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Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

PWYLLGOR SAFONAU
STANDARDS COMMITTEE

Dyddiad ac Amser / Date and Time

11.00am, DYDD LLUN, 7 EBRILL, 2014

11.00am, MONDAY, 7 APRIL, 2014

Lleoliad / Location

Ystafell Gwyrfai,
Swyddfa'r Cyngor / Council Offices,
Stryd y Jêl / Shirehall Street,
Caernarfon

Pwynt Cyswllt / Contact Point

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Dosbarthwyd/Distributed 28/03/14

**PWYLLGOR SAFONAU
STANDARDS COMMITTEE**

Aelodaeth/Membership

Aelodau Etholedig / Elected Members (3)

Y Cynghorwyr/Councillors
Charles Wyn Jones
Eryl Jones-Williams
Michael Sol Owen

**Aelodau Annibynnol (hefo pleidlais) / Independent Members (with a vote)
(5)**

Ms Linda Byrne
Mr Gwilym Ellis Evans
Miss Margaret E Jones
Mr Sam W Soysa
Dr Einir Young

**Aelod Pwyllgor Cymuned (hefo pleidlais) / Community Committee
Member (with a vote) (1)**

Y Cynghorydd / Councillor David Clay

Erill a wahoddir i'r cyfarfod / Others invited to the meeting

Cadeirydd ac Is-gadeirydd y Pwyllgor Gwasanaethau Democrataidd /
Chairman & Vice-chair of the Democratic Services Committee (eitem / item 5)

RHAGLEN

1. YMDDIHEURIADAU

Derbyn unrhyw ymddiheuriadau am absenoldeb.

2. DATGAN BUDDIANT PERSONOL

Derbyn unrhyw ddatganiad o fuddiant personol.

3. MATERION BRYD

Nodi unrhyw eitemau sy'n fater bryd ym marn y Cadeirydd fel y gellir eu hystyried.

4. COFNODION

Bydd y Cadeirydd yn cynnig y dylid llofnodi cofnodion y cyfarfod diwethaf o'r pwyllgor hwn a gynhaliwyd ar 27 Ionawr, 2014 fel rhai cywir (copi ynghlwm).

5. CADEIRYDD AC IS-GADEIRYDD Y PWYLLGOR GWASANAETHAU DEMOCRATAIDD

Croesawu Cadeirydd ac Is-gadeirydd y Pwyllgor Gwasanaethau Democrataidd i'r cyfarfod i gynnal trosolwg o swyddogaethau'r ddau bwyllgor gan ystyried sut y gallent gynorthwyo'r naill a'r llall, materion penodol yn ymwneud â safonau a godir yn y Pwyllgor Gwasanaethau Democrataidd a'r gefnogaeth a'r hyfforddiant sydd ar gael i gynghorwyr.

6. ADOLYGIAD O'R DREFN AR GYFER CEISIADAU AM ODDEFEBAU

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

7. HUNAN ASESIAID

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

8. RHAGLEN WAITH

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

9. HONIADAU YN ERBYN AELODAU

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

The Chairman shall propose that the minutes of the last meeting of this committee held on 27 January, 2014 be signed as a true record (copy attached).

5. CHAIRMAN AND VICE-CHAIRMAN OF THE DEMOCRATIC SERVICES COMMITTEE

To welcome the Chairman and Vice-chairman of the Democratic Services Committee to the meeting to undertake an overview of the roles of the two committees and to consider how they could assist one another, specific matters relating to standards which are raised at the Democratic Services Committee and the support and training available to councillors.

6. REVIEW OF THE PROCEDURE FOR APPLICATIONS FOR DISPENSATIONS

To consider the report of the Monitoring Officer (copy attached).

7. SELF ASSESSMENT

To consider the report of the Monitoring Officer (copy attached).

8. FORWARD WORK PROGRAMME

To consider the report of the Monitoring Officer (copy attached).

9. ALLEGATIONS AGAINST MEMBERS

To consider the report of the Monitoring Officer (copy attached).

