
STANDARDS COMMITTEE, 27.11.12

Present: -

Elected Members:- Councillors Eryl Jones-Williams and Michael Sol Owen.

Independent Members:- Mr Gwilym Ellis Evans (Chairman), Ms Linda Byrne, and Miss Margaret E.Jones.

Community Committee Member:- Mr David Clay.

Observers: Councillors Charles W.Jones and Dr Einir Young.

Also Present: Dilys Phillips (Monitoring Officer), Siôn Huws (Compliance and Language Manager) and Eirian Roberts (Members' Support and Scrutiny Officer).

Apology: Mr Sam Soysa (Independent Member).

Since there were three independent members and four elected members present at the meeting, Councillor Charles W.Jones agreed to attend as an observer, in order to ensure a quorum, since Article 9 of the Council's Constitution stated that at least half of the members present at a meeting of the Standards Committee should be independent members. The member was invited to contribute to the discussion, but it was explained that he could not be part of any formal decision.

1. WELCOME

Dr Einir Young was welcomed to the meeting as an observer following the decision of the Consultation Panel to recommend her to the Council on 6 December as an independent member of the Standards Committee.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

3. URGENT ITEM – APPLICATION FOR DISPENSATION BY COUNCILLOR W.GARETH ROBERTS

This matter had not been included on the committee's agenda; however, the Chairman agreed to hold a discussion on this matter as an urgent item under Section 100B (4)(b), Local Government Act 1972, as the councillor wished to speak in the Planning Committee on 17 December as the local member on the application by the National Trust to construct a Centre of Excellence for Coastal Tourism in the Henfaes parking ground, Aberdaron although he was connected with the matter.

The Monitoring Officer explained that the local member's connection with the matter involved the fact that he had worked for the National Trust as a Local Warden for 12 years from 1985 to 1996, he was currently their tenant at Cwrt, Aberdaron and he had

been part of the Team (as the local councillor) along with another representative of the local community who had worked on developing the scheme.

She elaborated on the procedure of the Planning Committee and referred to the right of the local member and the public to speak on planning applications. She also explained that a local member, with an interest, had the same right as a member of the public under the code to speak for three minutes on a planning application, rather than ten minutes, as was usually permitted for local members. In this case, the member asked the committee to consider lifting the prohibition and allowing him to have his full rights as a local member to speak for ten minutes, but not to vote when considering the application. The committee was advised that the member's main connection was the fact that he was a tenant of the body who was submitting the application.

In considering the application, the following observations were noted:-

- Caution had to be taken when considering this type of application. How would the electors interpret this, especially given that the member had the right to speak on the application for three minutes anyway, or to ask another member to submit the case on his behalf?
- The application appeared to be important to the area and it was likely that it would take more than three minutes for the member to submit all the relevant information to the committee. The local member was the one who knew what was the opinion of the community and was in the best situation to submit that opinion.
- Approving the application could set a precedent for similar applications in the future.
- Every application had to be considered on its own merits.
- The member did not have a personal interest in the application.
- The member would not have a vote.
- It was considered that there was no difference between three and ten minutes, as the principle of permitting a local member, with an interest, to speak in the Planning Committee had been agreed anyway.
- Although it was possible for the member to present his case on paper to another member, it was certain that he had worked hard on this matter and was eager to submit his case in person.

RESOLVED to approve the application for dispensation on the following grounds:-

- **The local member knows what is the opinion of the community and is in the best situation to submit that opinion at the Planning Committee.**
- **That permitting the dispensation does not give the member any new right, except extending the right he already holds to speak for three minutes on the application.**
- **The local member does not have a vote at the Planning Committee.**
- **The member does not have a personal interest in the application.**

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee, held on 2 July and 26 September, 2012 as a true record.

5. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted – the report of the Monitoring Officer appending the minutes of the meetings of the Forum held on 23 April and 17 July 2012.

