
STANDARDS COMMITTEE, 27.01.14

Present:-

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

Independent Members:- Mr Gwilym Ellis Evans (Chairman), Ms Linda Byrne, Miss Margaret E. Jones, Mr Sam W. Soysa and Dr Einir Young.

Community Committee Member:- Mr David Clay.

Also Present: Dilys Phillips (Monitoring Officer), Iwan Evans (Deputy Monitoring Officer), Arwen E. Jones (Senior Manager – Corporate Commissioning Service), Siôn Huws (Compliance and Language Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

Invited to the meeting by the Chairman: Councillor Lesley Day (Chair of the Democratic Services Committee).

Councillor Lesley Day was welcomed to the meeting.

1. DECLARATION OF PERSONAL INTEREST

Councillor Eryl Jones-Williams explained that he had received details of two cases included in item 9 on the agenda – Allegations Made against Councillors (cases number 201300346 and 3982/201301430) from another councillor and consequently he would not be participating in any discussion on the cases, although he did not have a personal interest in the item.

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 30 September 2013, as a true record.

3. ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2012-2013

Submitted for information – the annual report of the Adjudication Panel for Wales 2012-2013.

RESOLVED to note the report for information.

4. GIFTS AND HOSPITALITY REGISTER

Submitted – the annual report of the Monitoring Officer on the Gifts and Hospitality Register for Members. Members were asked to offer any observations on the report and to also offer further guidance on publishing the register on the Council's website.

The Monitoring Officer noted that although some more community councils had responded to the questionnaire since she had prepared the report, less than half of the

councils had responded. Of those, ten kept a register and no declarations had been made since May 2012.

The possible reasons for the low number of declarations in the County Council and the community councils were discussed e.g. no offers of gifts / hospitality having been made, unawareness of the need to register or a presumption that a gift was not important enough to be registered. The need for county councillors to be aware of the need to register was emphasised as the Gifts and Hospitality Protocol had been submitted to the full Council on 2 May last year.

It was noted that it would be interesting to see how the situation compared with other county councils.

Methods of raising awareness were discussed:-

- Community council clerks in relation to the need to record gifts and hospitality;
- County councillors in influential posts e.g. Cabinet members and the chairs of specific committees in relation to the procedure and the need for them to make declarations. It was also noted that the members of the Pensions Committee received a considerable amount of hospitality.

It was suggested that community councils should be asked to report on their registers / declarations to the Monitoring Officer on an annual basis.

The appropriateness of publishing Gwynedd's register on the Council's website was discussed. It was suggested not to do this at present, and in the meantime prepare the work so that the data was as transparent as possible to be published when necessary.

RESOLVED

- (a) To note and accept the contents of the report.**
- (b) To undertake comparative work with other counties and submit the information as part of the next annual report in January 2015.**
- (c) To send questionnaires to all the community councils on an annual basis from now on.**
- (ch) To defer publishing the register on the Council's website for the time being and prepare for when this would have to be done and reconsider the matter in a year's time.**

5. THE REGISTER OF INTERESTS

Submitted – the annual report of the Monitoring Officer on the Register of Interests and the declarations that had been made by members during the year. Members were asked to offer any observations on the steps to be taken in relation to registering interests and to also offer observations on the best way to publish the register on the internet.

The Monitoring Officer noted that 34 community councils had now responded to the questionnaire; five of these recorded interests at the start of the Council's term and 29 recorded interests during meetings.

The Monitoring Officer further noted that a considerable amount of work needed to be undertaken to get the message across to community councils regarding the need to publish their declarations online. She explained that each community council had been offered a grant of £500 from the Welsh Government to develop a website, partly for publishing their declarations but several of them had refused the grant, stating that they did not wish to develop a website, without realising that this would be enforced on them.

It was noted that if the members' interests forms were to be scanned online it would have to be ensured that they were clear and legible.

RESOLVED

- (a) **To note and accept the contents of the report.**
- (b) **In terms of the steps to take in relation to registering interests, concern should be expressed about the increasing work pressures on clerks and the fact that community councils do not feel they have sufficient resources to maintain websites.**

6. THE GWYNEDD STANDARD AND THE LOCAL RESOLUTION PROCEDURE

Submitted – the report of the Monitoring Officer detailing the implementation of the Gwynedd Standard and offering amendments to the Local Resolution Procedure in light of the experience of dealing with four complaints under that procedure during the period May 2012 to December 2013.