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

Committee:	Standards Committee
Date:	7 April 2014
Title:	Review of the procedure for applications for dispensations
Author:	Monitoring Officer
Action:	To decide whether or not to amend the procedure

1. Background

1.1 When a member has a prejudicial interest under the Code of Conduct, he or she must disclose that interest and leave the meeting. He/she must not make any oral or written representations or try to influence the decision regarding the matter. The exception to this is when the member has been granted a dispensation by the Standards Committee.

1.2 The Standards Committee is entitled to grant a dispensation if the situation falls within one (or more) of the situations listed in the relevant regulations.

1.3 It is a matter for the committee to determine whether or not the application should be allowed in the circumstances and the Ombudsman offers the following guidance regarding what the committee should consider when reaching its decision:

“The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority.”

2. Applications to this Committee

2.1 **Appendix 1** provides a breakdown of the applications submitted to the Standards Committee since May 2008.

3. The Committee’s Existing Arrangements

3.1 There are no statutory procedures in place for dealing with applications and every Standards Committee implements its own arrangements. This Committee operates based on a written report by the Monitoring Officer which contains a copy of the application form as well as any additional information obtained by officers after contacting the applicant.

4. Allowing an applicant to attend

4.2 At its meeting on 28.01.13, the Committee considered the principle of allowing councillors to appear before the Committee to submit applications in person. It was suggested that having the opportunity to question candidates would be a way for the Committee to obtain more information regarding an application. However, the committee felt that this was not the best use of anyone's time, and that applicants should be requested to submit information in advance. It was decided to ask officers to consider whether adequate information has been included in the application prior to placing it on the agenda.

4.3 For this review, the practices of other standards committees in Wales were examined. It was observed that many of them allowed applicants to attend the meeting to submit their application. An example was also found of a community council clerk attending a meeting to provide information and answer questions regarding an application made by several members of his council.

4.4 Ceredigion Council, which has operated such a procedure since 2006, was contacted. Under its arrangements, the member must fill a form in every case i.e. whether he/she intends to attend or not. Not all applicants attend, but when it does happen, officers feel that it is beneficial for the committee by allowing members to ask questions directly to the applicant in order to have a better understanding of the background and the reason for making the application. As any member appearing before the committee would have a prejudicial interest in the matter, the Ceredigion Standards Committee has granted a general dispensation for all members to appear for the purpose of submitting an application for a dispensation.

4.5 It is considered that having the applicant present would provide the following advantages:

- Allowing the committee to make decisions based on all the relevant facts i.e. the nature of the interest, the matter under consideration and the reason for making the application
- Transparency and accountability in the way in which decisions are made
- Ensuring that the applicant has had an opportunity to submit his/her application in full.

4.6 The disadvantages of the system would be:

- Travelling time and costs for the applicant
- The time and location of meetings would not suit everyone
- Committee meetings would last longer

- A danger that the discussion could digress to discuss the matter which is the subject of the interest rather than whether or not a dispensation should be allowed

4.7 Should this committee decide to allow applicants to attend, the following points could be considered as a basis to the procedure:

- The applicant would be entitled to attend (but this would not be mandatory)
- The applicant would need to fill the form in all cases
- The applicant would be required to confirm in advance whether or not he/she intends to attend
- The Chairman to invite the applicant to submit his/her application
- It is possible to set a time limit (e.g. 5 minutes)
- Committee members to ask questions of the applicant regarding the application
- The applicant would not have the right to ask questions of the Committee
- The applicant to leave the room
- The Committee to discuss and reach a decision in the applicant's absence
- The applicant would be notified of the decision by being called back to the room, or by letter from officers

5. Form

5.1 A copy of the existing form is included in **Appendix 2**. The Committee's opinion is sought on the new draft form – **Appendix 3**.

6. Applications involving schools

6.1 In the past the Committee has set guidance to be considered when making decisions on applications relating to school organisation. The existing guidance is:

“That a father/mother, grandfather/grandmother, grandson/granddaughter, husband or wife, children, brother or sister would amount to too close a connection to allow dispensation in terms of a specific school, since it would be difficult for the public to gain confidence in the way a decision would be reached.”

6.2 Therefore, the Committee has refused to allow dispensations in full to members who have a connection which comes under this category. Nevertheless, members have been permitted to participate in the discussions of the Catchment Area Review Panels and to participate fully in Council discussions and its committees on matters relating to the organisation of the

county's primary schools, unless those discussions were directly associated with the school in question.

