

To: Chair and Members of Standards
Committee

Date: 22 June 2017

Direct Dial: 01824 706204

e-mail: democratic@denbighshire.gov.uk

Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 30 JUNE 2017** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 5 - 14)

To receive the minutes of the Standards Committee meeting held on 10 March 2017 (copy enclosed).

5 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 15 - 16)

To consider the Standards Committee Forward Work Programme (copy attached).

6 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK (Pages 17 - 32)

To consider a report by the Monitoring Officer (copy enclosed) informing members of the most recent edition of the Ombudsman's Code of Conduct Casebook.

7 BODELWYDDAN TOWN COUNCIL DISPENSATION REQUEST (Pages 33 - 40)

To consider a report by the Monitoring Officer (copy attached) regarding an application for a dispensation made by members of Bodelwyddan Town Council.

8 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

9 CHAIR'S ANNUAL REPORT

To consider a verbal report by the Deputy Monitoring Officer with feedback from Annual Council regarding the Chairman's Annual Report.

10 UPCOMING TRAINING EVENTS FOR MEMBERS

To receive a verbal report on upcoming training events for Members.

11 NORTH WALES STANDARD COMMITTEE FORUM

To receive a verbal report from the Monitoring Officer of the matters discussed at the meeting of the North Wales Standards Committee Forum.

12 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 22 September 2017.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraph "[Insert Number]" of Part 4 of Schedule 12A of the Act would be disclosed.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 41 - 42)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Mr Ian Trigger (Chair), Mrs Paula White, Julia Hughes and Anne Mellor

Town/Community Council Member

Councillor David E Jones

County Councillors

Councillor Paul Penlington

Councillor Andrew Thomas

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 10 March 2017 at 10.00 am.

PRESENT

Independent Members Julia Hughes, Anne Mellor and Ian Trigger (Chair) together with Councillors David Jones, Barry Mellor and Meirick Lloyd Davies

ALSO PRESENT

Monitoring Officer (GW) and Committee Administrator (SJ)

1 APOLOGIES

Apologies for absence were received from Councillors Mrs P White

2 DECLARATION OF INTERESTS

None

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 2 December 2016 were submitted.

Matters Arising –

Page 9 – Item 5 – North Wales Standards Forum - In response to a question from the Chair regarding the date of the next forum was be held in Denbighshire, the Monitoring Officer explained to the committee clarity of dates was required with the availability of the Standards Committee Chair.

The Chair raised a question in relation to the availability of mediation training for Standards Committee Members, to which the Monitoring Officer agreed to follow up and update members. **(GW to action)**

The Monitoring Officer confirmed that guidance on Sanctions produced by Adjudication Panel for Wales had been circulated to Members.

Page 8 – Item 4 – Minutes – Independent Member Julia Hughes raised a question in relation to attendance at meetings and a spreadsheet of attendees produced. The Monitoring Officer distributed the list to the Members for consideration.

Page 9 – Item 5 – North Wales Standards Forum – In response to a question from Independent Member Julia Hughes regarding Publication of declarations of interest expressed at City/ Town/ Community Council meetings, the Monitoring Officer

explained that it would be good practice for Declarations of Interest to be an agenda item at such meetings. Any Declarations expressed should then be stored as a record but it was not mandatory to be published to the internet.

RESOLVED that the minutes of the meeting held on 2 December 2016 be received and approved as a correct record.

5 ACCESSIBILITY OF INFORMATION FROM CITY, TOWN AND COMMUNITY COUNCILS - ANNUAL REVIEW

Independent Member Julia Hughes (JH) referred to the audit report she had undertaken to access the accessibility of information from the website of all 37 City/ Town/ Community Councils in Denbighshire compared to the study undertaken in late 2015- early 2016. Areas examined and information sought included –

- availability of the previous minutes including date
- details of date, venue and time of next meeting
- bilingual provisions
- notes and additional details

Members were reminded that the findings provided a snapshot at the time, which could have changed. JH presented to the Committee an overview report of the work undertaken across the 37 City/ Town/ Community Councils and the main finding as follows -

- many websites were in place but really out of date
- many websites were not bilingual
- some websites were under development
- many councils had standard agendas only, that never changed
- the Town Council websites generally were more advanced
- some sites were excellent examples for other areas to use if they wanted to
- many sites were not linked or did not have up to date details on the Denbighshire website – www.moderngov.denbighshire.gov.uk
- some sites were linked to www.politicsresources.net/area/uk/wa-councils/wa-council-ac.htm (a Welsh Government site) but many were not
- four councils had no electronic presence
- many had no details of their councillors or how to contact them
- some councils had old websites that came up in searches so you believed there was no up to date information
- some sites were good with good templates but some were out of date

Consequently JH recommended the following, in her view, as minimum requirements –

