providers	8
<b>Total</b>	<b>586</b>

## 6. Complaints with any equalities or Welsh language issues

During 2016/17 we received five complaints which involved specific Welsh language issues (Education & Children's Services 1, Communities 2, and Environment 2)

## 7. Complaints determined by the Ombudsman

	Concluded by Ombudsman 2016-17	Settled	Ombudsman conclusion				
			Not upheld	Discontinued	Out of jurisdiction	Referred back to Authority	Upheld
Chief Executives	0	0	0	0	0	0	0
Education & Children's Services	5	0	1	1	2	1	0
Resources	0	0	0	0	0	0	0
Communities	11	1	0	2	3	5	0
Environment	20	2	0	6	7	5	0
Cross Departmental Issues	1	0	0	0	0	1	0
<b>Total</b>	<b>37</b>	<b>3</b>	<b>1</b>	<b>9</b>	<b>12</b>	<b>12</b>	<b>0</b>

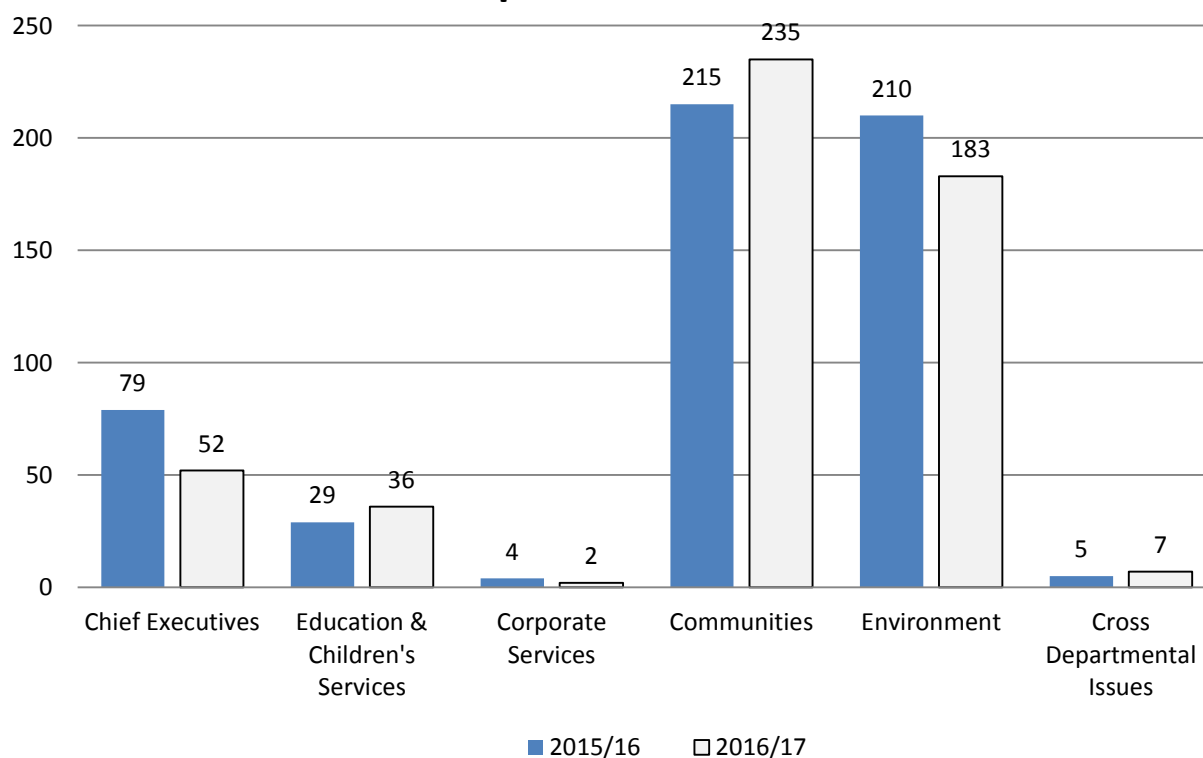
## 8. All Departments Compliments

Service	No. of compliments received
Chief Executives	52
Education & Children's Services	36
Corporate Services	2
Communities	235
Environment	183
Cross Departmental Issues	7
<b>Total</b>	<b>515</b>

- The Authority received 515 compliments during 2016/17, compared to 542 for 2015/16.