6.3 The Committee is asked to consider whether or not this guidance remains appropriate.

7. Recommendation

7.1 The Committee is asked to:

- (a) Consider whether applicants should be allowed to attend meetings to submit their applications
- (b) Consider the amended form
- (c) Consider any other changes that should be made
- (ch) Consider whether the guidance for applications involving school organisation remains appropriate

APPENDIX 1

Dispensations – Statistics

May 2008 – May 2012

Applications from county councillors	20
Allowed/partially allowed	16
Refused	4

Applications from town/community councillors	8
Allowed/partially allowed	3
Refused	5

Total of all applications received	28
Allowed/partially allowed	19
Refused	9

May 2012- March 2014

Applications from county councillors	2
Allowed/partially allowed	2
Refused	0

Applications from town/community councillors	2
Allowed/partially allowed	2
Refused	0

Total of all applications received	4
Allowed/partially allowed	4
Refused	0

Applications involving primary school reorganisation

2008-12

Number of applications	17 (Gwynedd Council members)
Allowed	15
Refused	2

2012-14

Number of applications	1 (Gwynedd Council member)
Allowed	1
Refused	0

This is the form for submitting an application for a dispensation, i.e. permission to take part in a discussion even though you have a 'prejudicial interest' under the Code of Conduct. The Standards Committee may grant a dispensation if the circumstances come within on of the paragraphs listed in the Appendix to this form.

1. Name _____ Council _____

2. What is the item in question?

3. What is your interest (i.e. your connection with the matter)?

4. Why do you believe you should be able to take part in the discussion?

5. Which paragraph(s) is/are relevant in your view? (see Appendix) _____

6. Are you applying for a dispensation to speak and vote or to speak only?

7. Are you requesting a dispensation for a particular meeting (if so provide details) or a general one so that you can take part whenever the matters arises?

Signed _____ Dated _____

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

*If you have any questions regarding this form, contact the Propriety Officer:
Tel. 01286 67916 e-mail - sionH@gwynedd.gov.uk*

Circumstances in which dispensations may be granted

“2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.”

(The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001)

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

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Application to the Standards Committee for a Dispensation



Please note that you **MUST** complete every part of this form.

1. PERSONAL DETAILS

Your name

Your council

Your address and contact telephone no.

2. DETAILS OF YOUR INTEREST

What is the item in question?

How does your interest in the item arise?

3. DETAILS OF YOUR APPLICATION

Are you applying for a dispensation to speak and vote or to speak only?

Are you requesting a dispensation for a particular meeting (if so provide details) or a general one so that you can take part whenever the matters arises?

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

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Regulations prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by a scrutiny committee and my interest is not pecuniary	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

Please explain below why you believe the Standards Committee should grant your application.

(please continue on a separate sheet if necessary)

Signed _____ Dated _____

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

*If you have any questions regarding this form, contact the Propriety Officer:
Tel. 01286 67916 e-mail - sionH@gwynedd.gov.uk*

www.gwynedd.gov.uk



Guidance Notes

1. This is the form for submitting an application for a dispensation, i.e. permission to take part in a discussion even though you have a 'prejudicial interest' under the Code of Conduct. Further information regarding interests can be found in the Code of Conduct itself, the Ombudsman's Guidance and the Gwynedd Council 'Interests' leaflet.

2. Circumstances in which dispensations may be granted

The Standards Committee may grant a dispensation if the application comes within one or more of the circumstances listed in the *The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001*:

“(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.”

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

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MEEETING	STANDARDS COMMITTEE
DATE	7, April, 2014
TITLE	SELF-ASSESSMENT
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER.

1. In its work programme for the year the Committee has noted that it will be holding a self-assessment at its meeting in April.
2. The purpose of the self-assessment is to give the Committee the chance to consider how it fulfils its responsibilities against the functions which it has been given under the regulations and in the Council's constitution.
3. The result will give the opportunity to influence the work programme in the future.
4. A draft is presented here of the self-assessment document which has been prepared by the officers. It has been drawn up in order for the Committee to have the opportunity to assess its work and its effectiveness against the statutory and constitutional requirements.
5. The Committee members are asked to consider the functions listed in the first column and then note which assessment they believe is relevant, using the following categories :

Category 1 - Evidence that the Committee is fully meeting the requirements.