- have a website
- easy domain name that came up in searches relatively easily
- link to Denbighshire modern government website
www.moderngov.denbighshire.gov.uk

- the link on the Denbighshire County Council website to the City, Town or Community Council website should be the correct one and not to an old site
- link to Welsh Government website www.politicsresources.net/area/uk/wa-councils/wa-council-ac.htm
- any links on www.politicsresources.net/area/uk/wa-councils/wa-council-dl.htm needed to be the correct ones
- bilingual site essential
- name of clerk with picture and contact details including email address and phone number
- names of all councillors with their pictures and contact details including email addresses and phone numbers
- dates of meetings, venues, time
- agendas
- previous minutes
- details of the areas that the council covered with map if possible
- how people could be involved – being a councillor, attending meetings

Optional additional recommendations –

- electronic enquiry form
- history of the area
- events in the area
- links to other local groups' websites
- use of social media to engage wider audiences
- details on Code of Conduct
- record of declarations of interest

The Chair took the opportunity to thank JH for her hard work and excellent report and other members echoed those sentiments.

The following points were raised during the ensuing debate –

- as a member of Rhyl Town Council (RTC), Councillor Barry Mellor reported that grant funding had enabled the Rhyl website to be rebuilt and due to its infancy was expected to be of high standard.
- the Chair was in favour for the report to be forwarded to the Community Engagement Manager for circulation to City/ Town/ Community Councils at upcoming cluster meetings. **(GW to action)**
- Councillor Barry Mellor made reference to many City/Town/ Community Councils having had to fund the setup of websites as cuts to funding had resulted in funds being applied to other provisions.
- concerns that 4 Community Councils did not have a website, twice the amount from the previous report .

The Committee acknowledged that whilst some of the report recommendations would take time and require additional funds, others involved good practice and did not require additional resources. It was also acknowledged that although the focus had been on improvement in some areas, the report had revealed many positives and excellent work and good practice being undertaken within communities which could be shared across Denbighshire.

RESOLVED that –

- (a) *the reports presented by Independent Member Julia Hughes on the accessibility of information from the final eight City, Town and Community Council websites, and the Overview Report of the Electronic Communications of City, Town and Community Councils be received and noted;*
- (b) *copies of the reports be forwarded to the Community Engagement Manager who would be requested to liaise with the City, Town and Community Councils in respect of matters raised (GW to action).*

6 PREPARATION OF CHAIR'S ANNUAL REPORT TO FULL COUNCIL

The Monitoring Officer gave the apologies of the Deputy Monitoring Officer and introduced the report submitted to Members (previously circulated) presenting the Chairs Annual Report 2016 for consideration prior to submission to full council. The Chair thanked both the Monitoring Officer for presenting the report and the Deputy Monitoring Officer for her hard work in preparing the report. During debate the following amendment was agreed –

- Reference to 'information' in the table in paragraph 4.3 be amended to read 'electronic information'.

The Chair opened the debate asking members if they felt any further issues or points should be covered when discussed with full Council. The Standards Committee wanted Councillors to be aware of the work the Standards Committee complete along with the work and pressures the City/ Town and Community Councils face.

The Monitoring Officer agreed to pass on amendments and comments to the Deputy Monitoring Officer to prepare the amended draft for approval by the Chair prior to submission to full Council. **(GE & LJ to action)**

RESOLVED that, *subject to the above, members note the report and recommend its presentation by the Chair to the full Council.*

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) submitted a report (previously circulated) informing members of the most recent editions of the Ombudsman's Code of Conduct Casebook covering the period October 2016 to December 2016.

Details of the complaints investigated during this period had been outlined in the report and were summarised by the MO.

The Chair raised a question regarding record keeping of complaints which did not require further action. The MO explained to the Standards Committee that if a complaint was investigated, the ombudsman's office would investigate all aspects

of the complaint. In cases of no further action being taken there would be no public record as such but the Ombudsman's office would retain a case file for a period.

RESOLVED that, the Standards Committee note the information contained within the Code of Conduct Casebook.

8 TRAINING - WELSH LOCAL GOVERNMENT ASSOCIATION INDUCTION MATERIALS

The Monitoring Officer (MO) presented the report (previously circulated) to inform the committee of the creation of the induction materials produced by the Welsh Local Government Association (WLGA). The MO explained to members that in previous years the council had adopted its own training pack. The WLGA has compiled a training pack to provide a common set of resources that can be adopted throughout Wales and encourage a common understanding of the requirements of the Code of Conduct amongst elected members.

The MO stated that both he and the Deputy Monitoring Officer were pleased with the training pack provided by WLGA. The training pack along with training notes had been produced bilingually to aid effective training. The MO explained that the training pack had been designed to aid in the training of both County Councillors and Community Councillors. The MO informed members an e-learning has also been produced to accompany the training package.