**\*\*Comparisons are approximations only due to departmental reorganisations\*\***

### Number of compliments received during 2016/17 compared to 2015/16



## 9. Departmental Complaint & Compliment Analysis

### 9.1 Chief Executive

Complaints	Regeneration and Policy		People Management and Performance		Administration and Law		IT	
Stage 1 Complaints Investigated	12		0		1		0	
Upheld	6	50%	0	0%	0	0%	0	0%
Partially Upheld	4	33%	0	0%	1	100%	0	0%
Not Upheld	2	17%	0	0%	0	0%	0	0%
Stage 2 Complaints investigated	1		0		0		0	
Upheld	0	0%	0	0%	0	0%	0	0%
Partially Upheld	0	0%	0	0%	0	0%	0	0%
Not Upheld	1	100%	0	0%	0	0%	0	0%

#### Analysis of the nature of complaints and the trends

Registrars received two complaints that were upheld. One related to a delay in acknowledging and addressing a request for a death certificate for family history purposes and the other concerned the manner of a member of staff during a telephone call. Both situations were reviewed and apologies given.

A complaint was partially upheld for the Administration and Law section. It was acknowledged that a conversation could have been handled more effectively.

Two complaints were partially upheld for Customer Services. Apologies were issued to a complainant who felt customer care was lacking and to a complainant who had concerns with the newly introduced appointment system. They were reassured that staff receive ongoing training on such matters and that improvements were planned. One complaint was upheld regarding the advice given surrounding a Council Tax enquiry. The Council Tax team advised that they would review the case and offer any additional guidance / training that may be required to their Customer Service Centre colleagues.

Two complaints regarding the Contact Centre were upheld. An apology was given after the agent misinformed the caller regarding the details of an imminent visit from a Building Inspector. A new appointment was arranged for the tenant as soon as possible. An apology was also given to a complainant who was concerned with the manner of an agent during a telephone call. One complaint regarding the Contact Centre was partially upheld. The complainant felt that the call handler was not as helpful as they could have been.

One complaint regarding the conduct of Carmarthen Market security staff was upheld. An apology was given and the matter discussed with those involved. A complaint made regarding the tender of sale of property was partially upheld. The Investigating Officer met the complainant and discussed the concerns.

Compliments	Regeneration and Policy	IT
Compliments received	50	2

### Analysis of the trends:

- Registrars received 11 compliments about the way in which they conducted wedding ceremonies *"...you made the ceremony so special...you made everything so personal", "what an absolute pleasure it was to have you there... You really did make the most important part of our day very, very special"*
- The *"excellent work"* of the Electoral Services Manager and her team was commented upon by a candidate - *"Always well briefed, courteous & professional... The process was conducted very efficiently"*
- The Complaints Team were thanked for assistance given to members of the public *"Thanks for your time, I really appreciated you looking into this for me", "Thank you so much. That is very helpful, "I greatly appreciate your effort"*
- The Communications Team were complimented for work carried out on the Discover Carmarthenshire Website *"congratulate your department on changing the system for the better"*
- Compliments were received in relation to the manner of the staff working in the Customer Service Centres. *"very professional, compassionate & helpful in dealing with my enquiry, excellent service", "I felt that she gave me the time to deal with the query properly instead of fobbing me off", "He has a lovely manner and is a very helpful young man, a credit to Carmarthenshire County Council"*
- Contact Centre staff were also complimented on the way they addressed matters for the public. *"Excellent Customer Service", "prompt action by Contact Centre agent", "He has a lovely manner and is a very helpful young man, a credit to Carmarthenshire County Council", "He was very patient and helpful on the phone by"*
- IT received a compliment for the support they provided during the election process *"Give them a pat on the back for their efforts before and during the Election process"*

## 9.2 Education and Children Services including Statutory Complaints Procedure (Covering Children Services)

	Children's Services		Education Services		Strategic Development	
<b>Stage 1 Complaints Investigated</b>	21		7		32	
Upheld	4	19%	2	29%	24	75%
Partially Upheld	5	24%	1	14%	3	9%
Not Upheld	12	57%	4	57%	5	16%
<b>Stage 2 Complaints Investigated</b>	2		1			
Upheld	0	0%	0	0%	0	0%
Partially Upheld	0	0%	1	100%	0	0%
Not Upheld	2	100%	0	0%	0	0%

### Analysis of the nature of complaints and the trends

#### Children's Services

Of the 21 complaints received by Children's Services, 4 were upheld. Issues related to the accuracy of an assessments, disclosure of information in court documentation and the support provided to a child at a Youth Club. Apologies were issued and cases reviewed and appropriate actions taken.

5 complaints were partially upheld. Issues related to the way assessments were carried out, the way invoices for supported lodgings were addressed, concerns around putting an emergency plan in place for a family and the way in which concerns were raised with the Duty team. Apologies were given where appropriate. Concerns were discussed with those involved, ensuring outstanding issues were addressed and recommendations considered.

