

Meeting :	Standards Committee
Date:	11 October 2010
Title:	Annual Report of the Standards Committee 2009/2010
Author	Monitoring Officer.
Action:	To provide observations and adopt the report.

Background.

The Standards Committee decided it should publish an annual report. This will be a way of introducing the Committee and its work to members of Gwynedd Council and the town and community councils, and to raise its profile.

In this report I have set out what I believe could go into the Annual Report and the Committee's observations are invited. The report could be prepared in a form of a booklet and in addition to the information set out below it could include a foreword by the Chairman and some background information on the members themselves.

GWYNEDD COUNCIL'S STANDARDS COMMITTEE ANNUAL REPORT.

The Constitution of the Committee.

Although the Standards Committee is one of Gwynedd Council's committees, it contains a majority of members who have no connection with the Council or local government ('independent members'). It also includes a member who represented the interests of the town/community councils ('the community member'), as well as three elected members of Gwynedd Council.

However, problems can arise due to the legal requirements for there to be a majority of independent members present before a meeting can take place. Consequently it was decided to increase the number of independent members from four to five. Following the statutory process of advertisement and interview, Gwyn Williams was appointed in October 2009 as an Independent Member of the Standards Committee to serve for a period of six years. This means that the committee now has nine members in all (which is the maximum allowed):

- five independent members
- one committee member
- three elected members of Gwynedd Council.

The Committee's Work.

The Committee is responsible for considering and deciding upon complaints, referred to it by the Public Services Ombudsman for Wales, that members have breached the Code of Conduct.

It also considers applications made by members for dispensations to allow them to take part in discussions even though they have a prejudicial interest under the Code. The Committee is also, however, responsible for promoting and maintaining high standards of conduct by councillors and assisting them to observe the Members' Code of Conduct. The Committee decided therefore that it should develop this role further and raise its profile amongst members of Gwynedd Council and the town and community councils.

Work Programme.

The first step in this process was to develop a work programme for the committee and by setting dates for meetings in the Council's calendar. A copy of the work programme is attached as an **Appendix**.

Protocol for Member/Officer relations.

The Committee has developed a protocol to guide members and officers of the Council in their relations with one another. The document contains guidance on some of the issues which commonly arise and that leads to difficulties in the relations between members and officers while attempting to promote greater clarity and certainty. The protocol is based on the following principles:

- An understanding by both members and officers of the requirements of each other's functions.
- Respect for each other's time and priorities.
- Courtesy and sensitivity at all times.

The protocol also contains a procedure to deal with allegations that a member has breach the protocol. This can lead to a hearing before the Standards Committee, which has the power to issue a reprimand .

'The Gwynedd Standard'.

The Committee has also decided to develop a local protocol that would be a means to resolve complaints of misconduct made by a member against another member of the authority without reference to the Ombudsman. The aim of the document, 'The Gwynedd Standard', is to establish what behaviour by a member is acceptable, and what is not acceptable. It is not intended to replace the Code of Conduct. Rather it is intended to sit alongside the Code and fill the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Council members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Before this protocol is adopted, it will have to be presented to the full Council for approval.

Chief Executive of Gwynedd Council.

Mr Harry Thomas, Chief Executive of Gwynedd Council was welcomed to the Committee's meeting in February. He welcomed the intention to establish a work programme and he referred to the importance of the Standards Committee's duties. He further emphasised this by stating that there was a special expectation in relation to conduct within a Council the size of Gwynedd,

which had an annual turnover of £400million. He added that Gwynedd was unusual as there were five political parties represented within the Council and that provision had to be made for this situation. In welcoming the work programme, he called for the co-operation of the Standards Committee in the interest of Gwynedd and wanted it to voice an opinion as and when it thought necessary.

Political Groups Leaders.

The Committee met the leaders of the Council's political groups at its meeting in May. Discussions took place on what the Committee can do to promote and sustain the standard of conduct within the Council. Also discussed was the need to allow political discussions and argument, but to do this in a professional and courteous way to protect the Council's good name.

The Ombudsman's Guidance on the Code of Conduct.

In November 2009 the Public Services Ombudsman for Wales consulted on draft guidelines he had prepared on the Code of Conduct. The Committee considered the draft guidelines at its meeting in February and sent its observations to the Ombudsman. The guidelines were published in April, 2010 and a copy was sent to each member of Gwynedd Council. The Committee decided that it should hold training on the guidelines, for members of the Committee itself to begin with, and then for members of Gwynedd Council and the members of the town and community councils. The intention therefore is to hold training sessions early in 2011.

Dispensations.

The Members' Code of Conduct provides that a councillor cannot take part in a discussion if he/she has a 'prejudicial interest' under the Code of Conduct. However, the member does have the right to make an application to the committee for permission to take part in the discussion despite the existence of the interest, i.e. a dispensation.

The committee considered seven applications for dispensations during this period. Six of them were made by members of Gwynedd Council in connection with the discussions taking place on the organisation of primary schools in the county. The other application was from a member of a town council. Two applications were refused completely but the others were approved wholly or partially.

Allegations against members.

The Ombudsman reported in his Annual Report that there had been an increase of 24% in the number of complaints about members' conduct in local authorities across Wales. He was worried about this trend but hoped that members would consider the advice and directions given in his guidelines and that the number of complaints would decrease in the year to come.

From Gwynedd's point of view, there were decisions on seven complaints by

the Ombudsman - five against members of town/community councils and two against members of Gwynedd Council. The Ombudsman did not refer any complaints to the Standards Committee for a decision.

Allegation	Decision.
Lack of respect and bullying	Not to continue with the investigation
Lack of respect and bullying	Not to continue with the investigation
Bringing the office or authority into disrepute.	Report withdrawn by the Ombudsman
Failure to disclose personal interest	No investigation.
Bringing the office or authority into disrepute.	Investigation continuing.
Bringing the office or authority into disrepute.	No to continue with the investigation.
No reason under the code	No investigation.
No reason under the code	No investigation.

The Wales Standards Committee Conference.

Members of the Committee attended the Standards Conference Wales 2009 - "Wales: An Ethical County", in Cardiff on the 15th October, 2009. Several presentations were given at the conference, by amongst others, the Chair of Cardiff Council's Standards and Ethics Committee, Dr Brian Woods-Scawen from the Committee on Standards in Public Life and Peter Tyndall, the Public Services Ombudsman for Wales. Delegates were also given the opportunity to attend workshops on subjects such as Standards and Ethics in Community and Town Councils and Developing Best Practice. Those who attended agreed that the main message from the conference was the importance of raising the Standards Committee's profile.

This year's conference will be held in Cardiff on the 14th October.

Recommendation.

The committee is asked to provide its observations and to adopt the report.