The MO stated that the training package provided by WLGA provides a coherent delivery of training and gives members a variety of options to access training materials.

Councillor Barry Mellor commended previous training provided by the County as being of a high standard, Both Councillor David Jones and independent member Anne Mellor praised the new training pack as being concise and transparent. Independent member Julia Hughes asked if the members of the Standards Committee could be made aware of training dates so they too could attend and benefit from the new training model **(GW to action)**.

The Chair praised both the Monitoring Officer and Deputy Monitoring Officer for their work on previous training sessions provided to members. He believed that Clerks would benefit from training sessions or having the additional resources for training. The MO emphasised the variety of training delivery methods would benefit a greater number of individuals. The MO asked the committee if they felt it would be beneficial to schedule 'train the trainer' sessions with Clerks to aid in the training in City/ Town/ Community Council meetings. The Standards committee agreed this would be a constructive method of training members. **(GW to action)**.

RESOLVED that, the Standards Committee note the report and recommend its provision in the training of the new and returning County Council and City/ Town and Community Councils.

9 LOCAL RESOLUTION PROCESS FOR CITY/TOWN/COMMUNITY COUNCILS

The Monitoring Officer (MO) provided a verbal report on the Local Resolution process for City/ Town/ Community Councils. The MO explained that at present when City/ Town/ Community Councils received a complaint, the Clerk has responsibility with the aid of the Council Chair to achieve an amicable resolution. The MO emphasised the responsibility and pressure placed on Clerk's to resolve complaints on top of the regular duties upheld.

The process adopted at County for complaints would be for an invited independent member of Standards Committee to aid in resolving the complaint. The MO asked the Standards Committee whether they agreed to Independent Standards Committee members being invited to meetings at City/ Town/ Community Councils in order to assist the Clerk in resolving complaints. The Independent Members agreed that this would be beneficial to Clerks.

RESOLVED that, the Standards Committee receive the verbal report on Local Resolution process and it be noted.

10 REVIEW OF THE COUNCIL'S SELF-REGULATORY PROTOCOL

The Monitoring Officer (MO) provided a verbal report on the Council's Self-Regulatory Protocol. The MO explained to Standards Committee members that the County Self-Regulatory Protocol had been reviewed and compared to other Protocols and the procedures are very similar. The MO stated that the procedures the County currently adopt worked well. It was highlighted that any complaints from members of the public had to be passed to the Ombudsman.

The MO proposed that in the first instance, he or the DMO seek to resolve matters informally and that the involvement of Standards Committee members be kept for those cases that could not be resolved at that stage. The Standards Committee discussed City/ Town/ Community Council Clerks working to aid each other when investigating complaints in their own authorities. The MO agreed to draft a document to circulate to cluster groups to explore options for aiding one another, providing a mediator in difficult situations. Councillor Meirick Lloyd Davies commended this recommendation stating within small Community Councils individuals are known well by most and investigating complaints would be challenging **(GW to action)**.

RESOLVED that, the Standards Committee receive the verbal report on Self-Regulatory Protocol and it be noted.

11 WHITE PAPER- REFORMING LOCAL GOVERNMENT RESILIENT AND RENEWED

The Monitoring Officer (MO) provided a verbal report informing members of the provisions of the White Paper "Reforming Local Government: Resilient and Renewed". The MO provided a general overview of the main provisions of the paper. He elaborated on provisions within the Draft Bill which included the following –

- Regional working- the removal of compulsory mergers with mandatory regional working put forward. The MO explained that the test for regional

working would depend on there being a positive impact observed regionally and not necessarily a positive impact in each authority area.

- Sharing back office services- proposals for back office shared service including Welsh Language, Internal Audit and Council Tax collection. Tests for regionalisation- the MO explained the extensive list of questions to be asked in relation to regionalisation.
- Governance and accountability- proposing a common rule book to be followed by all. The MO explained that there would be more detail to follow regarding governance and accountability including details of funding arrangements for Joint Governance Committees.
- Elections and voting- the MO explained to the Standards Committee that this element of the Bill was vague with further details to be provided at a later date.
- Role of Councillors and the proposals that would impact Standards Committee- the MO expanded on the role of Councillors and their responsibilities. The MO explained some of the requirements the Standards Committee would face such as providing advice and training to members on new duties and to produce an annual report on the Standards Committee activities which the Committee already produces.

The verbal presentation gave the Standards Committee an overview of some of the proposed changes and how they would impact the Standards Committee along with the Authority.

The MO informed members that feedback is expected from Local Authorities in relation to the Bill in April, with amendments and feedback to be proposed to the Welsh Assembly later in the year. An update report would be provided to Standards Committee later in the year.

The Chair thanked the MO for his hard work and commended him for simplifying a complex subject. The Chair noted the potential changes to Standards Committee and stated it would be interesting to see the outcome.