Category 2 -Evidence that the Committee meets the basic requirements but can do more to fully comply.

Category 3 - No evidence that the Committee meets the requirements.

6. It is necessary to note the evidence which supports the category which the Committee awards. The column "Evidence" shows some examples of evidence, but it is possible that the Committee members are able to add to it.

7. By assigning a category to each function and noting the evidence, it is possible for the Committee to come to a conclusion regarding which further steps they need to take (if any). The last column contains some suggestions for further steps. These are the matters which will be fed through to the Committee work programme in the future.
8. **RECOMMENDATION.**

The Committee is asked to consider the draft documents and hold a self-assessment of its work.

SELF ASSESSMENT OF THE STANDARDS COMMITTEE - 7/4/14

<u>FUNCTION</u>	<u>ASSESSMENT</u> <u>(1/2/3)</u>	<u>EVIDENCE</u>	<u>FURTHER STEPS</u>
<p>Promote and maintain a high standard of conduct amongst members.</p>		<p>An annual report detailing the work of the Standards Committee has been published.</p>	<p>1. Members of the committee to attend meetings of the Council as observers on a regular rolling programme.</p> <p>2. Hold occasional meetings with the stakeholders who have an interest in standards of conduct, e.g. Chairman of the relevant committees, chief officers of the Council.</p>
		<p>An annual work programme for the Committee has been published.</p>	
		<p>A meeting was held with the leaders of the political parties.</p>	
		<p>The Chairman and Vice-chairman attended the North Wales Standards Committee Forum to share experiences with other standard committees.</p>	
		<p>The co-opted members have attended committees / meetings of the Full Council as observers.</p>	
<p>Assist the members to keep to the Code of Conduct.</p>		<p>A local resolution procedure for complaints which are not matters for investigation by the Ombudsman has been adopted.</p>	<p>Consider drawing up simple guidelines for members on how to deal with their contact with the Council in their role as private individuals (e.g. applicants for planning permission/ owners of companies which have contracts with the Council).</p>
		<p>A Social Media Protocol has been adopted.</p>	
		<p>The Member Member/Officer Protocol was reviewed.</p>	

<u>FUNCTION.</u>	<u>ASSESSMENT</u> <u>(1/2/3)</u>	<u>EVIDENCE</u>	<u>FURTHER STEPS.</u>
Advise the Council regarding adopting or amending the Code of Conduct.		Advice was given on the Code of Conduct in 2008.	
		Observations were made to the relevant Minister on reviewing the Code of Conduct.	
Monitor the operation of the Code of Conduct.		Reports are received regularly on allegations against members.	Look at the Ombudsman's casebook to see if there are any lessons to be learnt from other councils.
		Annual reports are received from the Ombudsman and the Wales Adjudication Panel.	
		Annual reports are received on the register of interests and the declarations made.	
		Annual reports are received on the register of gifts and hospitality.	
Advise, train or arrange training for members on matters relating to the Code of Conduct.		Annual reports are received on the training arranged during the year.	<ol style="list-style-type: none"> 1. Look at a way of assessing the quality and effectiveness of the training by analysing feedback forms. 2. Continue to offer updated sessions for members annually. 3. Continue to offer training sessions occasionally to committee members at the beginning of meetings in accordance with a training programme.
		Training for members of the county council was held in May, 2012 and July, 2013.	
		5 members of the Committee attended the Standards Conference held in April, 2013.	
		Occasional training sessions are held for Committee members before the formal meeting (the last one was in January, 2014).	