RESOLVED

- (a) **To note and accept the contents of the report.**
- (b) **To propose the following amendments to the Local Resolution Procedure:-**
 - (i) **The Monitoring Officer should not step aside during Stage 1 of the process and leave other officers to provide advice, as detailed work is undertaken during this stage to establish the facts and this stage is also the best opportunity to solve a complaint by discussing and negotiating with the members and between members. If a case the Monitoring Officer has been dealing with were to reach stage 3 in the process, the Deputy Monitoring Officer, or another representative, would have to advise the Standards Committee.**
 - (ii) **The procedure should refer to the need to hold an investigation to establish whether or not there are grounds to the complaint before progressing to the next stage.**
 - (iii) **The procedure should be more flexible in terms of the individuals who should be present at reconciliation meetings.**

7. ALLEGATIONS AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer on formal complaints made against members.

Also submitted was a copy of the decision made by the Adjudication Panel of Wales in the appeal case of Councillor A. M Jones confirming the Standards Committee's decision that the Councillor had breached the Code of Conduct and the decision to suspend him from being a member of Gwynedd Council for three months.

The Compliance and Language Manager outlined the statutory procedure which made it mandatory for the committee to publish a report on the outcome of the investigation and for the Monitoring Officer to publish that report on the Council's website. He also noted that Councillor Jones' suspension had come into force on 21 January.

On a general note, it was noted that it would be beneficial, in terms of tracking, if the reports from now on noted when each complaint had been received.

In reference to section 2.7 of the report, disappointment was expressed that the name of the person had been disclosed in the Press and a request was made to record the fact

that the name had not been released by the Monitoring Officer or the Standards Committee.

RESOLVED

- (a) That the Compliance and Language Manager prepares a report on the outcome of the investigation and the Monitoring Officer publishes it on the Council's website.
- (b) To complain to the Adjudication Panel that their letter had been received in English only and to draw this matter to the attention of the Language Commissioner, if necessary.
- (c) To instruct Councillor Jones to prepare a letter of apology and send it to the Chair of this committee to be approved before sending it to the complainant. It should also be explained to Councillor Jones that the panel had noted that his previous letter of apology following the hearing of the Standards Committee in September 2012 was inadequate.
- (ch) To instruct Councillor Jones to receive training on the Social Media Protocol for Councillors.
- (d) The reports should note the date each complaint is received from now on.

8. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted – the minutes of the Forum held on 21 October 2013.

Discontent was expressed that the minutes were only available in English. In response, the Compliance and Language Manager explained that this meeting had been held in Wrexham Council and although Conwy Council continued to administrate the Forum it was Wrexham's responsibility, as the council that was hosting the event to provide the minutes. He added that he had made enquiries and that the officer in Conwy had asked the officers in Wrexham for a translation.

RESOLVED

- (a) To send David Clay to the Forum's next meeting, if the Vice-chair is not available.
- (b) To draw Wrexham Council's attention to the fact that their failure to provide a Welsh version of the minutes was careless on their behalf and emphasise that this committee does not wish to receive minutes in English only again.

9. THE PROTOCOL FOR MEMBER-OFFICER RELATIONS

Submitted – the report of the Monitoring Officer recommending to the committee that they approve the Standard Protocol that was in the new Modular Constitution for adoption by the Council, but with some amendments in order to include in it those matters in the Council's existing protocol that were of most importance to the committee.

In reference to section eight of the Protocol – Involvement of Ward Councillors, a member noted that the Preparatory Meeting of the Corporate Scrutiny Committee had decided that he, along with the Member Support and Scrutiny Manager, should consider cases of lack of information sharing with local councillors and he suggested that investigations into such complaints should be deferred until the new Protocol had been adopted. The Monitoring Officer agreed with this.

RESOLVED to recommend the new format of the Protocol for Member/Officer Relations (Appendix 1 in the report) for the Council to adopt at its annual meeting in May in order to obtain better consistency with other councils in Wales and to ensure better clarity.

10. SOCIAL MEDIA PROTOCOL FOR MEMBERS

Submitted – the report of the Senior Manager – Corporate Commissioning asking the committee to approve the protocol on the use of social media by councillors.

The Chair of the Democratic Services Committee noted that she was of the opinion that the section of the protocol that dealt with incitement should be emphasised and suggested including the wording “*behaviour that is contrary to this Protocol should not be incited by others*” rather than the last bullet point in paragraph six.

To the contrary, others suggested that placing too much emphasis on the clause would prevent an open discussion from being held. It was also noted that verbal disagreement was a natural part of politics but there was a line that should not be crossed and the challenge was to define that line.

It was suggested that the wording should read that members should not use social media to incite any type of malicious personal campaign against other people.

The Social Media Protocol Task Group, the Chair of the Democratic Services Committee and the Senior Manager – Corporate Commissioning Service were thanked for their work.

RESOLVED

- (a) To recommend that the Council on 6 March approves the Social Media Protocol for Councillors subject to changing the wording of the section of the protocol that deals with incitement to emphasise that a personal malicious campaign should not be made against another person.**
- (b) That training sessions should be provided on the Protocol to members in the Arfon, Dwyfor and Meirionnydd areas and to invite the co-opted members to the sessions also.**

The meeting commenced at 11.00am and concluded at 1.10pm