RESOLVED that, the Standards Committee receive the verbal report on White Paper- Reforming Local Government Resilient and Renewed and it be noted.

12 ATTENDANCE AT MEETINGS

Independent member Anne Mellor, confirmed she had attended St Asaph Community Council meeting held on 6 January 2017. The Monitoring Officer noted the attendance and confirmed to update the attendance report to reflect this **(GW to action)**.

The Monitoring Officer confirmed and circulated a compiled list of City/ Town/ Community Councils which had been visited in the last three years. The independent members Julia Hughes and Anne Mellor with the Chair Ian Trigger reviewed the list and determined meetings they felt were owed a meeting. The Committee members requested an email, as had been previously circulated be distributed to City/ Town/ Community Councils informing members that Standards Committee members may attend meetings **(GW to action)**.

13 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members agreed the following additions:-

- Update on the White Paper – September
- Update on Training Implementation – September

RESOLVED that, subject to the above amendments, the Standards Committee's Forward Work Programme be agreed.

14 DATE OF NEXT MEETING

Members noted the Standards Committee's next meeting had been scheduled for 10.00 a.m. on Friday 30 June 2017 in Conference Room 1a, County Hall, Ruthin.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

15 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales (PSOW) since 1 April 2014.

The Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the PSOW. The tables in Appendix 1 provided an overview of complaints lodged since the 1st April, 2014. 13 cases had not been pursued, 2 cases had been discontinued, 5 cases not investigated and 1 case with no action taken.

The MO provided an update on the one on-going complaint, explaining to the committee that this particular case had been discussed at previous meetings. The MO also provided some context and explanation of the background to the complaint and why no action was taken.

RESOLVED –that the Standards Committee receive and note the contents of the report.

The Chair thanked all members for their attendance and contributions in particular Julia Hughes for her hard work. The chair also paid thanks to the Monitoring Officer for his guidance.

The chair paid thanks to Councilor David Jones, who informed the committee this was his last meeting. The chair wished Councilor Jones the best for the future and thanked him for his work and support to the Standards Committee. He showed gratitude for his pleasant manner, loyalty and contributions to all Committee meetings.

The Monitoring Officer echoed the thanks to Councilor Jones for his work and contributions to the Standards Committee and also thanked Councilor Meirick Lloyd Davies and Barry Mellor for their contributions and support.

The meeting concluded at 13.00 p.m.

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STANDARDS COMMITTEE FORWARD WORK PROGRAMME

PLEASE NOTE AGENDA TO BE CIRCULATED 1 WEEK IN ADVANCE OF MEETING

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
22 September 2017	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)
	Update to the White paper (To be confirmed)	Gary Williams (Monitoring Officer)
	Update on the Training implementation	Gary Williams (Monitoring Officer)
24 November 2017	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

Updated 17/03/2017 - SJ

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Report To:	Standards Committee
Date of Meeting:	30th June 2017
Lead Member / Officer:	Gary Williams, Monitoring Officer
Report Author:	Gary Williams, Monitoring Officer
Title:	Public Services Ombudsman for Wales – Code of Conduct Casebook

1. What is the report about?

The report is about the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (the Ombudsman).

2. What is the reason for making this report?

To inform the Committee of the most recent edition of the Ombudsman's Code of Conduct Casebook.

3. What are the Recommendations?

That members of the Committee note the information contained within the Code of Conduct Casebook.

4. Report details.

4.1 The Ombudsman has since 2013 produced a Code of Conduct Casebook (the Casebook). The Ombudsman had for some time previously produced a casebook relating to the complaints he investigated in respect of alleged maladministration by public bodies. Following calls for a similar approach to be taken with regard to code of conduct complaints, the Ombudsman began publishing the Casebook in 2013.

4.2 The Casebook was originally published twice a year, however the Ombudsman decided to produce the casebook on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the Ombudsman has completed an investigation during the relevant period.

4.3 The production of a Casebook is intended to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This is an extension of the publication of real life examples in the Ombudsman's Guidance on the Code.

