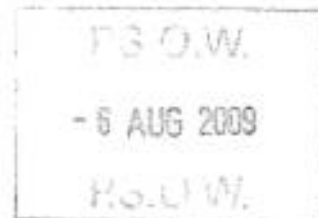


Appendix

1

Albany House
Gladstone Road
Crumlin
Gwent
NP115EN



Tel Number 01495/243729

August 1st 2009

To, Public Service Ombudsman for Wales.

Dear Mr Peat,

I write to request that you investigate my complaint regarding the behaviour of Cllr Mr G Simmonds of Caerphilly County Borough Council.

I do so because I believe his behaviour is continuing to bring himself and the reputation of this Council in to disrepute, further I believe he is in breach of the code of conduct for members. In accordance with part 2, paragraph 6.1(c) I wish to make a formal complaint as set out below.

I am the chair of Caerphilly's Regeneration Scrutiny Committee at the meeting held on Tuesday 7th July 2009. I considered the behaviour of Cllr Simmonds was a clear breach of the member code of conduct. As part of the agenda being considered that evening a report was to be considered on Blackwood Traffic Study. I invited the officer to introduce the report to the members, however at this point Cllr Simmonds immediately interrupted repeatedly stating this was not what he had requested. As chair of the committee I requested that Cllr Simmonds allow the officer to continue to introduce the report. He repeatedly ignored my request and continued to disrupt the meeting. As a way forward I suggested he contact the officer outside the meeting to explain what he would like included in any future committee report, and reminded him several times that it was the committee's responsibility to consider the tabled report. Again he ignored my advice and continued to disrupt the meeting. As a final attempt to achieve progress I asked Cllr Simmonds to leave the room. This was also ignored but he did calm down and stopped the interruptions. The Intervention by officers informing Cllr Simmonds he must respect the Chair helped to calm the situation, as I was about to abandon the meeting. Further a member of the public was in attendance at that meeting and in my view Cllr Simmonds behaviour could damage the reputation of the Council.

I regret having to make a formal complaint but believe there is no other alternative action available to me. This request may at first reading appear to not warrant an investigation, please let me assure you that Cllr Simmonds belligerent behaviour is more aggressive and threatening than normal expression of political views or criticism of political opponents I have previously written to Cllr Simmonds about his unacceptable behaviour. For your information a copy of this letter is attached. Also attached my name and contact and that of others who will verify my statement.

Sincerely

Cllr Mrs Jenkins Vera

Albany House
Gladstone Road
Crumlin
Gwent
NP115EN

Tel Number 01495/243729

To Mr Peat,

List of personnel that will verify statement of complaint regarding Cllr Mr G
Simmonds of Caerphilly County Borough Council

Personal contact Cllr Vera Jenkins Member
Albany House Gladstone Road Crumlin Gwent NP11 5EN
Tell 01495 243729
E-Mail verajenkins@caerphilly.gov.uk

Mr J Jones Scrutiny Manager,
Telephone 01443 864242
CCBC Ty Penalta House Tredomen park Ystrad Mynach CF82 7PG

Mr Clive Campbell, Transportation Engineering Manager
Tel 01495 235339
CCBC Blackwood Road Pontllanfraith Nr Blackwood NP12 2YW

Mr A O'Sullivan Director of the Environment
Tel 01495 235311
CCBC Blackwood Road Pontllanfraith Nr Blackwood NP12 2YW

Sincerely,



Cllr Mrs Jenkins Vera

Albany House
Gladstone Road
Crumlin
Gwent
NP115EN

15 July 2009

Tel Number 01495/243729

Dear Mr Perkins

I am writing to you regarding the behaviour of County Councillor Mr G Simmonds at the regeneration scrutiny committee held on Tuesday 7th July 2009.

I believe his behaviour was in breach the code of conduct for members. And in accordance with part 2, paragraph 6.1 (c) I wish to make a formal complaint against Cllr Mr G Simmonds as set out below:

I consider Cllr Simmonds behaviour at the above meeting is in breach of part two paragraphs 4b 4c and 6(1a). As part of the agenda being considered that evening a report was to be presented on the Blackwood Traffic Management Study. I asked an officer to introduce the report to members, however at that point Cllr Mr G Simmonds immediately interrupted repeatedly stating that this report was not what he had requested.

As chair of the committee I requested that Cllr Mr Simmonds allow the officer the courtesy to introduce the report. He repeatedly ignored my request and continued to disrupt the meeting. As a way forward I suggested he contacted the officer outside the meeting to explain what he would like included in any future committee report, and reminded him several times that the committee's responsibility was to consider the tabled report. Again he ignored my advice and continued to disrupt the meeting. As a final attempt to achieve progress I asked Cllr Mr G Simmonds to leave the room. This request was also ignored but he stopped the interruptions.

I very much regret making a formal complaint but believe there is no other alternative action available to me as I have previously written to Cllr Mr Simmonds about his unacceptable behaviour. For information a copy of this letter is attached. Further more, a member of the public was in attendance and we cannot allow the reputation of this Council to be damaged.

Yours sincerely,

Cllr Mrs Jenkins Vera



18 Grange Hill
Bonnie View
Blackwood
Gwent
NP12 3PE

October 2008

Dear Councillor Simmonds

REGENERATION SCRUTINY COMMITTEE: 16TH SEPTEMBER 2008

Following the last Regeneration Scrutiny Committee I thought it would be helpful to write to set out my intentions for chairing future meetings.

It is important that members of the committee can work together as a team to ensure we can effectively discharge our responsibilities of overseeing the decisions and work done by the cabinet, officers and our partners throughout the county borough. In undertaking our work, members must ensure that those attending committees to present reports and answer questions should be treated with courtesy. Building a relationship of trust and respect between scrutineers and those subject to scrutiny will help us challenge more effectively.

After a lengthy period of reflection it is with regret I have concluded that your actions at our last meeting were not always consistent with the usual high standards expected of members. On a number of occasions you ignored my requests to finish speaking or spoke across the room whilst I was speaking. Whilst I welcome robust challenge, I considered some of your lines of questioning to be impolite, including to a representative from an external organisation.

I hope that you will continue to play an active part in future meetings by challenging services and seeking improved outcomes for our residents, especially in these difficult economic times. However, I must remind you of our obligation as elected members to show respect and consideration to others and will use these as my guiding principles at future meetings.

Yours sincerely



Councillor Vera Jenkins
Chair, Regeneration Scrutiny Committee

Albany House
Gladstone Road
Crumlin
Newport
Gwent
NP115EN



Tel 01495/243729

27 August 2009

Ref: 200900929/LP

Re: Code of conduct complaint.

Dear Miss Phillips,

Thank you for your letter dated 26th August 2009 please find enclosed the information you requested regarding the Regeneration Scrutiny committee held on 7th July 2009.

Both Mr Clive Campbell and Mr Anthony O'Sullivan were present at this meeting. It was Mr A O'Sullivan who intervened on my behalf on this occasion. I hope this helps clarify the situation.

Sincerely,

Cllr Mrs Vera Jenkins

Appendix

2

P.S.O.W.

28 SEP 2009

P.S.O.W.


Ombudsman
 PUBLIC SERVICES OMBUDSMAN FOR WALES

200901218

Code of conduct complaint form

Please use black ink if possible and fill in your name in BLOCK CAPITALS.

A Your details

Your name in full TINA McMAHON

Address and postcode 34, GARTH OLWG, GWAELOD Y

GARTH CARDIFF

E-mail mcmaht@caerphilly.gov.uk

Daytime contact number 01443 864317

Mobile number

Who are you complaining about?

Name of the member (or members) you consider has (have) broken the code of conduct

COUNTY COUNCILLOR MR G. SIMMONDS.

Name of their authority

CAERPHILLY COUNTY BOROUGH COUNCIL

C How do you think they have broken the code of conduct?

Please tell us what evidence you have for claiming that the member has broken the code of conduct (you can get copies of the code from the authority). Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents and so on.

PLEASE SEE ATTACHED SHEET

Continue over the page

Code of conduct complaint form

Continued

D When did the incident take place?

THURSDAY 9TH JULY 2009 (BUT I ALSO DRAW
ATTENTION TO THE MEETING OF THE CEFN FFOREST
COMMUNITIES FIRST PARTNERSHIP ON 28TH MAY 2009

E Are there any witnesses who can confirm what you say? If so, give their full names, addresses and phone numbers.

RACHAEL CLARKE - 01443 864226	} CAERPHILLY COUNTY BOROUGH COUNCIL, TREDOMEN HOUSE, TREDOMEN PARK, NELSON ROAD, YSTRAD MYNACH, HENGOED, CF82 7WF
AMY JONES - 01443 864219	
GAYNOR ROGER - 01443 864396	
JANE PATTERSON - 01443 864398	
KEVIN EADON - 01495 233144 - GROUNDWORK CAERPHILLY, MYNYDDISLWYN OFFICES, BRYN ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2BH	
INSPECTOR CHILDS - 01633 828111 - BLACKWOOD POLICE STATION, BLACKWOOD, NP12	

I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a ^{2XA} complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Signature

T. McMahon.

Date

25 / 09 / 09

Please send this filled-in form to:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed CF35 5LJ

Phone: 0845 601 0987 (local call rate) Fax: 01656 641199



Tredomen House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7WF
Tel: 01443 815588

Tŷ Tredomen
Parc Tredomen
Ystrad Mynach
Hengoed
CF82 7WF
Ffôn: 01443 815588

Head of Economic Development
Phil Davy BSc, DipTP, DipT, MATPI, MTS

Pennaeth Datblygu Economaidd
Phil Davy BSc, DipTP, DipT, MATPI, MTS

Mr. Dan Perkins
Head of Legal Services
Penallta House
Tredomen Park
Ystrad Mynach
Caerphilly
CF82 7PG

Contact/Cysylltwch â Tina McMahon

Direct line/Llinell Uniongyrchol 01443 864317

Direct Fax/Ffôn Uniongyrchol 01443 864372

E Mail/E Bost Momaht@Caerphilly.gov.uk

Your ref/Eich Cyl

Our ref/Elin Cyl

Date/Dyddiad 17 July 2009

Dear Mr. Perkins,

I am writing regarding the inappropriate behaviour of County Councillor Mr G. Simmonds at the Cefn Fforest Communities First Partnership meeting held on Thursday 9th July 2009.