#### Education Services

2 complaints were upheld. These related to a parent not being aware that their child was being taught through the medium of Welsh and an administration error with school meals payments. Action was taken to rectify errors as soon as possible.

1 complaint was partially upheld. It related to the way concerns with security lighting, which was considered as a nuisance, had been addressed.

#### Strategic Development

Of the 32 complaints received by Strategic Development, 24 were upheld. They related to problems communicating with the School Admissions team. The team acknowledged difficulties managing contact from parents. The Team manager reviewed the cases raised as complaints and ensured that personal contact was made with the parents to explain process and apologise for communication difficulties.

3 complaints were partially upheld. They related to lack of contact from the Admissions team, concerns with a Breakfast Club and the delivery of a child's educational statement. Explanations and apologies were offered where appropriate, along with any outstanding actions being completed.

Compliments	Children's Services	Education Services	Strategic Development
Compliments received	11	22	3

### Analysis of the trends

#### Children's Services

*'I'm thankful for your understanding, kindness, patience & love for your work. Keep making a difference'*

*'You have been my rock in my darkest hour. With your dedication & right intervention she has strived....'* - Children with Disabilities

*'Thank you for everything you have done for our family'* - Children with Disabilities

*"Today is definitely a day when you can go home knowing you are really making a difference"*

*'....was straight, she knew exactly where she stood, and this made her feel a lot less stressed' – Support from Social Worker*

#### Education Services

*"Thanks for hard work ensuring that a Head teacher is in place for September"*

*"Your presence obviously added much professionalism and integrity to the process"*

*"Thank you ever so much for your help once again - very much appreciated" (History Curriculum Information)*

*"Gair byr i ddiolch o galon i ti am dy gymorth a'th amynedd heddi - mae'n cael ei werthfawrogi"*

#### Strategic Development

*"Thanks for your presentation earlier. Very valuable for the school"*

*"I just wanted to say a huge thank you for your help yesterday"*

*"Thank you very much, appreciated. You've been brilliant, given all the help I needed, thanks again" - School Admissions*

### 9.3 Corporate Services

Complaints	Financial Services		Audit and Risk Management	
<b>Stage 1 Complaints Investigated</b>	24		0	
Upheld	3	13%	0	0%
Partially Upheld	4	17%	0	0%
Not Upheld	17	70%	0	0%
<b>Stage 2 Complaints Investigated</b>	0			
Upheld	0	0%	0	0%
Partially Upheld	0	0%	0	0%
Not Upheld	0	0%	0	0%
<b>Analysis of the nature of complaints and the trends</b>				
<p>24 Stage 1 complaints were received regarding Financial Services.</p> <p>Ten complaints related to Council Tax. One complaint, relating to a delay in processing a Council Tax refund, was upheld with an apology being provided. It was a busy time of year, which meant payment took longer than usual. Two complaints were partially upheld. One related to recovery action continuing for a payment which had been partially made and one concerned the information and forms supplied by the team.</p> <p>14 complaints were received regarding Benefits, 2 of which were upheld. They related to incorrect documents being sent out. Apologies were provided and improvements are being made to processes to ensure it doesn't happen again. 2 complaints were partially upheld. One concerned not being advised of how to claim costs for removals when moving house and the other related to an error when processing a change of circumstances.</p>				
<b>Compliments</b>	<b>Financial Services</b>			
Compliments received per division	2			
<b>Analysis of the trends:</b>				
<ul style="list-style-type: none"> <li>• <i>“Having good people working for you is a tremendous support - I'd class her as one of the best!”</i> – praise given to Financial Services for the support provided when setting up Shop Mobility</li> <li>• <i>“...he had an excellent manner. I had a query about my council tax and he went above and beyond to help me. I think he deserves to be praised and recognised for his customer service skills”</i></li> </ul>				



## 9.4 Communities Department including Statutory Complaints Procedure (Covering Adult Social Care, MHL D)

Complaints	Cross Divisional		Primary, Community & Social Care		Mental Health & Learning Disabilities		Public Protection		Housing		Leisure	
Stage 1 Complaints Investigated	1		37		9		5		54		35	
Upheld	0	0%	9	24%	2	22%	1	20%	11	20%	16	46%
Partially Upheld	0	0%	19	52%	3	33%	2	40%	18	34%	8	23%
Not Upheld	1	100%	9	24%	4	45%	2	40%	25	46%	11	31%
Stage 2 Complaints investigated	0		6		2		3		6		2	
Upheld	0	0%	3	50%	1	50%	1	33%	0	0%	1	50%
Partially Upheld	0	0%	2	33%	1	50%	0	0%	2	33%	0	0%
Not Upheld	0	0%	1	17%	0	0%	2	67%	4	67%	1	50%