- 4.4** The casebook also assists local authority Standards Committees by giving them access to information about the way in which other Standards Committees in Wales are imposing sanctions and disposing of cases and help to explain why in some cases the Ombudsman may decline to investigate alleged breaches on the basis that previous similar allegations have not resulted in a sanction.
- 4.5** Appendix 1 to this report contains Issue 12 of the Casebook published in April 2017 covering the period January 2017 to March 2017. Members will note that there are 13 case summaries in this edition of the casebook, only 1 of which involved a referral to a Standards Committee and none were referred to the Adjudication Panel for Wales.
- 4.6** Of these 13 cases, 3 were found to have no evidence of breach, 9 were considered to require no further action and 1 was referred to the Standards Committee for that authority.
- 4.7** The 13 cases fell into three broad categories, 8 related to the disclosure and registration of interests, 3 to the promotion of equality and respect, and 2 to objectivity and propriety.
- 4.8** The complaints relating to the disclosure and registration of interests include 6 complaints seemingly made by the same complainant regarding the same incident but involving 6 different members of the same Community Council.
- 4.9** Members will note that one of the complaints in respect of which no further action was deemed necessary involved a member of Prestatyn Town Council. The complaint was that the Councillor had failed on two occasions to disclose an interest in a matter relating to a planning application which was likely to impact on his business. The Ombudsman judged that this was a personal and prejudicial interest, however, the Ombudsman considered that the Councillor was not seeking to influence the decision and the Town Council was not the decision maker in respect of the application. The purpose of the meetings was to consider the observations that the Town Council was to make to the planning authority. The Ombudsman's view was that although no further action was required, the Councillor should reflect on his actions and attend training on the Code of Conduct.
- 4.10** The case referred to a Standards Committee involved a member of Powys County Council who had sent correspondence which unfairly and incorrectly portrayed the proceedings of a Grievance appeal hearing at the Council. The Standards Committee imposed a 5 month suspension on the Member who appealed against this decision to the Adjudication Panel for Wales. The outcome of the appeal was that the Adjudication Panel referred the matter back to the Standards Committee with a recommendation that the suspension be for 3 months.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report does not require an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

There is no decision required.

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The Code of Conduct Casebook

Issue 12 April 2017

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Introduction

Overall I am pleased that my office received 14% less code complaints this year than in 2015/16. I believe this is due to the introduction of local resolution for county councils (low level councillor against councillor complaints being referred to the Monitoring Officer in the first instance) finally having an impact. There is also some evidence over the last 12 months of this approach being adopted by town and community councils who are attempting some form of informal resolution stage before cases are referred to my office.

Outcome	2016/17	2015/16
Closed after initial consideration	184	213
Complaint withdrawn	20	15
Investigation discontinued	10	10
Investigation completed: No evidence of breach	12	11
Investigation completed: No action necessary	16	10
Investigation completed: Refer to Standards Committee	5	3
Investigation completed: Refer to Adjudication Panel	1	3
Total Outcomes – Code of Conduct complaints	248	265

Out of the cases that I have seen, only six were referred either to the Standards Committee or the Adjudication Panel for Wales. This clearly shows that only the most appropriate cases are being referred, and demonstrates that the consideration of the public interest test continues to be an effective means of using 'common sense for common good'.

Despite a decrease in the overall number of code complaints received by my office, the number taken to full investigation has marginally risen. However this is balanced by the increase in the number of cases that have been discontinued or where no action is necessary - further evidence of the effectiveness of the public interest test at all stages of the investigation process.

Other changes this year include the issuing of updated Code of Conduct guidance for councillors based on changes to the Model Code of Conduct made in April 2016 and the establishing of a Code Advisory Group which has proactive oversight of the management of code of conduct complaints. This has led to a 19% increase in cases taking less than six months for a decision to be taken. I am pleased with this positive step forward which means that both complainants and accused members are receiving a timely outcome, helping to relieve the stress and inconvenience that an investigation can cause.

Overall I am encouraged that we are starting to see movements towards councils taking more ownership of low level complaints and attempting to resolve these on a local level, meaning that my office's time and resources are being used for only the more serious cases. I anticipate that this will continue to be something we will focus on and encourage going forward. However whilst I am fully supportive of this approach, it is still important that the more serious allegations of breach of the Code of Conduct are brought to me for investigation and, where appropriate, referred to the Standards Committee or Adjudication Panel for Wales remembering that the authority to make a determination of breach and/or sanction rests solely with them.

I hope that by continuing to work collaboratively over the coming year we can improve standards in public life, whilst building public confidence and promoting good governance in our democratic institutions.



Nick Bennett
Ombudsman

Case summaries

No evidence of breach

Powys County Council – Disclosure and registration of interests

Case Number 201506050 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Powys County Council (“the Councillor”) breached the Code of Conduct for members when he approached another member in the Council’s Members’ Lounge on 25 January 2016 to discuss matters in which he may have had a personal and prejudicial interest.

Both members recalled a different version of events and, as there were no other witnesses to the conversation, it was impossible to reconcile the different accounts. In view of this, it was not considered in the public interest to pursue the matter further. The Ombudsman was that there was no evidence that the

Councillor failed to comply with the Code of Conduct.

Llangefni Town Council – Promotion of Equality and Respect

Case Number 201603639 - Report issued in March 2017

Councillor A complained that Councillor B of Llangefni Town Council might have breached the Code of Conduct due to her conduct towards the Clerk to the Council.

The Ombudsman investigated whether Councillor B had breached parts of the Code which concern respect and consideration, bullying and harassment, and disrepute.