As the Sub-chair of this committee was absent for periods from time to time, it was asked if it was appropriate to choose another member of the committee to deputise on his behalf in the Forum meetings. The Monitoring Officer responded that she did not anticipate that the Forum would have any objection.

In reference to item 46 of the minutes (meeting held on 17 July) – Feedback from the Training Sessions, it was noted that the Welsh Government should be pressed upon to make Code of Conduct Training for new councillors compulsory from the next elections onwards. In response, the Monitoring Officer noted that all of the members of Gwynedd Council had received the training in 2008 and that every newly elected member to the Council in May 2012 had also received the training. She added that training would be a specific subject on the agenda of the January meeting of this committee.

RESOLVED

- (a) To note and accept the report.**
- (b) To nominate Mr David Clay to delegate on behalf of the Chairman / Vice-chair in the meetings of the Forum.**

6. STANDARDS CONFERENCE 2013

Submitted – the report of the Monitoring Officer submitting information on the 2013 conference and asking for the committee's opinion on the draft programme and for any suggestions or other observations that would be of benefit to holding a successful event.

RESOLVED

- (a) To note and accept the report.**
- (b) To submit the following suggestions / observations:-**
 - **More time should be spent on the workshops, and less on the presentation.**
 - **Clarity is needed on what are the outputs and how to measure the success of the event.**
 - **Local dispute resolution procedures is an important subject to discuss in light of the Ombudsman's expectation for authorities to establish local arrangements to resolve low level complaints within the councils.**
- (c) To decide in the January meeting who exactly will be attending the conference after receiving information regarding the numbers permitted.**

7. THE OMBUDSMAN'S GUIDELINES

Submitted – the report of the Monitoring Officer detailing the latest amendments to the Ombudsman's Guidelines.

A reference was made to the Ombudsman's letter to the Chief Executive of every Council following a decision in the High Court on the case of Calver – v – The Adjudication Panel for Wales, which noted that the Ombudsman would take a stricter attitude when deciding if an investigation would be held if it appeared that the complaint involved what could be called an expression of political views.

The Monitoring Officer noted that this letter had caused a considerable amount of uproar amongst councillors and monitoring officers as it had raised the threshold for commencing an investigation. She noted, following submitting the letter to the attention of the Political Group Leaders, that she had been asked to distribute the Gwynedd

Standard to every member of the Council, as this was the document that filled the gap up to the threshold where the Ombudsman would begin investigating a complaint. She further noted that sending out the document in the name of the Standards Committee would give it a higher status.

RESOLVED

- (a) To note and accept the report and that any member who wishes to obtain a hard copy of the Ombudsman's guidelines to contact the Monitoring Officer.**
- (b) To support the proposal to send a copy of the Gwynedd Standard to all of the County Council members in the name of the Standards Committee.**
- (c) To send a letter to the community and town council clerks drawing attention to the Ombudsman's guidelines and enclosing a copy of the Gwynedd Standard along with an exemplary code, encouraging them to amend and adopt that code for the purposes of their own councils.**
- (ch) The Monitoring Officer to contact One Voice Wales before corresponding with the community and town councils.**
- (d) To complain to the Ombudsman that his letter to the Chief Executives of the councils had been sent in English only.**

8. ALLEGATIONS MADE AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer notifying the committee members of the developments, since her last report, in terms of allegations against members.

In reference to the case that had been submitted to the Standards Committee, the Compliance and Language Manager noted that Councillor Aeron Maldwyn Jones had appealed against the decision and therefore that decision would not come into force until the appeal had been decided. He then outlined the decisions that were open to the Adjudication Panel for Wales.

In response to a question, it was confirmed that the hearing would be open to the public. A date had not been set as yet, but the Monitoring Officer would contact the members of this committee in good time.

RESOLVED to note and accept the report.

9. WORK PROGRAMME

Submitted – the report of the Monitoring Officer submitting the committee's work programme for the coming year for approval.