### Analysis of the nature of complaints and the trends

#### Primary, Community and Social Care

Nine Stage 1 complaints were upheld. The Blue Badge Team offered a sincere apology to the family of an individual who had passed away after a Blue Badge renewal pack was sent out in error. An applicant was also unhappy with a delay in receiving their Blue Badge. Concerns were raised by a mother regarding assistance to care for her children. She was thanked for highlighting where planning and dialogue between Adults and Children's Services could be strengthened. An apology was issued to a service user for the use of an incorrect name in records and for not being fully updated with the outcome of the assessment. Three of the upheld complaints related to the services provided by external care providers, such as a cancelled call and the way in which gloves were discarded. Two complaints against Careline were also upheld. They related to difficulty getting through on a Saturday to report flooding. An apology was given, as well as assurances that staffing levels would be reviewed, where possible, as times of inclement weather. The other concerned being accidentally cut off after waiting some time to get through to an agent.

Nineteen Stage 1 and two Stage 2 complaints were partially upheld. Concerns included the availability of respite care, a delay in carrying out an assessment, the a delay in addressing a Blue Badge application, the continuity of carers attending calls, being unhappy with way care was provided in a care home, the level of support provided to assist with the hospital discharge process, outstanding queries regarding financial assessments, level of communication between Social Worker and client's family and poor time keeping from carers.

Three Stage 2 complaints were upheld. One concerned the care received by a gentleman whilst in residential care. The two other complaints that were upheld related to the care and support provided by an external care provider. Alternative care providers have now been found for the clients concerned.

#### Mental Health and Learning Disabilities

The two Stage 1 complaints that were upheld related to the Transition Team. The first concerned

general contact and advice given by the team. The second complaint raised concerns with a telephone conversation with a Social Worker. Apologies was provided and concerns were discussed with those involved. The 3 that were partially upheld concerned the way a Social Worker arranged a homecare package and the way the Transitions Team addressed and communicated on 2 specific cases. The Stage 2 complaint that was upheld concerned an assessment carried out by the Transitions Team. The partially upheld Stage 2 addressed the need to find more suitable accommodation for a lady with mental health needs.

**Public Protection**

Two partially upheld complaints were recorded. One related to waste which had been left in a rear lane. Unfortunately, there was a failure with internal communication, meaning that there was a delay in clearing the waste. Concerns were also raised regarding an individual’s honours not being displayed correctly on correspondence. This software glitch was resolved and an apology was issued. An apology was also issued regarding a Stage 1 complaint which was upheld. It was found that communication around a water contamination issue could have been better than it was.

The Stage 2 complaint that was upheld concerned a privately owned septic tank. It was acknowledged that, with hindsight, the matter could have been dealt with differently, which may have brought the matter to a conclusion more swiftly.

**Housing**

There were six complaints recorded at Stage 2. Of these, two were partially upheld, one due to a delay in communication between the department and the complainant and the other because of an error recording a name. The remaining four were not upheld.

54 Complaints were recorded at Stage 1, with 11 found to be upheld. Issues highlighted included concerns around communication between relevant teams and tenants, some outstanding issues following Disabled Facilities Grant works and the lack of bilingual signage at a sheltered housing were the concerns raised.

18 complaints were recorded as partially upheld. Issues included delays in issuing a bond payment, arranging for litter to be cleared and for an officer to contact an individual. A number of complaints involved elements of concern with communication, for example, failure to acknowledge a piece of correspondence or tenants not fully understanding advice that has been provided.

**Leisure**

Two Stage 2 complaints were received, both in relation to Pembrey Country Park. A concern as to the booking procedures for the onsite camping facilities was upheld. The additional complaint was not upheld.

16 of the 35 Stage 1 complaints were recorded as upheld and 8 were classed as partially upheld. Concerns included a delay in issuing a refund, Direct Debits not being cancelled, the management of meeting rooms and levels of heating in leisure centres, lack of refreshment facilities in Pembrey Country Park during a period of hot weather, a light which had been out of order in a library for some time and the Museum of Speed having to close because of staff shortages.

Compliments	Primary, Community & Social Care	Mental Health & Learning Disabilities	Cross Divisional	Public Protection	Housing	Leisure
Compliments received	89	9	3	16	43	75

**Analysis of the trends**

**Primary, Community and Social Care**

*“Thank you for all the care, attention, help and encouragement... you built up my confidence...thanks for your patience and support” – convalescence beds*

*"My Uncle was very pleased with the care team that your arranged to come in to help him"* – Social Work Team

Thanks were received for the recent help provided by Careline when a lady fell. She appreciated how quickly help was arranged.