The Ombudsman found that there was no evidence to suggest that Councillor B had breached the Code in relation to two elements of the complaint. He found that no action needed to be taken in respect of one element of the complaint.

Rhondda Cynon Taf County Borough Council - Promotion of Equality and Respect

Case Number 201604869 - Report issued in March 2017

Mr A alleged that Councillor X of Rhondda Cynon Taf County Borough Council (“the Council”) breached the Code of Conduct for members by improperly using his influence as a Councillor to direct the Council’s Highways and Streetcare Services to clear an overgrown lane to the rear of Mr A’s property. Mr A alleged that Councillor X’s decision to involve Streetcare Services was taken in the pursuit of a personal vendetta against him. As such, Councillor X knowingly misused Council resources for private, vexatious purposes. The Council’s Streetcare Supervisor was interviewed and information was obtained from the Council in regard to a complaint response letter it issued to Mr A about Councillor X’s conduct. The Council’s letter stated that its investigation had established that Councillor X had applied inappropriate pressure on the Streetcare Team to carry out the work.

The Ombudsman found that, contrary to what was stated in the Council’s letter to Mr A, there was no evidence to suggest that Councillor X exerted any undue influence on the Council’s Streetcare team to carry out this work. The Ombudsman also found **Page 23** Mr A’s suggestion that Councillor X had

acted improperly was not based on any formal investigation or on any evidence of improper conduct provided by the Streetcare Team. The Ombudsman found, therefore, that there was no evidence of a breach of the Code.

No action necessary

Conwy County Borough Council – Objectivity and propriety Case Number 201602422 - Report issued in February 2017

During the course of another investigation, it came to light that a member of Conwy County Borough Council (“the Councillor”) had disclosed an email, which contained sensitive and personal information about the author, to another Councillor and to a member of the public. The Ombudsman decided to investigate the matter.

During the investigation the author of the email was interviewed and expressed that she had not intended the email to be shared. The member the public with whom the email was disclosed was also interviewed and confirmed he had received the email from the Councillor and, with his permission, passed it to another Councillor. The Councillor confirmed that he had shared the email but said that he did so because he was concerned for the welfare of the author and was not sure how best to approach it. The Councillor apologised for not considering whether the personal data should have been protected but said he was under considerable stress at the time of the events.

The investigation found that the evidence was suggestive of a breach of the Code of Conduct. However, given that, to some extent, the Councillor acted out of concern for the author of the email, the stress that he was under at the time of the events and the apology made for his actions, it would not be in the public interest to take any further action on this occasion.

Aberystwyth Town Council – Promotion of equality and respect Case Number 201504876 - Report issued in February 2017

Mr A complained that Councillor X of Aberystwyth Town Council (“the Council”) had breached the Code of Conduct for members (“the Code”) by telling a member of the public about Mr A’s suspension. The Ombudsman investigated whether Councillor X had breached those parts of the Code which concern respect and consideration, the disclosure of confidential information and disrepute.

Information was obtained from the Council, Ceredigion County Council and another public body. Mr A, four other witnesses and Councillor X were interviewed. Councillor X admitted that he had told a member of the public about Mr A’s suspension.

The Ombudsman found that there was evidence to suggest that Councillor X had breached the Code by not showing respect and consideration for others, disclosing confidential information and bringing his office as a member and the Council into disrepute. However, he determined that it was not in the public interest to pursue this matter and that no further action was required.

Prestatyn Town Council – Disclosure and registration of interests Case Number 201605412 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Prestatyn Town Council (“the Councillor”) breached the Code of Conduct for elected members by failing to disclose a personal and prejudicial interest at two meetings in relation to a planning application.

The Ombudsman found that the Councillor had a personal and prejudicial interest in the application as the

proposed development was likely to impact upon access to his business. There was no evidence that the Councillor declared an interest in any of the meetings. He aired his concerns relating to access/egress to his business during the second meeting.

In deciding on the appropriate finding, the Ombudsman considered the impact of the Councillor's actions. He was not persuaded that the Councillor sought to influence a decision by his actions. He also noted that the Town Council was merely considering whether to submit observations on the application. It was not deciding whether the application should be approved. It was therefore the Ombudsman's view that the Councillor's actions were of limited consequence and it was not in the public interest to pursue the matter further.

Under section 69(4)(b) of the Local Government Act 2000, the Ombudsman's finding was that no action needed to be taken in respect of the matters investigated. However, the Councillor was advised to reflect upon his actions and to attend training on the Code of Conduct.

Mumbles Community Council - Disclosure and registration of interests **Case Numbers 201602616 - Report issued in March 2017**

Mr A complained that Councillor X as a member of a charitable organisation breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor X may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor X's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor X held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure and registration of interests **Case Numbers 201602617 - Report issued in March 2017**

Mr A complained that Councillor H, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor H may have used or attempted to use their position

improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that Councillor H's position within the charitable organisation gave rise to both a personal and prejudicial interest.