<u>FUNCTION.</u>	<u>ASSESSMENT</u> <u>(1/2/3)</u>	<u>EVIDENCE</u>	<u>FURTHER STEPS.</u>
Grant dispensations to members.		A "policy" on granting dispensations has been adopted.	Review the procedure regarding dispensations.
		A procedure for considering applications for dispensations has been adopted.	
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman.		A procedure for conducting hearings has been adopted.	Review the procedure for conducting hearings.
		One hearing has been held since 2012.	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation.		There has been no occasion to pay such an allowance.	
Exercise the above functions in relation to community councils.		Training sessions for community council clerks were held in the autumn of 2013.	Meet representatives from community councils to discuss how to achieve high standards of behaviour.
		A survey questionnaire regarding the register of interests was sent to community councils	
		A survey questionnaire regarding gifts and hospitality was sent to community council.	
		The annual report of the Committee is sent to all community councils.	

MEETING	STANDARDS COMMITTEE.
DATE	7, April, 2014
TITLE	FORWARD WORK PROGRAMME.
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER.

1. For two years now the Committee has prepared a work programme for the coming year.
2. The draft work programme for 2014/15 is presented here and the committee's approval is requested. Once approved, it will then be published on the Council's website.

STANDARDS COMMITTEE FORWARD WORK PROGRAMME 2014/15.

<u>DATE</u>	<u>TOPIC</u>	<u>PURPOSE</u>
7, April, 2014	Meet the Chairman and Vice-chairman of the Democratic Services Committee.	Discuss matters of general interest to both committees.
	Procedure for dealing with of dispensations.	Review the process of dealing with dispensation applications, receive a feedback report on applications made to date.
	Self-assessment of the committee's work	Hold a self-assessment of the committee's work up to now, and propose any changes.
	Allegations against members.	Receive the report and submit any observations
	Committee's Work Programme.	Approve the work programme for 2014/15.
30, June, 2014	The Standard Committee's Annual Report.	Approve the annual report on the work of the committee for the past year.
	Procedure for hearings.	Review the procedure for conducting hearings before the Committee
	Ombudsman's case book	Consider the contents of the Case Book (Code of Conduct) and note any lessons to be learnt.
	Allegations against members.	Receive a feedback report and submit any observations.
	North Wales Standards Committee Forum	Receive, for information, the minutes of the last meeting of the Forum.

<u>DATE</u>	<u>TOPIC</u>	<u>PURPOSE</u>
29, September, 2014	The Ombudsman's Annual Report.	Receive the annual report for information.
	The Annual Report of the Wales Adjudication Panel	Receive the annual report for information.
	Allegations against members.	Receive a feedback report and submit any observations.
	Meet representatives of the community councils	Hold discussions with representatives of One Voice Wales and/or the Society of Clerks of Local Councils on the work and of the committee standards matters.
26, January 2015	Register of Gifts and Hospitality	Receive the annual report on the register of Gifts and Hospitality (county council and community councils).
	Register of elected members interests.	Receive the annual report on the register of interests and the declarations made during the year (county council and community councils).
	Allegations against members.	Receive a feedback report and submit any observations.
	North Wales Standards Committee Forum	Receive for information the minutes of the last meeting of the Forum.
	Elect new members	Receive a report on the process of electing new members to the committee.

<u>DATE</u>	<u>TOPIC</u>	<u>PURPOSE</u>
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20, April, 2015	Meet the Chief Executive and representatives of the Council's Management Team.	Discuss the work of the committee and standards matters.
	Social Media Protocol	Receive a report on the operation of the protocol together with webcasting and remote attendance at committees in the context of standards and conduct.
	Allegations against members.	Receive a feedback report and submit any observations.
	The Committee's Work Programme	Approve the work programme for 2015/16.

Committee :	STANDARDS COMMITTEE
Date:	7 April 2014
Title	Allegations against members
Author:	Monitoring Officer
Action:	For Information

1. Background

The purpose of this report is to present information to the Committee regarding formal complaints made against members. The report is based on information received from the Ombudsman and the case references are his.

2. Complaints

2.1 Case No.201300346

Date received: 23/04/13

Complaint

That a county councillor had secretly filmed and recorded a conversation and then put it on his Facebook page.

Decision

Investigation continuing.

2.2 Case No.201301307

Date received: 06/06/13

Complaint

That a county councillor had behaved in a threatening manner towards the complainant.

Decision

Investigation continuing.