I believe the behaviour of Cllr Simmonds was in breach of the code of conduct for members. In accordance to with part 2, paragraphs 6.1 (c), therefore, I wish to make a formal complaint against Cllr G Simmonds as set out below.

The Cefn Fforest Communities First Partnership is made up of 1/3 voluntary / business, 1/3 statutory and 1/3 community sector. Representatives attended the meeting held on the 9th July 2009 from Caerphilly County Borough Council, Gwent Police, Groundwork Caerphilly, Gwent Association of Voluntary Organisations (GAVO) and residents from the Cefn Fforest Community. The Partnership is a constituted voluntary organisation.

During the above meeting it was felt, by those in attendance, that the behaviour and conduct of Cllr Simmonds to be in breach of part two paragraphs 4(b), 4 (c), 6.1 (a). As part of the agenda the members were presented for endorsement the financial accounts of the partnership, having been independently audited by the Assistant Director of GAVO. The treasurer of the partnership presented the accounts with copies distributed to all members in accordance with their constitution. Cllr G Simmonds refused to agree the accounts and refused to clarify his reasons for not doing so. Several attempts were made to move the meeting forward but Cllr G Simmonds repeatedly prevented this. To enable the meeting to progress it was suggested the accounts be adopted but questions be submitted for the next meeting. Cllr G Simmonds again declined this. During the course of these discussions Cllr G Simmonds became increasingly aggressive and disruptive. At this point the Inspector from Gwent Police expressed his concerns over such behaviour prior to leaving the meeting to attend to police matters.

Subsequently the meeting deteriorated and I was left with no alternative than to withdraw staff from an inappropriate environment. The Chairperson after advice from GAVO brought the meeting to a close.

Chief Executive: Stuart Rosser
Prif Weithredwr: Stuart Rosser

During a meeting of the Cefn Fforest Communities First Partnership held on 9th July 2009, I (and others present) feel that Cllr. Graham Simmonds breached the following conditions contained within Caerphilly County Borough Council's Code of Conduct for Members and Co-opted Members of May 2008:

- Part 2 – Paragraph 4(b) – [You must] show respect and consideration for others;
- Part 2 – Paragraph 4(c) – [You must] not use bullying behaviour or harass any person; and
- Part 2 – Paragraph 6.1(a) – [You must] not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

As part of the agenda the members were presented for endorsement the financial accounts of the partnership, having been independently audited by the Assistant Director of the Gwent Association of Voluntary Organisations (GAVO). The Treasurer of the Partnership presented the accounts with copies distributed to all members in accordance with their constitution. Cllr. G. Simmonds refused to agree the accounts and refused to clarify his reasons for not doing so. Several attempts were made to move the meeting forward but Cllr. G. Simmonds repeatedly prevented this. To enable the meeting to progress it was suggested the accounts be adopted but questions be submitted for the next meeting. Cllr. G. Simmonds once again declined. During the course of these discussions Cllr. G. Simmonds became increasingly aggressive and disruptive. At this point the Inspector from Gwent Police expressed his concerns over such behaviour prior to leaving the meeting to attend to Police matters.

Subsequently the meeting deteriorated and I was left with no alternative than to withdraw staff from an inappropriate and hostile environment. The Chairperson, after advice from GAVO, brought the meeting to a close.

As members of the public attend these meetings I feel the behaviour of Cllr. G. Simmonds damages the reputation of the Council.

I feel that I have no alternative but to make a formal complaint, particularly in light of the fact that I have previously expressed concerns over Cllr. G. Simmonds's behaviour on numerous occasions. In fact, following a meeting of the same Partnership on 28th May 2009, I had to intervene when Cllr. G. Simmonds acted in a bullying and aggressive manner towards a junior member of staff.

It is unfortunate that I feel it necessary to make a formal complaint but I believe I have no other alternative. I have previously expressed my concerns over Cllr G Simmonds behaviour on numerous occasions. In fact after the meeting held on 28th May 2009 I intervened when Cllr G Simmonds acted in a bullying and aggressive manner towards a junior member of staff.

As members of the public attend these meetings I feel the behaviour of Cllr G Simmonds damages the reputation of the Council.

Yours Sincerely

Tina McMahon
Rachael Clarke
Amy Elizabeth Jones
Gaynor Roper
Jane Patterson
Kevin Eadon
Inspector Childs

Senior Community Regeneration Coordinator
Communities First Coordinator
Communities First Support Officer
Communities First Support Officer
Communities First Health and Well Being Officer
Groundwork Caerphilly
Gwent Police

Appendix

3

CAERPHILLY COUNTY BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

**CODE ADOPTED BY
CAERPHILLY COUNTY BOROUGH COUNCIL**

ON 2ND MAY, 2008

CODE OF CONDUCT OF CAERPHILLY COUNTY BOROUGH COUNCIL

PART 1 Interpretation

In this code:-

"co-opted member", ("aelod cyfetholedig"), in relation to a relevant authority, means a person who is not a member of the authority but who:-

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represented the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" ("cyfarfod") means any meeting:-

- (a) of the relevant authority;
- (b) of any executive or board of the authority;
- (c) of any committee, sub-committee, joint committee, joint sub-committee of the relevant authority or of any such committee, sub-committee or joint sub-committee of any executive or board of the authority; or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political groups) Regulations 1990.

And includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("Aelod") includes, unless the context requires otherwise, a co-opted member;

"relevant authority" ("awdurdod perthnasol") means –

- (a) a county council;
- (b) a county borough council;
- (c) a community council;
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("chi") means you as a member or co-opted member of a relevant authority; and

"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member.

2. In relation to a community council, references to an authority's monitoring officer and an authority's standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

PART 2 General Provisions

- 2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct –

- (a) whenever you conduct the business, or are present at a meeting of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraph 6(1)(a) and 7.

- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve –

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) On any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must –

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not –

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must –

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not –

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage
- (b) use, or authorise others to use, the resources of your authority –
 - (i) Imprudently,
 - (ii) In breach of your authority's requirements;
 - (iii) Unlawfully
 - (iv) Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) Improperly for political purposes; or
 - (vi) Improperly for private purposes.

8. You must –

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by –
 - (i) the authority's head of paid service;

- (ii) The authority's chief finance officer;
 - (iii) The authority's monitoring officer;
 - (iv) The authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority –

9. You must –

- (a) Observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) Avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 Interests

Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if –
- (a) It relates to, or is likely to affect –
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any –
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area in which you have membership or hold a position of general control or management.

- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting –
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(x)(aa) to (ee) in which persons described in 10(2)(c)
 - (i) hold a position of general control or management,
 to a greater extent than the majority of
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure Of Personal Interests

- 11.(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make –
 - (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing –
 - (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

Participation In Relation To Disclosed Interests

- 14.(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from our authority's standards committee -
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held –
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (b) not exercise executive or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you –
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing -
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of and the date on which the dispensation was granted; and
 - (dd) your signature
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration Of Financial And Other Interests And Memberships And Management Positions

- 15(1) Subject to sub-paragraph (3), you must within 28 days of –
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later);
- register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraph (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

Sensitive Information

- 16.(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (4) You must, within 28 days of becoming aware of any change of circumstances, which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (5) In this code, "sensitive information" (*"gwybodaeth sensitif"*) means information whose availability for inspection by the public creates, or is likely to create a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration Of Gifts And Hospitality

- 17. You must within twenty eight days of the date of receipt notify the monitoring officer of the existence and nature of any gifts, hospitality, material benefits or advantage received or offered to you and declined where the value of the item or benefit exceeds £25.00 or such other value as the Authority may from time to time determine. This rule applies equally to any gift accepted by the member on behalf of the authority.

The Welsh version of the Code will be found on the Council's website or can be obtained from the Council's Monitoring Officer.

Appendix

4

Declaration of Acceptance of Office
Datganiad Derbyn Swydd

42

I*, GRAHAM DEREK SIMMONDS
Yr wyf i*

having been elected to the office of† member
of**
a minnau wedi fy ethol i swydd†** CAERPHILLY CBC

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

I undertake to observe the code for the time being as to the conduct which is expected of members of** CAERPHILLY CBC
and which may be revised from time to time.

Yr wyf yn ymrwymo i barchu'r côd ymddygiad a ddisgwylir oddi wrth aelodau ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro**

Date:
Dyddiad:

6/5/2008

(Signed)
(Llofnodwyd)

G. D. Simmonds

This declaration was made and signed before me
Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron

Proper Officer of the Council†
Swyddog priodol y cyngor†

*Insert the name of the person making the declaration.
*Mewniodder enw'r person sy'n gwneud y datganiad

†Insert "member" or "mayor" as appropriate.
†Mewniodder "aelod" neu "Maer" fel y bo'n briodol.