It was established that Councillor H held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests, and they have since apologised and retrospectively declared any such interests. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated

Mumbles Community Council - Disclosure of interests

Case Number 201602618 - Report issued in March 2017

Mr A complained that Councillor F, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor F may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that, Councillor F's position within the charitable organisation, gave rise to both a personal and prejudicial interest.

It was established that Councillor F held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests and they have since accepted that they do have an interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests

Case Number 201602619 – Report issued in March 2017

Mr A complained that Councillor Z, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor Z may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor Z's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor Z held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests Case Number 201602620 – Report issued in March 2017

Mr A complained that Councillor M, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor M may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor M's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor M held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council – Disclosure of interests Case Number 201602621 - Report issued in March 2017

Mr A complained that Councillor G, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor G may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor G's membership of

the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor G held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Referred to Standards Committee

Powys County Council – Objectivity and propriety

Case Number 201501199 – Report issued in June 2016

The Ombudsman investigated a complaint that a member (“the Councillor”) of Powys Council (“the Council”) may have breached his authority’s Code of Conduct. The complaint arose in relation to correspondence he had sent which incorrectly and unfairly portrayed the content of a Grievance Appeal Hearing.

The Ombudsman found that as the Councillor had sent the correspondence in his private capacity there was no evidence he had breached the section of the Code relating to showing respect and consideration for others. However the Ombudsman found evidence that the Councillor may have broken the code by bringing his office into disrepute and he referred the matter for consideration by the Council’s Standards Committee.

On 2 November 2016, the Council’s Standards Committee found that the Councillor had breached the Code. He was suspended from being a Councillor for five months.

The Councillor appealed this decision to the Adjudication Panel for Wales (“the Panel”). On 17 March 2017, the Panel found that the Councillor had breached the Code. The Panel referred the Councillor to the Council’s Standards Committee with a recommendation that the Councillor should be suspended for a period of three months.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

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

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203

Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

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Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

Report To: Standards Committee

Date of Meeting: 10th March 2017

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for Dispensation by Members of Bodelwyddan Town Council

1. What is the report about?

This report is about an application for a dispensation made by members of Bodelwyddan Town Council

2. What is the reason for making this report?

To enable the Committee to consider the background to the request for a dispensation and the relevant legal provisions before making a determination whether to grant the dispensation.

3. What are the Recommendations?

That the Committee considers the request for a dispensation and makes e determination whether to grant the dispensation and, if so, the terms upon which the dispensation is granted.

4. Report details

4.1 The Members' Code of Conduct provides that a member of a local authority who has a prejudicial interest in any matter must withdraw from the chamber during the discussion of that matter and take no part in the consideration of that matter, unless the member has been granted a dispensation by the Standards Committee for that authority.

4.2 s81(4) Local Government Act 2000 gives Standards Committees power to grant dispensations in accordance with regulations made by Welsh Ministers under s81(5) of that Act prescribing the circumstances in which they may do so.

4.3 The relevant regulations are the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (the Regulations).

4.4 The Monitoring Officer has received a request for a dispensation from the Clerk to Bodelwyddan Town Council on behalf of the current members of Bodelwyddan Town Council in respect of their membership of a charitable association being created to run the Bodelwyddan Community Centre. This association, called the Friends of

Bodelwyddan, is being created as the previous organisation responsible for the day to day running of the Community Centre is being legally wound up. A copy of this request is attached as Appendix 1. The request is signed by all of the current members of the Town Council.

- 4.5** At the recent Local Government Elections, there were only four people nominated to the Town Council, which has a quorum of four. Each of those nominated was elected without a contest being held. Subsequent to the election, one of those nominated indicated that they would not be able to take up their role as a Councillor. The County Council was asked to exercise its power under s91 Local Government Act 1972 to appoint a member to the Council in order to make it quorate. The County Council appointed the local County Councillor, Councillor Richard Mainon, to the Council. There are therefore four Town Councillors. The request makes it clear that all four of the current members of the Town Council are to take an executive role within the Friends of Bodelwyddan.
- 4.6** The request explains that the Town Council will be required to consider requests from the Friends of Bodelwyddan for financial assistance and it is for this reason that the members of the Town Council seek a dispensation.
- 4.7** The Regulations set out the grounds upon which a Standards Committee may grant a dispensation. A copy of Regulation 2 of the Regulations is set out as Appendix 2 to this report and lists the circumstances in which a dispensation may be granted. It is suggested that the most relevant circumstances to this application are those set out in Regulation 2(a), (d), and (h)
- 4.8** If the Committee is minded to grant a dispensation it must consider whether it wishes to grant the dispensation as requested or whether to place any limitation or restriction on the operation of the dispensation, including the length of time for which the dispensation will be in force.
- 4.9** If a dispensation is granted, any member who has the benefit of it must still declare a personal interest in any business relating to the Friends of Bodelwyddan and declare the existence and nature of the dispensation granted.