2.3 Case No. 4414/201301916

Date received: (arose from investigation into 2.1 above)

Complaint

The Ombudsman has decided to investigate matters that came to his attention as part of the investigation into another complaint against the councillor (para 2.1 above):

- Bringing his office as councillor or the authority into disrepute
- Conflict between the councillor's business interests and his role as councillor and misuse of his position as councillor
- Attending a meeting where a conflict of interests could arise ,contrary to the Monitoring Officer's advice
- Behaviour towards member of the public contrary to Code of Conduct

Decision

Investigation continuing.

2.4 Case No. 201301629

Date received: 17/06/13

Complaint

That a town councillor had failed to declare an interest at a meeting of the council.

Decision

Investigation continuing.

3. Cases heard by the Standards Committee.

The Adjudication Panel for Wales has now published its full decision on Cllr. Jones' appeal (see **Appendix**). Following its meeting on 27/01/14 a letter was sent to Cllr. Jones informing him of the committee's decision. A copy of the Committee's report was placed on the Council's website and at Siop Gwynedd, Caernarfon and a notice was placed in the newspapers as required by the regulations.

4. Recommendation

The Committee is asked to note the information.

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/006/2012-013/A

**APPEAL AGAINST STANDARDS COMMITTEE DETERMINATION IN
RELATION TO AN ALLEGED BREACH OF THE CODE OF CONDUCT**

APPELLANT: Councillor Aeron M Jones

RELEVANT AUTHORITY: Gwynedd Council

1. INTRODUCTION

1.1 An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Jones against the decision of Gwynedd Council's Standards Committee, dated 26 September 2012, that he had breached Gwynedd Council's code of conduct and should be suspended for 3 months.

1.2 In accordance with Cllr Jones' wishes, the Appeal Tribunal determined the appeal by way of written representations at a meeting on Friday 17 January 2014 at the Halliwell Centre, Trinity College, Carmarthen.

2. PRELIMINARY DOCUMENTS

2.1 Appeal Against Decision of Standards Committee

2.1.1 In letters dated 20 October 2012 and 18 October 2012, received by e-mail on 9 November 2013 the Adjudication Panel for Wales received an appeal from Cllr Jones against the determination of Gwynedd Council Standards Committee on 26 September 2012 that he had breached Gwynedd Council's code of conduct and should be suspended for 3 months.

2.1.2 The Standards Committee's determination followed its consideration of a report by the Public Services Ombudsman for Wales ("the Ombudsman") under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 and the 'Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001'.

2.1.3 The Standards Committee found that Cllr Jones had breached Gwynedd Council's code of conduct by posting unfounded allegations on his blog that the complainant intended to retire soon, as headmaster, and stand for election to the Council in a seat held by another councillor.

2.1.4 The Appeal Tribunal considered the following documentation:

- a. The Public Services Ombudsman for Wales' ("the Ombudsman") Report dated 25 April 2012 and the Appendices thereto;
- b. Gwynedd Council's Standards Committee Decision Notice dated 26 September 2012;
- c. Letters dated 18 and 20 October 2012 from Cllr Jones giving notice of his appeal against the Decision of the Standards Committee;
- d. Letter dated 6 January 2014 to the Adjudication Panel for Wales from the Ombudsman in response to Cllr Jones appeal;
- e. Gwynedd Council's Monitoring Officer's letter dated 6 December 2013 to the Adjudication Panel for Wales in response to Cllr Jones appeal.

2.2 The Appellant's Written Appeal to the Decision of the Standards Committee

2.2.1 By letters dated 18 and 20 October 2012, Cllr Jones appealed against the Decision of Gwynedd Standards Committee made 26 September 2012. The Ombudsman had received a complaint on 17 July 2011, that Cllr Jones had failed to observe the code of conduct for Members of Gwynedd Council in that he had on 6 July 2011 posted in his blog unfounded allegations that the complainant, a headteacher, intended to retire soon and to stand for election to the Council in a seat held by another councillor. The complainant had stated that the allegations were untrue and had complained that Cllr Jones was in breach of paragraph 6(1)(a) of the code of conduct (bringing the office of councillor or the authority into disrepute) by making unfounded allegations against a person who was on the Council's payroll and in breach of paragraph 7(a) (using or attempting to use the position of councillor to create a disadvantage for another person) by making unfounded comments which had the potential to put the complainant at a substantial disadvantage professionally.