**Insert name of the authority of which the person making the declaration is a member or mayor.
**Mewniodder enw'r awdurdod y mae'r person sy'n gwneud y datganiad yn aelod ohono neu'n faer yr awdurdod

‡Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

‡Pan wneir y datganiad gerbron person arall a awdurdodwyd gan adran 83(3) neu (4) o Deddf Llywodraeth Leol 1972, dylid datgan, yn lle hynny, yn rhifnodd pa swydd y mae'r person hwnnw'n derbyn y datganiad.

Appendix

5

Our ref: /200900929/LP/CC

Ask for: Miss L Phillips

Your ref:

☎ 01656 641168

Date: 12 August 2009

✉ Laura.phillips@ombudsman-wales.org.uk

Councillor G Simmonds
18 Grange Hill
Bonnie View
BLACKWOOD
NP12 3PE

Dear Councillor Simmonds

Code of conduct complaint made against you by Councillor Jenkins

I enclose for your information a copy of a complaint we have recently received from Councillor Jenkins against you. We will let you know in due course whether or not the Ombudsman is going to investigate this complaint. You need not respond to this letter if you do not wish to. However if you do comment on the complaint at this stage, we may take account of what you say in deciding whether to investigate. Your comments may also be disclosed to the complainant, or in any subsequent proceedings. If you do wish to comment it would be helpful if you could let me have your comments in writing.

I am copying this letter and enclosure to the Monitoring Officer of Caerphilly County Borough Council.

Yours sincerely,

Carol Cutajar
Administration Officer

Enc

Our ref: 200901218/LP/CC

Ask for: Miss L Phillips

Your ref:



01656 641168

Date: 13 October 2009



Laura.phillips@ombudsman-wales.org.uk

Councillor G Simmonds
18 Grange Hill
Bonnie View
Blackwood
NP12 3PE

Dear Councillor Simmonds

Code of conduct complaint

The Ombudsman has now decided to investigate the complaint made against you by Mrs Tina MacMahon, of which you were informed on 29 September. I have been asked to carry out the investigation. You need not respond to this letter if you do not wish to. However if you do comment on the complaint at this stage, your comments may be disclosed to the complainant, or in any subsequent proceedings.

If my investigation finds that there is a case to answer, I will in due course put to you the evidence I have found and any questions which appear relevant in the light of it.

I have written to notify the Monitoring Officer of this investigation and have asked for any relevant information.

Yours sincerely,

Laura Phillips
Assessment Officer

Appendix

6

Protocol on Member/Officer Relations

CAERPHILLY COUNTY BOROUGH COUNCIL

PROTOCOL FOR MEMBERS AND OFFICERS

1. Introduction

- 1.1 This protocol guides Members and Officers of the Council in their relationships with one another. To a large extent, the protocol is no more than a statement of current practice and convention. As it is in a written form, however, it should promote clarity and certainty.
- 1.2 This protocol will be kept under review and amended as necessary.
- 1.3 A breach of this protocol could constitute a breach of the Council's Code of Conduct or the Officer Code of Conduct.

2. Member/Officer Relations

- 2.1 The Council's Code of Conduct says this on the relationship between Members and Officers:-

"Members of the Authority:

- (a) must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity of all people, regardless of their gender, race, disability, sexual orientation, age or religion and show respect and consideration for others;
 - (b) must not do anything which compromises or which is likely to compromise the impartiality of the authority's employees".
- 2.2 Members and Officers share a responsibility to work together to achieve decisions in the interests of the Council and the area it serves. Officers serve the Council as a whole and they act in a politically neutral way in giving professional advice and general support to all Members.
 - 2.3 Irrespective of size, all political groups are entitled to equal treatment by Officers. All political groups and Members not in political groups are entitled to have access to information from Officers through the Council's established channels to the same extent and are entitled to call on the support of Officers to assist them. These channels are set out later in the protocol.
 - 2.4 All dealings between Members and Officers should observe reasonable standards of courtesy and neither party should seek to take advantage of their position. On occasions, Members may have reason to complain about the conduct or performance of an Officer. All such complaints should be made personally to the relevant Head of

Service, or the Chief Executive. It is important that complaints are made in this way, and details are noted.

- 2.5 If an Officer is concerned about a Member's conduct it should be brought to the attention of the Chief Executive and the Leader of the Council. In the absence of the Leader, the Deputy Leaders should be approached. If appropriate, matters of concern will be referred to the Council's Monitoring Officer and Standards Committee.
- 2.6 The partnership of Members and Officers depends on mutual trust, respect and understanding of respective roles and responsibilities. **Care should be taken to ensure that dealings with an individual Member or Officer cannot be open to accusations of bias, favouritism or political partiality.**

3. Rights of access to information

- 3.1 The previous provisions of this paragraph have been replaced with effect from the 1 December 2005 by a protocol on elected members' rights of access to information, which was approved at a meeting of the Council on the 22 November 2005. That protocol now appears at the end of Part 5 of the Constitution.

4. Preparation of Agenda

- 4.1 Agendas for meetings of the Council, its Cabinet and Committees shall be prepared by the Chief Executive. Any Member may ask either the Director or the relevant Scrutiny Committee Chairman for an item of business to be included on an Agenda. Its inclusion is subject to the discretion of the Chairman and must comply with the Committee's forward work programme.
- 4.2 Reports which have been presented to the Cabinet are subsequently detailed on the Agenda for the relevant Scrutiny Committee and within a given deadline a Member can request that the item may be reviewed and debated at the meeting.

5. Urgent Business

- 5.1 The decision as to whether an item of business is urgent and should be considered by the meeting is one for the Chairman to make. As a working rule, an item of business will normally only be urgent if it has arisen since the despatch of the agenda.
- 5.2 Members or Officers wishing to raise an item of urgent business should approach the Chairman and Committee Services Officer prior to the start of the meeting at which the request is to be raised. The Chairman's ruling is binding on whether an item is urgent and is not open to discussion or debate.

6. Delegation of Functions

- 6.1 The Scheme of Delegation sets out the various powers delegated to appropriate Officers and Councillors. In exercising delegated powers every person is obliged to act in accordance with:-
- (i) the overall policies laid down by the Council or any of its Committees;
 - (ii) Standing Orders including those relating to contacts; and
 - (iii) financial regulations.
- 6.2 Officers are expected to consult with Members as follows:-
- (i) to maintain a close liaison with the appropriate Chairman and Vice Chairman;
 - (ii) to consult as necessary/inform any other Member who has a specific local or specialist interest in the matter particularly when the issue is controversial or ongoing, ie. more than two letters/phone calls/visits are needed to resolve the matter;
 - (iii) to reflect the views of consulted Members in the subsequent report.
- 6.3 In all cases it is open to an Officer to refer a matter to the Cabinet or appropriate Committee for decision if in his opinion the matter is of such a nature that it should more properly be referred to Members. If an Officer exceeds the authority given under delegated powers they could be subject to disciplinary action.

7. Support Services to Members

- 7.1 The Council can only lawfully provide support services (eg. stationery, typing, printing, photocopying, transport, shredding of confidential waste etc) to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used for Council business and never in connection with party and political campaigning activity, or for private purposes.

8. Relations with the Media (this should be read in conjunction with the Media Protocol which is part of the Communications Strategy attached as an appendix).

- 8.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Manager together with the appropriate Cabinet Members, Committee Chairmen and relevant Officers.
- 8.2 On occasions Members may be approached directly by the media and asked to make a comment or to appear for interview. Members are asked where practicable to ensure the Chief Executive and/or Communications Manager are made aware of the approach. Unless Members have been authorised to speak on behalf of the Council they should make it clear that any views they express are not necessarily those of the Council. In all cases Members should uphold the good name and integrity of the Council.

9 Planning Applications – Members Involvement

9.1 The Council's Planning Committee (or Chief Planning Officer under the Scheme of Delegation) is responsible for making decisions on planning applications. Members may find themselves lobbied both by applicants and objectors. Such approaches need to be handled carefully to maintain the Council's integrity and credibility in the decision making process. Members should follow the guidelines given below in dealing with these situations:-

- (i) take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have heard all the evidence and arguments.
- (ii) encourage lobbyists to write to the Officers so their views can be included in the report to Planning Committee.
- (iii) not to lobby officers directly so as to influence the professional views expressed in the report.

9.2 Members attention is drawn to the Local Government Association document 'Probity in Planning – The role of Councillors and Officer' (October 1997). Members are advised to follow this advice in their involvement with planning matters.

1. Media Protocol

Selection and Association of Councillor Spokespeople in Media Commentary

Purpose of Document

This is intended as a technical working paper aimed at providing clarity and agreement on how and which Councillors and other Council representatives should be approached for media commentary under the Council's current pilot structure of Cabinet; Overview and Scrutiny; Area forums etc.

The protocol relates to **pro-active** (communication unit led) and **reactive** (media led) cases and should minimise conflict in the often, difficult process of determining who to approach. It will form part of the List of Approved Delegations.

Scope & Background

The whole business of Modernising Local Government places accountability and clarity at the top of the agenda. A fundamental element of local accountability is a high level of public awareness of who is responsible for Leadership roles. An inevitable response to these demands and the function of a Cabinet is that more frequent emphasis may be placed on those Members responsible for decisions.

It is an accepted fact that individual Members place value on gaining a public profile and achieving awareness for political and personal views on issues. Likewise, the Modernising Local Government agenda and local research indicates that **public awareness of Councillors**; their role in the Council and understanding of 'who decides what' is very low (nationally and locally, only 2.5% of the population can name a Councillor). This validates the role of the Caerphilly county borough council's communication Unit in promoting the positive image of Councillors; it also demands this protocol to support the values of fairness and integrity.