4. How does the decision contribute to the Corporate Priorities?

The decision has no direct impact on the Corporate Priorities.

5. What will it cost and how will it affect other services?

There are no direct costs associated with this report.

- 7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report**

This report does not seek to introduce a change or a proposal that would require such an assessment.

- 8. What consultations have been carried out with Scrutiny and others?**

There has been no consultation with Scrutiny in respect of this matter.

- 9. Chief Finance Officer Statement**

There are no direct financial consequences as a result of this report.

- 10. What risks are there and is there anything we can do to reduce them?**

There is a risk that if Members are not granted the dispensation the Town Council will be unable to consider requests for financial assistance by the Friends of Bodelwyddan for the maintenance and operation of the Community Centre

- 11. Power to make the Decision**

s81(4) Local Government Act 2000
Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

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Mrs J Prendergast
Clerk to Bodelwyddan Town Council
53 Ffordd Parc Bodnant
Prestatyn
LL19 9LJ

The Monitoring Officer
Denbighshire County Council
PO Box 62,
Ruthin,
LL15 9AZ

13th June 2017.

Re: Bodelwyddan Town Council Dispensation Request under 2(a).

Dear Mr Williams

The Town Council of Bodelwyddan request a Grant of Dispensation from the Standards Committee under the 2001 regulations. We anticipate that the dispensation will be needed for a period of no longer than 12 months.

On the 1st May 2017 the organisation responsible for the day to day running of Bodelwyddan Community Centre sadly closed and is in the process of being legally wound down.

The Town Council decided at its meeting of 24th May 2017 to consider the formation of a new association charged with the future running of the community centre. The group met on 30th May 2017 and agreed unanimously to form a new association "Friends of Bodelwyddan" to operate with the stated aims of:

Working for the well-being of the residents of Bodelwyddan, without distinction of age, gender, political, religious or other opinions by associating the Local Authority, voluntary organisations and local inhabitants in a common effort to advance the feeling of well-being (both physical and mental) and belonging and to provide facilities in the interest of social welfare for recreational and leisure time occupation.

To establish or to secure the establishment of a Community Centre and to maintain and manage such Centre for activities promoted by Friends of Bodelwyddan and its constituent bodies in furtherance of the above objectives.

The new entity will be a charitable incorporated organisation 'foundation' and is anticipated to be legally formed at a meeting of Friends of Bodelwyddan on 20th June 2017.

As soon as the new entity is established a letter will be hand delivered to all Bodelwyddan residences announcing that the Community Centre will be remaining open "under new management" and that we seek enquiries from parties interested in the use of the facilities as

well as requiring volunteers to help with the day to day running. We will seek ideas for activities that will help fulfil our stated aims.

As the council has only three members and a County Councillor operating under s91 of the Local Government Act 1972 it was necessary for all of the councillors to assume an executive role within the newly formed Friends of Bodelwyddan.

The Town Council has in the past always FULLY subsidised the former association as it has never made a profit despite all services being provided on a voluntary basis. The Town Council are therefore conscious of the fact that they will from time to time be required to consider the matter of donations and grants for the ongoing running and maintenance of the community facilities.

At this point discussions have already taken place and the Town Council is minded to support the group by way of a financial donation.

The last estimate the Community Centre received for improvement works was £42,000. Since that report the boiler has now been condemned and needs replacing before the onset of Autumn/Winter.

The donation will help pay for a key-holder and a cleaner/caretaker until bookings and regular use can be established. None of the executive committee shall take up the paid roles.

Councillor Richard Mainon is willing to attend the Standards Committee to answer any questions or queries relating to the dispensation and how the Town Council aim to manage any perceived conflicts of interest.

We thank you in anticipation for your kind consideration

Yours Sincerely



Mrs Jenny Prendergast
Town Clerk



Mr Lance Daintree
Mayor

Mr James Warner
Councillor

Mrs Joan Barker
Councillor

Mr Richard Mainon
Councillor

Appendix 2

Status: Law In Force

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001/2279

This version in force from: **April 1, 2016 to present**

(version 2 of 2)

2. Circumstances in which dispensations may be granted

The standards committee of a relevant authority may grant dispensations under [section 81\(4\)](#) of the Act 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; [...] ¹

(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 [; or] ²

[(j) "it appears to the committee to be otherwise appropriate to grant a dispensation.

] ³

Notes

- ¹. Word revoked by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(a\)](#) (April 1, 2016)
- ². Word substituted by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(b\)](#) (April 1, 2016)
- ³. Added by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(c\)](#) (April 1, 2016)

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Subject: Local government



By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A
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