2.3 Cllr Jones did not appear at the Standards Committee hearing and was not represented. The Monitoring Officer had explained to the Standards Committee that her secretary had received a telephone call from Cllr Jones the previous afternoon stating that he would not be attending the hearing because he would be attending a meeting of the Snowdonia National Park Authority.

2.4 Cllr Jones had been given notice of the Standards Committee hearing by letter dated 19 July 2012, in good time. The Standards Committee was not satisfied that he had sufficient reason for failing to attend or submit written representations. The Standards Committee proceeded to hear the complaint in the absence of Cllr Jones.

2.5 It is noteworthy that the Ombudsman had also encountered severe difficulties during the course of his investigation to elicit responses or timely responses from Cllr Jones. Even taking into account the fact that Cllr Jones unfortunately suffered flooding at his home which he alleged to have affected his ability to review his papers, his willingness to respond or respond in a timely manner to requests and correspondence sent to him in respect of the complaint

against him and its investigation, is characterised by what can only be regarded as a scant or deliberate disregard for the process.

2.6 It is clear to the Appeal Tribunal that Cllr Jones' attitude towards the Ombudsman, the Standards Committee and the Adjudication Panel can best be described as indifferent and contemptuous and an affront to the system or process that has been put in place to deal with complaints of this nature against Councillors.

2.7 The Standards Committee noted that Cllr Jones had failed to respond at all to any of the enquiries made of him during the investigation, had failed to provide any explanation for his conduct and had failed to appear before the Committee or to provide any representations. The Committee noted that he had missed 5 opportunities to explain his position to the Ombudsman.

2.8 The Standards Committee was of the view that Cllr Jones had paid scant regard to the standards regime, the requirements of the code of conduct and the role of the Committee and the Adjudication Panel for Wales.

2.9 The Adjudication Panel has encountered similar difficulties with Cllr Jones to that experienced by both the Ombudsman and the Standards Committee.

2.10 The Standards Committee considered the complaint against Cllr Jones and for the reasons clearly stated in its Notice of Determination dated 26 September 2012, determined that Cllr Jones had breached paragraphs 7(a), 6(1)(a), 4(b), and 6(2) of the code of conduct. The Committee suspended Cllr Jones for 3 months which was the maximum period it could suspend him. The Committee also resolved that he should remove the relevant page on his blog, apologise to the complainant and make himself fully conversant with the code of conduct.

2.11 Cllr Jones grounds for appeal (which are set out in his letters dated 18 and 20 October 2012) can be simply summarised and stated as follows:

- a. the Committee did not take account of the High Court Decision in Calver in considering the comments made in his blog concerning the complainant.
- b. the Committee had failed to interpret correctly the facts and were politically motivated.
- c. the comments on the blog were political and not personal.

2.12 The Appeal Tribunal has considered carefully all the evidence presented to it and the representations received.

3. APPEAL TRIBUNAL DECISION


3.1 The Appeal Tribunal concluded by unanimous decision that Cllr Jones' appeal should be dismissed. The Appeal Tribunal was satisfied that the grounds of appeal submitted by Cllr Jones were without merit. The comments on the blog were untrue and unfounded and were personal remarks against the complainant and not political ones. The comments related to the complainant's employment and could have been damaging for him in terms of his relationship with his employer

and those in the school where he worked.

3.2 The Appeal Tribunal concluded by unanimous decision that the decision of the Standards Committee should be upheld. Cllr Jones should be suspended for 3 months from being a member of Gwynedd Council. Further, he should as requested by the Standards Committee, apologise to the complainant and receive training in the code of conduct. The Appeal Tribunal also recommends that he should receive training on the WLGA Guide to Use of Social Media issued in October 2013.

3.3 Gwynedd Council and its Standards Committee are notified accordingly.

Prepared by Mr Gwyn Davies and signed in his absence by the Registrar to the Adjudication Panel

Signed.....
Mr Gwyn Davies
Chairperson of the Case Tribunal

Date 18 February 2014

Ms Juliet Morris
Panel Member

Miss Susan Hurds
Panel Member