The **Communications Strategy** "One Voice" prescribes the values and standards of:

Integrity and Honesty	Openness and Accessibility
Clarity	Inclusive
Personable and approachable	Political balance
Leadership and Accountability	Impartiality
Timeliness and tactics	Consistency

The Protocol

Public understanding and clarity should take precedent over the formality of Council definitions. Within the value of honesty and integrity it should be accepted that the concept of communications is to illustrate and present Council in best possible light.

ROLES AND RESPONSIBILITIES

Leader of the Council

Lead commentary on any major issue including corporate budget, emergency issues, and major built environment or media campaigns. In the Leader's absence, the Deputy Leaders may be approached.

Cabinet Spokespeople

The appointed spokespeople from the Cabinet comment on issues arising under their area/portfolio of responsibility.

i.e. Cabinet member for: -

- Best Value and Community Planning
- Economic Development and Objective 1
- Education, Leisure and Lifelong Learning
- Environmental and Housing Services
- Modernisation and Personnel
- Resources
- Social Services
- Transportation and Planning

Overview and Scrutiny Committee

The Chair will comment on issues that arise from this group and in their absence, the Vice Chair.

The Chairman

In position as first citizen to give comment on behalf of the county borough, in relation to civic events or where the Chairman has a long-standing personal commitment to local issues e.g. Chairman's Charity. In some circumstances it may be relevant to comment in the event of an emergency incident. Following existing civic protocol, if the Chairman is unavailable it may be appropriate to approach the Vice Chairman.

Ward Councillors

Ward Councillors will comment on Area Forum issues.

Comment from Leader of Each Political Party

Cross party comments will be used when there is clear cross party support for corporate projects such as crime reduction. It is not the Council's role to present conflicting political views.

Party Spokespeople

With the agreement of the political parties, the Communication Unit can provide details of individual party spokespeople to the local media to enable them to use the information to make proactive approaches if they wish.

Press Briefings

Press briefings have two purposes:

- To help explain a complex issue that will aid the media's understanding of the subject and more accurate reporting.
- To communicate an important story (good and bad news) that will attract media attention.

When:

Press briefings will be arranged on an ad hoc basis, to provide additional support including:

- When complex issues are being determined / being raised
- When sensitive issues need absolute accuracy and confidentiality
- When major incident situations arise
- When media partners identify the need for greater clarity of Council Reports and Agendas issued ahead of Council meetings (NB it will not always be possible, effective or efficient to plan Press Briefings when no media interest has been raised)
- Major corporate news e.g. budget /Council Tax announcement
- To illustrate the work of major services such as Education or Social Services or Transportation

Who:

Press Briefings will usually comprise

- The Cabinet member 'Portfolio Holder' for the related issue or the Chair of the appropriate meeting
- The Chief Executive or Director with portfolio responsibility
- The appropriate Service Unit Head and/or any technical expert
- A representative of Communication Unit

The Leader of the Council will also be informed of all Press Briefings and is entitled to attend should they wish.

Press briefings do not preclude the media from approaching other Council representatives for comment.

Use of Embargoes

Embargoes will only be used when considered essential

- When news releases are linked to a launch event
- When an issue of confidentiality requires it
- When it is required by a third party (e.g. Lottery Commission announcing funding support)

Embargoes are not legally enforceable and are adhered to by general local agreement.

The following supplementary guidance was approved by the Council on the 27 May 2004 as an addition to the Member/Officer Protocol:-

GUIDANCE TO OFFICERS ON ATTENDANCE AT PUBLIC MEETINGS NOT ORGANISED BY THE COUNCIL

1. Officers are often asked by elected members to attend public meetings organised by that member, or by an organisation other than the Council to attend as a representative of the authority. It is difficult to set out hard and fast rules but this guidance has been approved by Corporate Management Team and should cover most eventualities.
2. Officers are reminded that neither Cabinet nor local members as individuals can require the attendance of an officer at a public meeting and no disciplinary consequences will follow to the officer if he/she refuses to attend purely on the basis of the request from the councillor involved.
3. When an officer is invited to a meeting he/she should obtain as much information as possible as to the exact purpose of the meeting and who will be present. The relevant officer should then exercise his/her own judgement as to whether he/she should attend and if in doubt should seek advice from his/her line manager. The presumption, however, should be in favour of attending the meeting.
4. On many occasions local members will also have been invited or may even have arranged or called for the meeting in the first place. If they have not been involved then they should be advised of the meeting.
5. The relevant Cabinet Member should also be notified of the meeting. It is of course up to the meeting organiser whether the Cabinet Member will be allowed to attend but it is always open to the officer to make a condition of his/her attendance that the Cabinet Member would be invited to attend. This should only arise where an issue appears sensitive or politically charged or where a large number of residents are likely to be present which indicates the scale of the problems.
6. Consideration should also be given to arranging for the Local Member or Cabinet Member to be proposed to chair the meeting.
7. Whilst at the meeting the officer should make it clear that his/her attendance is on the basis of explaining policy or answering questions as to facts or policy. It should be made clear that changes in policy are matters for the Council itself, i.e. elected members, to resolve.
8. Whilst we are all public servants and we should assist the residents where possible and be accountable for our actions or failures to act, this does not mean that we should be unreasonably attacked or vilified at such meetings and there might be occasions when it is reasonable to leave a meeting after giving due notice to do so.
9. These brief guidelines have been set out to deal with queries that have arisen from time to time but to make them too rigid may give rise to greater problems being encountered. It is clearly a matter for each officer in dealing with a request to attend a

public meeting to exercise his/her judgement and seek guidance in individual cases where appropriate.

- N.B. The guidelines set out above relate to public meetings but officers should be reminded of the protocol previously agreed regarding ward issues which do not involve, or have not reached the stage, of public meetings.

"CONSULTATION/LIAISON WITH MEMBERS REGARDING LOCAL ISSUES

In accordance with the model adopted by the Council local members are consulted on issues affecting their ward about reports to be presented to Cabinet which were of a local nature. There was no protocol however for dealing with day to day issues which arise. In order to find a balance of informing members it was suggested that the following be adopted as a basis for the protocol.

- (i) when officers write to residents regarding matters of general concern in the area a copy should be forwarded to the local members e.g. traffic calming measures;*
- (ii) when officers write to residents regarding issues affecting one household the local member is not informed except as is mentioned in (iii) below;*
- (iii) where a member of the Council has been involved in an issue affecting one household, then the relevant officer(s) should keep the member informed of developments until the issue is finalised. In these circumstances officers do not copy the correspondence to the other ward members;*
- (iv) where a member of the Council has been involved in an issue affecting more than one household then it is for the discretion of that member to keep all other local members, and any other member(s), informed of developments until the issue is finalised;*
- (v) this protocol will not affect members access to information or the limitations thereon contained in the Local Government (Access to Information) Act 1985."*

March 2004

Appendix

7



REGENERATION SCRUTINY COMMITTEE

**MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, PENALLTA HOUSE,
YSTRAD MYNACH ON TUESDAY, 7TH JULY 2009 AT 5.00 P.M.**

PRESENT:

Councillor Mrs V. Jenkins - Chairman

Councillors:

Mrs E.M. Aldworth, Mrs K.R. Baker, D.T. Davies, R.T. Davies, M. Davies, C. Elsbury,
K. James, Ms J.G. Jones, S. Kent, M.G. Parker, D. Rees, G.D. Simmonds, T.J. Williams

Together with:

A. O'Sullivan (Director of the Environment), C. Campbell (Transportation Engineering
Manager), P.G. Davy (Head of Economic Development & Tourism), J. Jones (Scrutiny and
Members' Services Manager), R. Thomas (Committee Services Officer)

APOLOGIES

Apologies for absence were received from Councillors D. Bolter, J.O. Evans, Mrs K. Presley,
Mrs D. Price, J.E. Roberts

CHAIRMAN'S WELCOME

The Chairman welcomed Councillor C. Elsbury to his first scrutiny committee meeting.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the meeting.

2. MINUTES

RESOLVED that:-

- (1) the minutes of the Regeneration Scrutiny Committee (Performance Management) held on 14th May 2009 (minute nos. 1 - 5, page nos. 1 - 3), be approved as a correct record and signed by the Chairman; and

- (2) Subject to the following amendments, the minutes of the Regeneration Scrutiny Committee held on 19th May 2009 (minute nos. 1 - 17, page nos. 1 - 8), be approved as a correct record and signed by the Chairman.
- (a) Minute Number 14 – That Councillors Mrs L. Aldworth, D.T. Davies, Mrs J.G. Jones, Mrs D. Price, D. Rees, G.D. Simmonds, T.J. Williams wished it recorded that they did not endorse the proposals.
 - (b) Minute Number 14 – Some members stated that they thought it had been agreed that the report would be circulated to all members for consultation.

MATTERS ARISING

3. Information Items (minute no. 17(4))

A member advised he was awaiting the outcome of the Chief Executive's investigation.