*"You restored her faith in her power to recover - as a family, we are so grateful"* – convalescence beds

*"Carers were outstanding - excellent and he is sincerely grateful to them"* – internal carers

*"I wouldn't have been able to care for my mother without their care, compassion, company and humour"* – internal carers

*"Everyone could not believe how much I had improved...this was due to the nursing & good food"* - CCC Residential Care

*"superb service... thanks for supplying the form so quickly, checking the progress and confirming the application was successful"* – Blue Badge Team

### **Mental Health & Learning Disabilities**

*"Please compliment the Staff at Llys Arthur...for the Care and diligence in support"*

*"He has helped me so much...kind, supportive & very understanding. Thanks for all that you do"* – Substance Misuse team

*"Without your help I would be dead, I just can't say thank you enough"* - Substance Misuse team

*"Thanks to everyone who has helped my daughter over the years. Words are not enough, a million thank you's"* – Social Work Team

### **Cross Divisional**

*"It serves as a wonderful model of how life should be. Never been to a place so well thought out!"* - Coleshill Centre Very Well Designed For Disabled

### **Public Protection**

*"The report is well-structured, comprehensive & an example of best practice"* – Welsh Government feedback on Local Air Quality Management Progress Report

*"I am very grateful for your intervention"* – assistance provided with noise pollution matter

*"You handled it in such a supportive manner. The way you handled the problem was so kind & supportive"* – assistance provided by EHO regarding a build-up of waste at a property

*"It is comforting to know that the council takes its responsibilities regarding animal welfare so seriously and that such professional and dedicated staff work for the service"* – Dog Warden Service

### **Housing**

*'Just wanted to thank you for your help in the beginning and for getting Gwalia Care to contact me'* – Housing Officer

*'Her attitude and pro-active work ethos was fantastic* – Homelessness Officer's support to a prison leaver.

*"...a massive thank you....the work that they have done for me it has changed my life to a standard that I can fend for myself... My occupational therapist has been unbelievable with me and without her none of this would have been possible"* – Housing Adaptations Team

*'I felt you have treated me fairly, with kindness and respect'* - Housing Options

*"They were really impressed by how efficient and considerate you had been and they both said how much of a gentleman you were when dealing with their cases"* – assistance provided by Housing Officer

*'Many thanks to you and the team for acting so swiftly to help re-house the family'* – Housing Options  
*"Over the past few months there has been a noticeable improvement in the general appearance of the estates and I am grateful for this"* – thanks from the local Councillor  
*'Over the moon that we have helped with prevention fund and am grateful for all the Council's help'* – Housing Options

### **Leisure**

*'Great customer service, helpful staff, excellent facilities and lovely coffee'* - Llanelli Leisure Centre  
*'What a wonderful day we had in Wales, one of the highlights of our 3 week tour'* – South African touring party's visit to Laugharne, and the Boathouse.  
*"The collection is informative and interesting"* – Museum of Speed  
*"Great way to bridge gap between Primary & Secondary, as well as keeping children active - good work!"* - Hockey Club At Bryngwyn Secondary School  
*"Been coming here for 10 years, improves every year"* – Pembrey Country Park  
*"The process of enrolment was done speedily, so impressed us with her enthusiasm and helpfulness"* – Library Assistant

## 9.5 Environment

Complaints	Planning		Street Scene		Property Services		Transport & Engineering		Cross Divisional	
<b>Stage 1 Complaints Investigated</b>	21		327		63		34		1	
Upheld	2	10%	197	60%	25	40%	8	24%	0	0%
Partially Upheld	7	33%	64	20%	21	33%	4	12%	0	0%
Not Upheld	12	57%	66	20%	17	27%	22	64%	1	100%
<b>Stage 2 Complaints Investigated</b>	7		2		1		3		0	
Upheld	0	0%	1	50%	0	0%	0	0%	0	0%
Partially Upheld	5	71%	0	0%	1	100%	1	33%	0	0%
Not Upheld	2	29%	1	50%	0	0%	2	67%	0	0%

### Analysis of the trends

#### Planning

2 Stage 1 complaints were upheld. They both related to issues with correspondence / communication. Three of the Stage 1 complaints that were partially upheld related to the same matter – enforcement issues relating to agricultural buildings. Other issues raised related to the handling of an urgent enforcement enquiry, concerns with planning applications and a conservation matter.

5 of the Stage 2 complaints were partially upheld. They included issues such as action taken over a high hedge, concerns with the way a planning application relating to a quarry were publicised and the way documentation was made available during the planning application process.