It was noted that it was important that the members of the Standards Committee attended the Council meetings in order to gain an understanding of what was going on in the authority meetings, in this context it was suggested that the Planning Committee would be a worthwhile meeting to observe.

The Monitoring Officer noted that the legislation on Promoting Local Democracy would be submitted that day and that it would have an impact on the standards regime. Should the consultation period come to an end prior to January, she would consult with the members via e-mail. Otherwise, the item could be included on the January agenda.

RESOLVED

- (a) To agree on the following work programme:-**

28 January, 2013

- A report on allegations against members
- Minutes of the Chairman and Vice-chairmen North Wales Forum
- Report on training
- Legislation on Promoting Local Democracy (*subject to the consultation period*)
- Links with community and town councils

8 April, 2013

- A report on allegations against members
- Minutes of the Chairman and Vice-chairmen North Wales Forum
- Work programme for the pending year
- Draft annual report of the Standards Committee

July 2013 (date to be determined)

- Reports on allegations against members
- Minutes of the Chairman and Vice-chairmen North Wales Forum
- The Ombudsman's Annual Report
- Feedback from the Standards Conference

- (b) To include a specific item on the work programme to discuss the entire field of social media and how councillors use them.
- (c) That members of this committee are able to attend any meetings of the Council as observers and receive a link for every programme that is published.
- (c) To send a list of dates and locations of the Planning Committee to members of this committee so that they can be present when the committee meets in their area.

10. PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

Submitted – the report of the Monitoring Officer asking the committee to review the Protocol for Gifts and Hospitality and submitting a series of questions that would be beneficial for the members to consider when undertaking the work.

The Monitoring Officer noted that 38 statements had been made since May 2008 and two since the beginning of the current term from May 2012 onwards. 25 out of the 38 statements had been made by the Council Leader and the other 13 by general members. A statement had been made by one co-opted member and two elected members of this committee.

By referring to individual questions, the following observations were noted:-

Question (a)

It was suggested that the Protocol did not offer clear enough guidance to members as to when they should accept or refuse offers. For example, if a councillor did not receive an invoice, it could be difficult for him to know if that was due to his role as a councillor or not and a protocol should be drawn up to register such situations within 12 months.

Question (b)

It was noted that more clarity was needed on the protocol as there was a tendency for people to think, if a gift was worth less than £25 that it was fine for them to accept it.

Question (c)

No observations.

Question (ch)

It was noted that there was a need for people to see that there was a pattern from registration and that including the statements on the Council's website could encourage others. To the contrary, it was expressed that this involved a great risk as it could create undeserved stigma.

It was noted that the procedure was completely dependent on trust and that there was no way of checking if councillors had registered or not.

It was suggested to reconsider the matter in the January meeting and consider how to best remind members of the need to register.

Question (d)

It was suggested to discuss the matter in the January meeting as there was no example of a registration form submitted to the committee.

Question (dd)

It was suggested to defer the protocol and submit the full report to the committee in January.

Question (e)

It was suggested to defer, in order to obtain a report on what was currently taking place.

RESOLVED to ask the Monitoring Officer to submit an amended report to the committee in January that would:-

- Offer suggestions in terms of the clarity of the Protocol;
- Highlight what is available in other councils;
- Enclose a registration form;
- Consider the best way of drawing members' attention to the need to register, without uploading it on the internet;
- Suggest how to make it clearer to members that they do not need to register invitations received as part of their post.

11. ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2011-2012

Submitted for information – the report of the Monitoring Officer appending the 2011/12 Annual Report of the Adjudication Panel for Wales.

It was noted that it would be desired to see more members from north Wales on the panel.

RESOLVED to note and accept the report.

12. THE OMBUDSMAN'S ANNUAL REPORT 2011-2012

Submitted for information – the report of the Monitoring Officer appending the Ombudsman's 2011/12 Annual Report.

RESOLVED to note and accept the report.

The meeting commenced at 10.30am and concluded at 12.35pm.