4. CALL-IN PROCEDURE

There were no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. REPORT OF THE CABINET MEMBER FOR TRANSPORTATION AND PLANNING

Councillor R. Gough, Cabinet Member for Transportation and Planning, gave a verbal report and made reference to the following:

- **Angel Way Opening Ceremony** - the Deputy First Minister, Ieuan Wyn Jones AM, visited Bargoed to help the community celebrate the completion of Phase One of the Greater Bargoed Community Regeneration Scheme.
- **Angel Way, Full Opening** - the remaining link to Aberbargoed is planned to be opened in September after completion of the earthworks for the park and ride site.
- **Bargoed Park and Ride** - works were progressing well and completion is due in October (weather permitting).
- **Bargoed One Way Proposal** (Hanbury Road and High Street) - implementation was planned in July/August
- **Convergence Funding Announcements** - £6.122m total funding secured (£2.838m of which is convergence funding and the balance is from WAG/TG).
- **LDP** - this will go to Council on 15th, 16th and 17th September and then onto the Welsh Assembly in October. This followed an extensive consultation exercise and Rhian Kyte and her team were complimented for their hard work. All councilors will shortly be contacted to establish if they wish to speak on an item and will be given advice on declaration of interest.
- **Newbridge Convergence Bid Success** - £3.4 million of European funding had been approved by WEFO for the regeneration of Newbridge Town Centre.
- **Heads of Valley** - following approval in principal by the HOV Programme of Holistic Area Regeneration Plans for the Upper Rhymney Valley and the Mid Sirhowy Valley, officers were progressing the 29 projects in this year's programme.

The Chairman thanked the Cabinet member for his presentation and members echoed their appreciation of officers' work in relation to the LDP. A general discussion followed.

6. COUNCIL APPROVED UNITARY DEVELOPMENT PLAN CAERPHILLY COUNTY BOROUGH DEPOSIT LOCAL DEVELOPMENT PLAN: SUPPLEMENTARY PLANNING GUIDANCE

The report updated members on the consultation process to review existing standards in respect of Supplementary Planning Guidance LDP 5, Car Parking Standards: Parking Zones. The report requested Cabinet and Council formally adopt LDP 5, Car Parking Standards: Parking Zones, as Supplementary Planning Guidance to the Unitary Development Plan. The guidance will also supplement the LDP once the plan has been adopted.

Members discussed the report, seeking clarification from officers as to its implementation.

The Scrutiny Committee endorsed the recommendations contained in the report and recommended to Cabinet and Council that LDP 5, Car Parking Standards: Parking Zones, as amended, be approved as Supplementary Planning Guidance to policy DC1 of the Approved Caerphilly County Borough Unitary Development Plan.

7. COMMERCIAL RECYCLING

The report advised Members of the consultation process that took place prior to the introduction of a discounted charging scheme for commercial recycling and provided an update of the scheme's implementation.

Members questioned the consultation process that had been undertaken. A number of members raised concerns that this had not been carried out as fully as they would have liked, and they were unsatisfied with the remaining audit trail. They added that charging for the removal of commercial waste had come at a very difficult time for traders.

Officers acknowledged lessons had been learnt from the exercise but asked members to note that reports had gone to the Living Environment Scrutiny Committee and Cabinet, and the decision had not been called-in. In addition, the authority was encouraging traders to negotiate alternative terms with their suppliers, and whilst there had been attempts to accommodate traders, there was a limited budget available to do this.

Members reiterated their concerns with the consultation process, rather than the actual decision. A member requested that the minutes of the consultation groups be brought before the scrutiny committee for inspection and, if applicable, the process reviewed.

In addition, a motion was proposed that officers meet with the traders to discuss the matter. A vote was taken and the majority of members were in agreement that officers be requested to meet with traders. A further discussion ensued to establish the best form of notification and communication. Officers agreed to draft a questionnaire, which would be brought back to the committee for consideration. The questionnaire could be used to consult with traders by post.

Councillor M. Davies wished it recorded that he had voted against the motion.

8. WITHDRAWAL OF X38 THROUGH BUS SERVICE TO CARDIFF

The report advised Members of the background to the changes made to the X38 bus service, outlining the current position and the financial pressures that preclude the reinstatement of the previous level of service on the route.

Members were informed the X38 bus route to Cardiff was a wholly commercial service, provided by Stagecoach, which had been affected by the improved train service resulting in a significant loss of fare paying passengers.

The Chairman welcomed Councillor Mrs Anne Blackman to the meeting. Councillor Blackman raised the concern that residents in Nelson did not benefit from the rail service and that the bus service was being withdrawn without consultation. This would have a significant effect on the elderly and those residents using public transport to commute to work. She asked the scrutiny committee to investigate the withdrawal without consultation and to look at the authority's responsibility to assist in financing its reinstatement.

Members discussed the report in depth. Sympathy with the residents of Nelson were given, and concerns for further reductions in bus services voiced. Officers confirmed that under current legislation the bus company was not obliged to consult with the authority, it only needed to register a notice with CCBC of its intentions.

Members noted the concerns of the local ward member following changes to the X38 bus service but acknowledged it was a wholly commercial service provided by Stagecoach. For the authority to meet the costs of the service, the Council would have to make significant cuts to other established subsidised bus services.

The Scrutiny Committee noted the contents of the report.

9. BLACKWOOD TRAFFIC STUDY

The report informed Members of the findings of the Blackwood Traffic Study and sought the views of the Committee on the officer recommendations to progress the proposal for the experimental closure of Waunborfa Road in Cefn Fforest. Officers advised that although the report dealt primarily with Waunborfa Road, this could not be looked at independently, and so the report also dealt with other local roads.

Officers highlighted the complexity of the issue, involving a range of strategic and local issues. In addition, it was acknowledged that use of the new Sirhowy Enterprise Way had not yet fully realised its potential and that a significant proportion of traffic is/were still using local roads in stead.

The Chairman welcomed Councillors Dave Poole and Jonathan Wilson to the meeting. The councillors expanded upon the objections contained within the report, and added their concern over potentially longer waiting times for the emergency services, should traffic be diverted by a closed Waunborfa Road. Officers gave clarification as to the need for consultation with the emergency services.

A full discussion ensued and there was an initial difference of opinion in respect of the proposed closure of Waunborfa Road. The Chairman asked if the Committee would prefer a site visit to fully appreciate the report's contents, but Members were happy to be lead by the officers' report and the majority indicated they were already familiar with the location.

The Scrutiny Committee noted the contents of the report and that the re-opening of Cefn Road was the subject of a separate report to the Committee. The Committee recommended that:

- (i) Waunborfa Road remained open;
- (ii) The closure of Heol-y-Cefn (Harry's Hill) not be considered any further;
- (iii) Phase one of the Blackwood School Travel Plan scheme, making Ty Isha Terrace one way northbound, be progressed in liaison with the local Members; and
- (iv) A route study between SEW and Aberbeeg be undertaken.

Councillor G.D. Simmonds wished it recorded that he voted for the closure of Waunborfa Road, subject to appropriate consultation.

10. NOTICE OF MOTION - CEFN ROAD, BLACKWOOD

The report gave Members a response to the Cefn Road Notice of Motion dated 15th May 2008, in line with the Council's procedure. Councillor Etheridge submitted the notice of motion on behalf of the Blackwood ward members.

Officers briefly introduced the report and confirmed the process and consultation exercises that had taken place in 2007. As the initial proposal had received highly emotive responses, the decision was made to refer the decision to Cabinet (via the scrutiny committee), rather than by officer's delegated powers. Following the review of the Notice of Motion, officers' recommendation was to maintain the status quo.

The Chairman welcomed Councillor Kevin Etheridge to the meeting, as a signatory to the Notice of Motion. Councillor Etheridge confirmed the issues and offered suggestions for improvements. He asked for a consultation exercise with local residents and stated it should be up to them whether the road remained closed.

Members discussed the report at length and debated the merits of further consultation in light of the extensive process carried out previously.

The Scrutiny Committee agreed the subject necessitated the full debate of Council and that the report for the Notice of Motion regarding the CCBC Cefn Road, Blackwood, Proposed Prohibition of Driving and Waiting Order 2006 should be presented to Council unchanged.

11. BUSINESS SUPPORT IN CAERPHILLY COUNTY BOROUGH - PROPOSAL FOR TASK AND FINISH GROUP

The report sought Members' approval to establish a Task and Finish Group to review the support for business in Caerphilly County Borough.

There was recognition of the current difficult economic climate and for the need to further assist local businesses. The Council's Business Development Team already provides a wide range of support to local businesses and those wishing to relocate to the county borough. The proposed Task and Finish Group would work closely with this team to achieve its aims.

Members were advised, the group would consist of ten members from the scrutiny committee and the Scrutiny Research Officer would write to them shortly with details/requests for volunteers.

The Scrutiny Committee endorsed the report and agreed to the establishment of a Task and Finish Group to review the support for business within Caerphilly County Borough.

12. REQUESTS FOR AN ITEM TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

Councillor D.T. Davies requested a report on the responsibility and liability of road maintenance following utility companies carrying out works under/on the public highway.

13. INFORMATION ITEMS

The following reports were received and noted.

- (1) Heads of the Valleys Expenditure 2008/09 Summary;
- (2) Apportionment of Highway Infrastructure Review, 2009-2010;
- (3) Economic Development & Tourism – Budget 2009-2010;
- (4) Revenue Budget 2009/2010: Environment Directorate Service Divisions;
- (5) Minutes of the Blackwood Town Centre Management Group, held on 21st May 2009.

| The meeting closed at 19:40 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th September 2009, they were signed by the Chairman.

CHAIRMAN

PKI - This auth. How many best plan for "com"
Auth. ~~not~~ expanded. > 6 subsidised services
Only 2 bus services
Cost of bus routes. Can't change it

20/07 - Why imagine line not £ to help. Side effect of
entire economy impacted.

6/08 - 6 June 08 - what info right?
waited 3 mins, can't scrutinise
5/14) →
HOS - code of conduct 2 mins - 25/08
about - bus plc aware - not done

20 - primary, complex report + issue
relate to closure of Wainbora Rd but lots of issues
combined.