#### Street Scene

**Highways** – The Highways section received 23 Stage 1 complaints in total. The 4 complaints that were upheld concerned cut grass blowing onto a car whilst strimming took place, inadequate signage regarding the expected length of time of roadworks, a delay in addressing water ponding and outstanding concerns regarding draining / kerbs. Apologies were issued and required action arranged. Of the 7 complaints that were partially upheld, concerns included issues with blocked drains on the highway, surface water drainage, untidy grass cutting, not receiving a response to a letter and concerns regarding the safety of a piece of fencing.

**Refuse, Recycling & Cleansing** – 293 complaints were received. Of these complaints, 191 were upheld and 55 were partially upheld. They related to a variety of things, such as not clearing spills to advice regarding tyre recycling. However, the majority of complaints related to the implementation of new collection routes in the autumn. Complaints raised concerns around continued missed collections and uncertainty regarding their collection days while the new routes were introduced.

#### Street Scene – Remaining Complaints

The rest of Street Scene received 13 complaints. The 3 that were upheld related to the cleanliness of toilet facilities and a Health and Safety concern at Trostre civic amenity site. Apologies were provided and concerns were addressed with appropriate agencies. A slight delay occurred in addressing an

abandoned car and also in dealing with concerns raised about lighting which was too bright. Explanations were provided and necessary work chased up.

### Property Services

Property Services received 63 Stage 1 complaints, 25 of which were upheld. 21 of these complaints were partially upheld. The issues raised included problems with communication, the illegal parking of council vehicles, the actions of scaffolders acting on our behalf, mess being left behind after grass cutting and delays in carrying out works.

The Stage 2 complaint received was found to be partially upheld. This related to the removal of a chimney at a property.

### Transport and Engineering

Of the 34 Stage 1 complaints received, 8 were upheld. These related to the allocation of an additional residents parking permit, a parking ticket not being finalised despite payment having been received, correspondence to Parking Services not being responded to, a delay in addressing a parking ticket appeal, concerns around the creation of a parking space from a turning area and disruption caused by temporary lighting used by contractors. Apologies and remedial action was taken where appropriate. 4 Stage 1 complaints were partially upheld, they concerned the challenge to a parking fine, a vehicle parked in a disabled bay in staff carpark without a blue badge, a misunderstanding about parking arrangements and delays installing signage. Explanations and apologies were issued where appropriate, with any outstanding work addressed as soon as possible.

A Stage 2 complaint was partially upheld on a minor point. The complaint related to the introduction of traffic calming measures in Alltwalis.

Compliments	Planning	Street Scene	Property Services	Transport & Engineering	Cross Division
Compliments received per division	18	89	23	51	2

### Analysis of the trends

#### Planning

*"Thank you for keeping me informed throughout. I am very grateful to you"* – Enforcement

*"Thank you for this impressively complete, comprehensive and timely response"*

*"Thank you so much for such an efficient service- very impressive!"* – Building Control

*'Thank you for the professional way you gave information about the planning application'*

*'Thank you for the very fast response to our request'* – In relation to a planning enquiry.

*"Both officers were 'very helpful & very flexible....Overall, a very professional service!"*– Building Control

#### Street Scene

#### Highways

*'Thank the driver of the lorry for cleaning this street of mud and stones has done a fantastic job'*

*'Thank you and the team who carried out the repairs. The work was done to a very high standard'* – highway repairs

*"Many thanks for the sterling work you have done regarding this - I really appreciate your efforts"*

*'Many thanks to all involved, the repair is greatly appreciated by the residents' – bus shelter repair*

*'I am grateful for the swift attention to the pothole, only reported two days ago'*

*'Team extremely helpful & obviously knowledgeable in this area, and of the work required'- Blocked gully*

### **Refuse, Recycling & Cleansing**

*"...Helped with mess after bird broke bags. I really appreciated their help, they went out of their way"*

*"On many of occasion I have noticed how courteous, helpful and polite they have been" – Llanelli Refuse Crew*

*"Thank you for assistance with arranging assisted lift - acted so promptly in assisting myself & my wife"*

*"Compliment the team that had been out as they did an exceptional job" – Cleansing Team*

*"Quick response to the phone call as the refuse had been missed. Excellent service'*

### **Street Scene – Remaining Compliments**

*"Say a big thank you to the street lighting department as they have done a great job"*

*"Thanks for your speedy response to my complaint, what an excellent service"- Environmental Enforcement's handling of dog fouling concerns*

*"He was SO helpful & genuinely concerned"- assistance given by cleaner of toilet with lost property query*

### **Property Services**

*"He was very quick & clean. I'm satisfied with the job he did. Would like to thank him for a good job"*

*"Please pass on my profound thanks to the carpenter who has made an excellent job"*

*'They were wonderful. I can only praise the Council' – Roofers' prompt response in bad weather.*

*"He is a professional young man who you should be proud to have in your team"- Building Inspector*