- Strategic issues (few) - local issues.
- Likely impact of future development. Used existing office model. Surveys available confidence.
 - Estimate impact, minor, no major improvements justifiable.
 - Use of sew reduce through traffic Bwood. Not fully realised. Oak Terrace Bypass - early day.
 - Lockwood / left used as cross valley link.
 - Influence of cross traffic & Wainbora Rd closure.
 - Locally, advertised temp closure to divert to major routes, # of comments / obj rec'd. Report & further analysis. This report forms part of this.
 - Recent petition of 213 signatures. 2 to taken into consideration.
 - Traffic speed + volumes on Sunnybank. Surveys show low speed + HGV ↓ 5%.
 - Bwood camp in middle of area. Phase 1 construction start.

Appendix

8



CEFN FFOREST COMMUNITY PARTNERSHIP

Minutes of the Special Meeting to Agree the Accounts held on Thursday 9th July 2009 in Cefn Fforest Community Centre

Present:	Tom Williams	Partnership Chair
	C Hawker	Cefn Fforest AFC
	Don Jones	Phoenix Community Transport
	Colin Thomas	Resident
	D Simmonds	Resident
	E Williams	Resident
	G Simmonds	CCBC
	L Parry	Resident
	Meryl Thomas	Sunnybank Health Centre
	Paul Dury	Cefn Fforest Community Centre
	Marion Edwards	Resident
	Paul Booth	Community Centre
	A Bowen	Cefn Fforest B & G FC
	K Bowen	Cefn Fforest B & G FC
	Terry Williams	Cefn Fforest AFC
	Delwyn Davies	Resident
	Roy Edwards	Community Centre
In Attendance:	Amy Jones	CCBC Communities First
	Jan Billinghamurst	GAVO
	Kevin Eadon	Groundwork
	Rob Gough	GAVO
	Rachael Clarke	CCBC Communities First
	Gaynor Roper	CCBC Communities First
	Sue Falconer	Gwent Police
	Tina McMahon	CCBC Community Regeneration
	Jane Patterson	CCBC Communities First
	Insp Kevin Childs	Gwent Police
	Mike Pickard	Blackwood Comprehensive
	D Harries	GAVO

1. Welcome and Apologies	ACTION
<p>The Chair welcomed those present and explained that prior to the full Partnership meeting a special meeting would take place to agree the Partnership accounts. As there were a number of new people at the meeting the Chair requested that introductions were made. Apologies were received from Neil Jones, Jodie Gwilt, Nancy Harris, Muriel Taylor, Meryl Kibble, Kevin Dawson and Don Touhig.</p>	

2. Procedure for Special Meeting

Members of the meeting were informed that the accounts couldn't be signed off during the AGM held on the 28th May 2009, as there was an invoice missing. A copy of the invoice has since been obtained allowing the signing off of the accounts to proceed. A request had been made at the AGM for Mike Bridgman (GAVO) to audit the accounts, which he has done.

3. Agreement of Cefn Fforest Partnerships Accounts 2008/2009

Copies of the accounts were distributed to members of the meeting. It was raised that Partnership members had not been given enough time to look over the accounts prior to the meeting. Rob Gough explained that it is customary practice for accounts to be presented at the meeting, the treasurer can then go through the accounts verbally and the Partnership are given the opportunity to ask any questions. It was brought to the attention of the meeting that other meetings e.g. Local Government, are conducted differently and the accounts are presented before the meeting. It was explained that Communities First is different from Local Government, and that an independent auditor has inspected the accounts and found them to be in order. The Chair advised that he would ensure the accounts were sent out one week prior to the next AGM.

It was suggested by the Treasurer that, as some members of the Partnership would not accept the accounts without inspecting them first, it might imply a lack of trust in the external auditor. Cllr Simmonds asked the Treasurer to withdraw this comment, which he did.

In order to move the meeting on, it was suggested, that the accounts could be accepted at this meeting and another meeting could be arranged to ask any questions when Partnership members had been given time to look them over. It was recommended that the Partnership invite Mike Bridgman to this meeting. Some members of the meeting disagreed with this suggestion and reiterated that they wished to take the accounts away for inspection.

Partnership members continued to disagree on the appropriate way to take the meeting forward, which prompted Inspector Childs to address those present to make clear that he was very disappointed with what he had witnessed during the evening. He explained that he cannot attend as many Partnership meetings as he would like to, and the Partnership had now missed an opportunity to put their questions to him. He thanked everyone for inviting him to the meeting, but questioned why people were actually there.

Tina McMahon stated that four of her staff were present and that she would withdraw them from the meeting if it was not conducted in the appropriate manner of Communities First.

Some members of the meeting insisted that they would stand by their amendment and would not discuss the accounts. The meeting was therefore suspended.

The Chair informed the meeting that Amy Jones is moving from Mid Valleys East in order to widen her experience of Communities First. He thanked her for the work that she has put into the Partnership during the past year. Mike Pickard is also leaving and the Chair asked for the Partnership to give permission for a letter to be written to express thanks for his support.

Appendix

9

Statement from the Director of the Environment

I attended the Regeneration Scrutiny Committee meeting on 7th July 2009 and my recollection of events involving Cllr Simmonds is as follows:

The Chair, Cllr Jenkins, invited Clive Campbell to present a report to the committee. Cllr Simmonds interrupted Mr Campbell's presentation by asking a number of questions and making a series of comments. Cllr Jenkins asked Cllr Simmonds repeatedly not to interrupt and to allow the officer to speak. Cllr Simmonds continued to interrupt which resulted in Cllr Jenkins asking Cllr Simmonds to leave the meeting. Cllr Simmonds ignored this request but did stop interrupting.

Following Mr Campbell's presentation of the report Cllr Simmonds asked Mr Campbell a number of questions. On a number of occasions Cllr Simmonds did not allow Mr Campbell time to finish his answer before beginning his next question. Again Cllr Jenkins made repeated requests to Cllr Simmonds to allow Mr. Campbell to respond. These were ignored. I personally felt the need to intervene and reminded Cllr Simmonds that the Chair had asked him on five occasions to allow Mr. Campbell to speak. I asked him to observe respect for Cllr Jenkins both as Chair of the Committee and on a personal level as a fellow Member.

I considered Cllr Simmonds behaviour to be completely unacceptable and well below the standards that should be observed by Members.

M.A. O'Sullivan
Director of the Environment

30th October 2009

Appendix

10

From: Jones, Jonathan
Sent: 09 September 2009 14:44
To: Williams, Gail
Cc: O'Sullivan, Anthony; Jones, Colin; Thomas, Rebecca
Subject: RE: Scrutiny Committee 7th July

Gail

I can confirm I attended the Regeneration Scrutiny Committee meeting on 7th July 2009 and understand that Cllr Jenkins' complaint centres on Cllr Simmonds' behaviour during a discussion on a report entitled the Blackwood Traffic Study. My recollection of events are outlined below:

The Chair, Cllr Jenkins, invited the report's author, Clive Campbell, to introduce the report to committee. Cllr Simmonds interrupted Mr Campbell's presentation by asking a number of questions and making a series of comments. Cllr Jenkins asked him not to interrupt and allow the officer to speak. Cllr Simmonds continued to interrupt which resulted in the Chair asking Cllr Simmonds to leave the meeting. Cllr Simmonds ignored this request but did stop interrupting.

Following Mr Campbell's introduction of the report Cllr Simmonds asked Mr Campbell a number of questions. On a number of occasions Cllr Simmonds did not allow Mr Campbell time to finish his answer before beginning his next question. The Director reminded Cllr Simmonds of the principles of the members' code of conduct. Later in that debate when Cllr Simmonds asked me to clarify the number of times a member can contribute to a debate I reminded the committee of their constitution and the importance of observing polite conduct during meetings.

The next day Cllr Simmonds met with Dan Perkins, the Monitoring Officer, to complain that the report presented to the committee was not the one he had requested. I was invited to join the meeting and told Cllr Simmonds that, in my opinion, his behaviour at the previous days' meeting had been unacceptable as he had continually disrupted the meeting by ignoring the chair and interrupting Mr Campbell.

Jonathan

Jonathan Jones
Scrutiny and Members' Services Manager

Appendix

11



Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed,
CF82 7PG

Tŷ Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed,
CF82 7PG

Public Services Ombudsman,
1 Ffordd y Hen Gae,
Pencoed,
Bridgend.
CF35 5LJ

P.S.O.W.

16 NOV 2009

P.S.O.W.

DX 145140
Caerphilly 5
Head of Legal
Services
Daniel Perkins LL.B
Solicitor

Your Ref/Eich Cyf:
Our Ref/Ein Cyf:
Contact/Cyslltwch â:
Telephone/ Ffôn:
E-mail:
Fax Number:
Date/Dyddiad:

DX 145140
Caerphilly 5
Pennaeth Gwasanaethau
Cyfreithiol
Daniel Perkins LL.B
Cyfreithiwr

DP/DLG/CL22993
Mr. D. Perkins
01443 863142
perkid@caerphilly.gov.uk
01443 863154
11 November 2009

Dear Sirs,

Allegations Of Breach Of Member Code Of Conduct Against Councillor G. Simmonds

Firstly may I apologise for the delay in responding to your request for further information. I can confirm that I did not attend the Scrutiny Committee meeting of 7th July. However, Councillor Simmonds attended my office on the 8th July as he wished to complain about a report that had appeared on the agenda of the Committee of 7th July. The basis of Councillor Simmonds complaint centered on the fact that there had been considerable delay from the date of his request until the date that the report was tabled, and that secondly the report did not deal with all of the issues in his request.

As I had not been at the Committee or been involved in the preparation of the report, I telephoned Jonathon Jones the Council's Scrutiny and Members Services Manager to ask if he could join our meeting. Jonathon Jones then explained to Councillor Simmonds how best he may be able to obtain the information that he had requested. Councillor Simmonds appeared extremely frustrated by the way in which he felt the Scrutiny process had failed him. It was at this point that Jonathon Jones explained to Councillor Simmonds that irrespective of his concerns about the Scrutiny process that could not excuse his own behaviour at the Committee meeting the previous evening. As I understand it, Jonathon Jones' concerns related to Councillor Simmonds allegedly disrupting the meeting on a number of occasions by deliberately ignoring the Chair and by adopting a hostile approach to Mr. Clive Campbell a senior engineer and the author of the report in question.

Yours faithfully,



Monitoring Officer

Director of Corporate Services: Nigel Barnett
Cyfarwyddwr Gwasanaethau Corfforaethol: Nigel Barnett

Appendix

12

200900929Case against Caerphilly County Borough Council by
Vera Jenkins

created by Laura Phillips on 02/12/2009

Sender:	Laura Phillips <Laura.Phillips@ombudsman-wales.org.uk>
Recipient(s):	"chas@psow.chas" <chas@psow.chas>
Sent Date:	02/12/2009 13:58
Email To Complainant:	No
Email To Relevant Body:	No
Title:	FW: Complaint made to the Ombudsman regarding Councillor G Simmonds our reference: 200900929

From: Campbell, Clive [mailto:CAMPBC@CAERPHILLY.GOV.UK]**Sent:** 01 December 2009 15:08**To:** Laura Phillips**Subject:** RE: Complaint made to the Ombudsman regarding Councillor G
Simmonds our reference: 200900929

Dear Ms Phillips,

Please find below my statement as requested.

On the evening of the 7 July 2009 I had to present a number of reports to the Regeneration Scrutiny Committee, and one of them was in regard to the 'Blackwood Traffic Study'. When this agenda item came the Chair, Cllr. Jenkins, asked me to present the report. Before I could start Cllr. Simmonds interjected and said that the report had not addressed the issues he had requested the report for. He then went on to state a number of issues about development in the Blackwood area that he has made on several occasions to the Regeneration Scrutiny Committee and elsewhere. He has had numerous responses on these issues and has never been satisfied. The Chair then tried to bring Cllr. Simmonds to order to allow me to present the report.

Despite several attempts by Cllr. Jenkins, Cllr. Simmonds ignored her requests and continued with his statements. In the end it was the Director of the Environment, Mr. Anthony O'Sullivan, who had to forcefully request Cllr. Simmonds to respect the person and position of Chair. When at last he ceased his interruptions I then presented the report.

I have not reviewed the Members Code of Conduct but in my opinion, Cllr. Simmonds was most disrespectful to Cllr. Jenkins and her position as Chair of the Committee. It was particularly disappointing given that Cllr. Jenkins had recently suffered the

bereavement of her mother and did not have to attend the meeting but did so because the vice chair was unavailable. This was echoed by other Members of the Committee at the meeting.

If you have any further questions for me or want clarification on any of my comments above, please contact me.

Regards,

Clive Campbell
Transportation Engineering Manager
Engineering Division
Directorate of the Environment
Tel. (01495) 235339 (internal ext. 5339); fax (01495) 235045 (internal ext. 5045)

Appendix

13



P.S.O.W.

11 MAY 2010

P.S.O.W.

Cllr Ken James
Glenview
Graig Bungalows
Cwmearn
Newport
NP11 7FA.

7th May 2010.

Dear Miss L Phillips,

I can confirm that I was present at the Regeneration Scrutiny meeting on 7th July 2009.

I can also confirm that I along with a number of elected councillors spoke on the item 9 Blackwood Traffic Study. I was quite happy to follow the lead of officers as I knew the area in question very well. I know Cllr Simmonds spoke on the issue and disagreed with the opinion expressed by the Council's officers but as to what he actually said or remarked I cannot remember. The meeting took place 9 months ago and during that time I have attended many meetings on hundreds of different issues.

I am sorry I cannot be more helpful in this matter.

Yours,

Cllr Ken James.

Appendix

14



P.S.O.W

10 MAY 2010

P.S.O.W

Councillor R.T. Davies,
172 Pandy Road,
Bedwas,
Caerphilly.
CF83 8EP

Public Services Ombudsman for Wales.
1 Ffordd yr Hen Gae,
PENCOED.
CF35 5LJ

Our Ref/Ein Cyf: RD
Your Ref/Eich Cyf:
Contact/Cysylltwch â: Councillor Ray Davies
Telephone/ Ffôn: 02920 889514
E Mail/E Bost: daviert@caerphilly.gov.uk
Date/Dyddiad: 30th April 2010

Dear Sir,

COUNCILLOR G.D. SIMMONDS

Thank you for your letter of the 22nd April 2010 can I precede my remarks re: the meeting by saying that Mr. Simmonds is in a different party to myself ie. I am Labour and he is Independent. I have also crossed swords with Mr. Simmonds on a number of occasions particularly regarding Welsh education and education generally and we have occasionally voted different ways on the same issue.

What I cannot take away from Mr. Simmons is that he researches all aspects of Council work thoroughly and is able to quote statistics, sometimes even baffles our officers. He also infuriates members of opposing political parties with his in depth questioning and persistence in trying to get answers to some of the questions that he is pursuing.

However I cannot remember any occasion in the past 15 years when Mr. Simmonds has been abusive to any officer or indeed to any member during the committee/council debates. The only thing I can recollect with regard to the meeting concerned was the fact that Mr. Simmonds was very persistent on the Blackwood traffic study where he demanded specific answers to specific questions.

I cannot think of anything that stands out with regard to that particular meeting whereby Councillor Graham Simmonds breached the Code of Conduct. Incidents of that sort are always completely out of the ordinary and would undoubtedly stick in the minds of members who attended the meeting and would be the talking point of councillors for many weeks afterwards. I think also it is generally acknowledged that the chairperson of the committee Councillor Mrs. Vera Jenkins does get exasperated with the persistent questioning by Mr. Simmonds.

As far as I am concerned Mr. Simmonds is only doing his job in scrutinising the work of the executive and the policies of the county council.

If there is any further you wish from me please do not hesitate to ask.

Yours sincerely,


COUNCILLOR R.T. DAVIES

**Councillor
Cynghorydd**

This correspondence is from an individual member and is not written on behalf of the Council
Mae'r llythyr hwn oddi wrth aelod unigol ac nid wedi ei ysgrifennu ar ran y Cyngor.

Correspondence may be in any language or format • Gallwch ohebu mewn unrhyw iaith neu fform

www.caerphilly.gov.uk

Appendix

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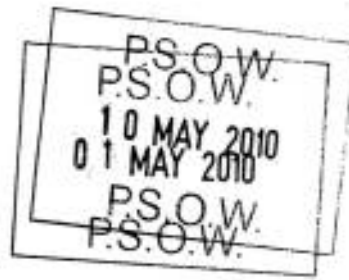
Councillor K. R. Baker

36 North Rd.

Newbridge

NP11 4AE.

4th May 2010



your Ref: 200900929/LP.

Miss L. Phillips.

Dear Miss Phillips.

My apologies re delay in responding to your letter. Unfortunately because of the time lapse I can only reiterate what is stated in the minutes for the 7th July 2009.

Yours Sincerely,
Katherine Baker (NRS)

Appendix

16

S.O.W.
28 APR 2010
O.W.

Cllr. Michael Davies
63 Treowen Road
Treowen
Newbridge
Gwent
NP11 3DN
01495 247971

michaeldavies@caerphilly.gov.uk

26/04/2010

Your Ref: 200900929/LP

Miss Laura Phillips
Investigator
Public Service Ombudsman for Wales
1 Ffordd Hen Gae
Pencoed
CF35 5LJ

Dear Miss Phillips,

With regard to your recent letter regarding a complaint against Councillor Graham Simmonds from Councillor Vera Jenkins. Reference as above.

I remember the meeting and that on occasions Councillor Simmonds muttered under his breath although I cannot state what he was actually muttering. I am aware that Councillor Simmonds has done this on other scrutiny meetings and I suppose I have got used to it.

I hope this helps and if I can be of further help, then please don't hesitate to contact me.

Yours sincerely,



Mike Davies.

Appendix

17

20, Woodfield Park Cres.,
Woodfieldside,
Pontllanfraith,
BLACKWOOD,
Gwent NP12 0BX.
4/5/10

Public Services Ombudsman,
1, Ffordd yr Hen Gae,
Pencoed,
BRIDGEND,
CF35 5JJ.

Your ref. 200900929/LP

Dear Ms. Phillips,

This meeting was in reality similar to many other meetings, in that Cllr. Simmonds showed no respect for the Chair and owing to Cllr. Jenkins inexperience as Chair (the first Scrutiny committee she has chaired) it appeared to me he sought to bully her by constant refusal to stop talking when requested; his behaviour is so bad that I, as a councillor of over 30 years experience, have felt it necessary on many occasions to intervene by using the Council's Standing Orders to protect the chair from his aggressive approach and total lack of respect for the authority of the chair.

From my experience as a member of three authorities, I have never known any other member to display such lack of manners, lack of respect for the chair of committee or for officers. From this point of view, the particular meeting of 7/7/09 was scarcely different from many others where Cllr. Simmonds has been present.