*"All workmen have been considerate and friendly whilst doing the work" – Tenants new roof*

### **Transport and Engineering**

*"...prompt and effective actions in ensuring the safety of the public following damage to lights"*

*"A million thanks for all your support and guidance.... I have really enjoyed working with you and your input has helped the Council to make significant progress in the interests of our local communities"*  
Community Clerk thanking Road Safety & Traffic Manager

*"Installation of the two bollards has made the area around the ditch much safer. Thank you"*

*"Thank you for all your great work with our children' – Kerbcraft Team*

*"Confident that the Road Safety Works will contribute greatly to the safety of pedestrians"*

*'Skills learnt during the Dragon Rider Course will lead to safer, and increased riding pleasure'*

## 9.6 Cross Departmental

Complaints	Cross Departmental	
Stage 1 Complaints Investigated	10	
Upheld	0	0%
Partially Upheld	2	20%
Not Upheld	8	80%
Stage 2 Complaints investigated	1	
Upheld	0	0%
Partially Upheld	0	0%
Not Upheld	1	100%
<b>Analysis of the nature of complaints and the trends</b>		
<p>None of the Cross Departmental complaints were upheld.</p> <p>Two Stage 1 complaints were partially upheld. One concerned various issues, including rent payments, Housing Benefit and Council Tax. It was resolved following a full investigation and meeting to discuss the concerns. The second related to concerns raised with the Complaints Team regarding a Property Services matter. An apology was given for any misunderstanding regarding the complainant's intention with the communication and arrangements were made to complete outstanding jobs.</p>		
<b>Compliments</b>	7	
<b>Analysis of the trends</b>		
<ul style="list-style-type: none"> <li>• The Freedom of Information, HR &amp; Accountancy teams were praised for the work carried out on a request for data - <i>"Comprehensive &amp; detailed response to our request - it is very gratefully received"</i></li> <li>• <i>"Thanks for support given by Museum Service &amp; Grounds Staff - very helpful"</i> - Parc Howard Summer Family Event</li> <li>• <i>"Enthusiastic assistance given - staff could not have been more helpful with the preparations - Queen's 90th Birthday Celebrations"</i></li> <li>• Thanks were passed on to a Housing Officer &amp; Building Inspector for their <i>"Courteous manner....constructive efforts to help us whilst adhering to council policies &amp; rules"</i></li> <li>• <i>"He really cared about the work done"</i> – Officers from Housing Services &amp; Property Services were thanked for addressing problems with a property.</li> <li>• The Contact Centre and Refuse Crew were thanked for addressing an outstanding waste collection quickly.</li> <li>• <i>"A great deal of work has obviously been involved in its research and compilation"</i> – The work of the Freedom of Information &amp; Animal Health Teams was acknowledged</li> </ul>		



## STANDARDS COMMITTEE 15<sup>TH</sup> SEPTEMBER 2017

### APPLICATION FOR DISPENSATION BY COUNCILLOR G SQUIRES

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                          NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**APPLICATION FOR DISPENSATION BY COUNCILLOR G SQUIRES**

An application for dispensation to speak and vote and make written representations in respect of applications for financial assistance by the Ferryside OAP Club and St. Ishmael's United Parish has been received from Councillor G Squires of St. Ishmaels Community Council. (Copy attached)

Councillor Squires has a personal interest in these matters by virtue of paragraph 10(2) (a) (ix) (ee) in that the business in question will relate to a private club, society or association operating in the authority's area in which she is a member.

These interests are prejudicial as a member of the public with knowledge of the facts would reasonably regard those interests as so significant as to be likely to influence the Councillor's judgement of the public interest.

Councillor Squire's application is based on the following grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001;

1. Paragraph (d) that her participation will not damage public confidence.
2. Paragraph (e) that the interest is common to her and a significant proportion of the public.
3. Paragraph (f) that her participation is justified by her particular role or expertise
4. Paragraph (g) the business is to be considered by an overview or scrutiny committee
5. Paragraph (h) the business relates to the finances of a voluntary organisation of whose management she is a member and she has no other interest

Of these grounds, paragraphs (e) and (g) do not apply in this case, whilst paragraph (h) would only allow Councillor Squires to speak (but not vote or make written representations) on these matters.

If the committee is minded to grant a dispensation, it has an absolute discretion as to duration. It may wish to grant the dispensation until one of its scheduled meetings, some other date or until the Councillor's term of office comes to an end.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-154	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

CARMS C.C.