Yours faithfully,

M.G. PARKER

Appendix

18



Memo

Laura Phillips
Investigator

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5UJ
01656 641168
laura.phillips@ombudsman-wales.org.uk

From: Cllr. Jones, Jan [mailto:JONESJ22@CAERPHILLY.GOV.UK]
Sent: 30 April 2010 16:21
To: Laura Phillips
Subject: Complaint Cllr Jenkins v. Cllr Simmonds

Your ref: 200900929/LP

Dear Miss Phillips

In reply to your letter of 22nd April I have read the minutes attached and confirm I was present. However, I have searched my memory and can honestly say that I cannot recall any specific remarks Cllr Simmonds may have made. There is often heated exchanges in scrutiny meetings and it is quite possible that such exchanges took place, however after this length of time I have no recall at all.

I am sorry I cannot be of more help in this situation.

Regards
Cllr Jan Jones
Member for Ynysddu Ward

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Appendix

19



Memo

Dear Councillor Davies

Thank you for your e-mail, the content of which has been noted.

Regards

Laura Phillips
Investigator

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5LJ
01656 641168
laura.phillips@ombudsman-wales.org.uk

From: Cllr. Davies, D.T [mailto:DAVIEDT@CAERPHILLY.GOV.UK]
Sent: 29 April 2010 11:33
To: Laura Phillips
Subject: COMPLAINT CLLR V.JENKENS AGAINST CLLR G.SIMMONDS.REF;
200900929/LP

Dear Miss Phillips,

I wish to confirm my receipt of your letter dated the 22nd April 2010 relating to the above matter. Considering the length of time since the meeting of the Regeneration Scrutiny Committee held on the 7th July 2009 (approx nine months?) I can not recall any discussion between the two members you refer to. I am sorry that I am unable to assist you on this matter. Thank You, Best Wishes, Cllr D.T. Davies.

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'Mae'r e-bost yma ag unrhyw ffeiliau trosglwyddwyd ynddi yn gyfrinachol ar gyfer defnydd yr unigolyn neu gyfeiriwyd ati yn unig. Os ydych wedi derbyn yr e-bost yma mewn camgymeriad rhowch wybod i reolwr. Nodwch taw unrhyw sylwadau neu farn soniwyd amdanynt yn yr e-bost yma ydi sylwadau a barn yr awdu angenrheidiol yn cynrychioli rhai'r Cyngor. I orffen, dylid y person sy'n derbyn yr e-bost sicrhau nad oes i ynddi nac mewn unrhyw ddogfen sydd ynghlwm i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb ddifrod

achoswyd gan unrhyw firws trosglwyddwyd gan yr e-bost yma.'

Appendix

20

P.S.O.W

12 MAY 2010

P.S.O.W

David Rees
1 Old school Court
Pandy View
Crosskeys
NP11 7DL

11th May 2010

Dear Miss Phillips,

Re: Ref. 200900929/LP

My sincere apologies for the delay in responding, I was a candidate in the recent General Election and for some inexcusable reason your letter was put to one side and temporarily forgotten about.

Regarding Cllr Jenkins' complaint, unfortunately I am unable to provide you with any worthwhile evidence that would support Cllr Jenkins complaint.

The case in question was almost one year ago and cannot confidently and fairly remember without prejudice the true events of that evening.

Yours sincerely,



Cllr. Dave Rees

Appendix

21

Laura Phillips

From: Cllr. Elsbury, Colin [colinelisbury@caerphilly.gov.uk]
Sent: 12 May 2010 19:33
To: Laura Phillips
Subject: Your ref 200900929/LP

Dear Miss Phillips,

I refer to your correspondence of 22 April and 6 May 2010. My apologies for the delay in replying, we've been canvassing hard in respect of the general election so time has not been on my side!

In respect of the allegations, whilst I did attend the meeting on 7 July 2009 I had to leave half way through to attend my Son's prize giving ceremony for his last year in Junior School. It is not my normal practise to leave early however family sometimes has to be accommodated as well as Council business!

I therefore cannot comment on the allegations as I was not present.

Yours sincerely,

Colin Elsbury

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'Mae'r e-

bost yma ag unrhyw ffeiliau trosglwyddwyd ynddi yn gyfrinachol ar gyfer defnydd yr unigolyn neu'r sefydliad feiriwyd ati yn unig. Os ydych wedi derbyn yr e-

bost yma mewn camgymeriad rhowch wybod i reolwr eich system.

Nodwch taw unrhyw sylwadau neu farn soniwyd amdanynt yn yr e-

bost yma ydi sylwadau a barn yr awdur ac nid yn

angenrheidiol yn cynrychioli rhai'r Cyngor. I orffen, dylid y person sy'n derbyn yr e-bost sicrhau nad oes firws ynddi nac mewn unrhyw ddogfen sydd ynghlwm i'r e-

bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod

achoswyd gan unrhyw firws trosglwyddwyd gan yr e-bost yma.'

Appendix

22

200900929

Case against Caerphilly County Borough Council by
Vera Jenkins
created by Laura Phillips on 06/05/2010

Sender:	Laura Phillips <Laura.Phillips@ombudsman-wales.org.uk>
Recipient(s):	"Cllr. Aldworth, E.M" <ALDWOEM@CAERPHILLY.GOV.UK>
Sent Date:	06/05/2010 16:01
Email To Complainant:	No
Email To Relevant Body:	No
Title:	RE: Complaint - Code of conduct members CCBC. 200900929

Dear Councillor

Many thanks for your e-mail, the contents of which have been noted.

Yours sincerely

Laura Phillips
Investigator

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5LJ
01656 641168
laura.phillips@ombudsman-wales.org.uk

From: Cllr. Aldworth, E.M [mailto:ALDWOEM@CAERPHILLY.GOV.UK]
Sent: 06 May 2010 15:59
To: Laura Phillips
Subject: Complaint - Code of conduct members CCBC.

Dear Miss. Phillips,

At the time of the meeting on 7th July 2009, I was a member of the Regeneration Scrutiny Committee at Caerphilly County Borough Council. With regard to your investigation and in relation to your letter, ref. 200900929/LP, I have to admit that I am sorry but I cannot recall any particular incident at that meeting.

Yours sincerely,

Cllr. Elizabeth M. Aldworth,
Bedwas, Trethomas and Machen Ward.

Appendix

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14 Craiglas Crescent
Cefn Fforest
Blackwood
Gwent
NP12 3JY

9 May 2010

Miss L Phillips
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Re: Complaint from Cllr Vera Jenkins

Dear Miss Phillips,

I recall that Cllr Simmonds challenged the Chair about allowing a councillor to speak twice in a debate. He continually interrupted officers who were providing the meeting with all the information about the Blackwood Traffic Study. He was told not to interrupt the officers and members. He was also informed that the Chair had every right to allow members to speak more than once.

Cllr Simmonds' was warned about his behaviour and his attitude to members and officers but he paid no attention to the warnings and was asked to leave the meeting. He refused.

In my opinion he was disrespectful throughout, disrespectful to the Chair and officers.

Cllr Tom Williams

Appendix

24

200900929

Case against Caerphilly County Borough Council by
Vera Jenkins
created by Laura Phillips on 10/05/2010

Sender:	Laura Phillips <Laura.Phillips@ombudsman-wales.org.uk>
Recipient(s):	"Cllr. Kent, Stephen" <KENTS@CAERPHILLY.GOV.UK>
Sent Date:	10/05/2010 09:29
Email To Complainant:	No
Email To Relevant Body:	No
Title:	RE: 200900929/LP

Dear Councillor Kent

Thank you for your e-mail, the content of which has been noted.

Yours sincerely

Laura Phillips
Investigator

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5LJ
01656 641168
laura.phillips@ombudsman-wales.org.uk

From: Cllr. Kent, Stephen [mailto:KENTS@CAERPHILLY.GOV.UK]
Sent: 10 May 2010 09:27
To: Laura Phillips
Subject: 200900929/LP

Dear Miss Phillips

I apologise for not responding to your letter before now.

I was at the Regeneration Scrutiny meeting on 7 July 2009 but cannot remember if Councillor Simmonds spoke or participated during this meeting .

Yours sincerely

Stephen Kent

This email and any files transmitted with it are confidential and intended solely for the use of the individ

Appendix

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18th April 2010

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

Dear Ms Phillips

Re: Complaint against Cllr Simmonds

I can confirm that I did attend that meeting and will give you my account of it. As the minutes were not enclosed with your letter I cannot recall Item 3 but I assume that it was about the accounts.

Members were asked to approve the accounts. One of the members moved to accept. Cllr. Simmonds commented that as the document before us was 16 pages long we would need time to look at it. The Treasurer became aggressive and said he was not trusted. The Chairman's wife also started shouting that we did not trust the Treasurer. Cllr Simmonds said that was not the case and asked the treasurer to retract the statement. The Treasurer refused to do so. Cllr Simmonds asked him once again and he still refused. It was not until he was asked for a third time that he eventually retracted the statement.

Mr Rob Gough stated that the accounts can be presented at a meeting and not sent out beforehand. Cllr Simmonds said it is done differently at other meetings.

Mr R Edwards asked to put forward a motion that we take the accounts away to look at them and bring them back to the next meeting. The Chairman got very aggressive and asked who was chairing the meeting, and asked Mr Edwards if he would like to take over which was quite uncalled for.

In my opinion Cllr Simmonds conducted himself in a proper manner throughout the meeting and I see no reason for a complaint to be made against him. On the contrary, I do think that the actions and bad language used by the Chair, the aggressive behaviour of others, and the threats made by Mrs MacMahon to withdraw her staff were not helpful and totally unjustified.

Yours sincerely

M. Edwards
M E Edwards