Your full name:- Mrs Gloria Jean Squires

17 JUL 2017

Name of your Council:- St Ishmaels Community Council

PRF WEITHREDWR  
CHIEF EXECUTIVE

Your address and postcode:- 2 Brynhyfryd Ferryside Carms SA175RS

Contact telephone number(s):- 01267267477

Email address:- gloria.squires@btinternet.com

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Possible application for financial assistance from Ferryside OAP Club  
And also from the Council of St Ishmael's United Parish

What is your interest in the above matter?

I am the Secretary of the OAP Club  
I am a Parish Warden with St Ishmael's United Parish

When will the above matter be considered?

At any time during the course of the Council on which I serve.

Are you applying for dispensation to:

Speak only:  Speak and vote:

Make written Representations  Exercise Executive Powers

*(I'm not sure if I should tick the box with written representation as I am the Secretary of the OAP Club)*

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input checked="" type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input checked="" type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

*(Please note that failure to complete this section will result in the application form being returned to you)*

#### **FERRYSIDE OAP CLUB**

I am the Secretary of Ferryside OAP Club whose present membership is 90 + between the ages of 55 and 97 in our Community, I feel that should the need arise I would be able to give any information that the Council would require when making any decisions regarding any representations the Club would make.

#### **PARISH WARDEN**

As a Parish Warden I would be able answer any questions that the Council may have should the Church Council make any representations to the Community Council

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.





**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
15<sup>TH</sup> SEPTEMBER 2017**

**APPLICATION FOR DISPENSATION BY COUNCILLORS  
GARETH THOMAS, JEAN LEWIS, KEN HOWELL, TYSSUL  
EVANS, MANSEL CHARLES, EIRWYN WILLIAMS AND ANN  
DAVIES**

An application for dispensation to speak and make written representations in respect of any council business relating to or likely to affect farming and agriculture has been received from the above County Councillors.

The Councillors potentially have a personal interest in such business by virtue of paragraphs 10(2) (a)(i), 10(2)(a)(iv), 10(2)(b)(i) and 10(2)(b)(ii) of the members code of conduct in that they are all either actively engaged in farming in the County, own farm land which is actively farmed by others or have close personal associates who are actively engaged in farming.

Those interests should also be considered prejudicial member of the public with knowledge of the relevant facts would reasonably regard the interests as so significant that they would be likely to prejudice the councillors' judgement of the public interest.

The application is made on 2 grounds set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 namely;

1. The Councillors participation in such matters would not damage public confidence in the conduct of the Council's business
2. That their participation is justified by their particular expertise

Councillors Gareth Thomas and Jean Lewis have previously been granted dispensations in respect of these matters, which expired at the end of their previous term of office.

If the committee is minded to approve the application they have absolute discretion as to the duration of any dispensation granted.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-154	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name:

GARETH THOMAS  
JEAN LEWIS  
KEN HOWELL  
TYSSUL EVANS  
MANSEL CHARLES  
EIRWYN WILLIAMS  
ANN DAVIES

Name of your Council: CARMARTHENSHIRE COUNTY COUNCIL

Your address and postcode: c/o County Hall, Carmarthen, SA31 1JP

Contact telephone number(s):

Email address:

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Any matter relating to or likely to affect farms or farming in the County of Carmarthenshire

What is your interest in the above matter?

The applicants are either;

1. Working farmers
2. Close personal associates of working farmers or
3. Owners of working farm land

In the County of Carmarthenshire

When will the above matter be considered?

At any time during the councillors current term of office

Are you applying for dispensation to:

Speak only:           x

Speak and vote:       

Make written  
Representations    x

Exercise Executive  
Powers                   

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	x <input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>



#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

The County Councillors making this application all have considerable direct knowledge and experience of the issues affecting farming and those working in the industry. They have experience in both dairy and non-dairy farming and represent constituencies all across Carmarthenshire.

Agriculture makes up an important part of the economy of the County and members of the public working in the industry, or whose families are directly connected with the industry, make up a significant part of the population of many parts of Carmarthenshire.

Many of the functions of the Council relate to or directly affect the farming industry. Decisions taken by elected members relating to farming matters can have a significant impact not just upon individual farms, but also upon the wider agricultural sector and the communities that they are a key part of.

If Councillors who have a personal and prejudicial interest in farming related decisions are unable to speak, not only would farming communities in the County be denied democratic representation when such decisions are made but also those Councillors who do not have such an interest would be denied the benefit of their expert knowledge.

Public confidence in the conduct of the Council's business would not be damaged by allowing these Councillors to speak in any debate or make written representations on farming related matters.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: *Gareth Thomas*

Signed: *Jean Lewis*

Signed: *Ken Howell*

Signed: *Mansel Charles*

Signed: *Eirwyn Williams*

Signed: *Ann Davies*

Signed: *Tyssul Evans*

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

### Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability