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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, 30 MEHEFIN, 2014**

**11.00am, MONDAY, 30 JUNE, 2014**

Lleoliad / Location

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

Pwynt Cyswllt / Contact Point

**Eirian Roberts**

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*Dosbarthwyd/Distributed 23/06/14*

**PWYLLGOR SAFONAU  
STANDARDS COMMITTEE**

**Aelodaeth/Membership**

**Aelodau Etholedig / Elected Members (3)**

Y Cynghorwyr/Councillors  
Eryl Jones-Williams  
Michael Sol Owen  
[sedd wag / vacant seat]

**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

## **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 meetings of this committee held on the undermentioned dates be signed as true records:-

- (a) 7 April, 2014 (attached);
- (b) 12 June, 2014 (attached).

### **5. THE STANDARDS COMMITTEE'S ANNUAL REPORT 2013/14**

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

### **6. REVIEW OF THE STANDARDS COMMITTEE'S PROCEDURE FOR HEARINGS**

To consider the report of the Compliance and Language Manager (attached).

### **7. THE OMBUDSMAN'S CASE REGISTER**

To submit, for information, the first two editions of the Ombudsman's Case Register (attached).

### **8. ALLEGATIONS AGAINST MEMBERS**

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

### **9. NORTH WALES STANDARDS COMMITTEES FORUM**

To submit the minutes of the Forum held on 29 April, 2014 (attached).

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## STANDARDS COMMITTEE, 7.04.14

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**Present:-**

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

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

**Community Committee Member:-** Mr David Clay.

**Also Present:** Dilys Phillips (Monitoring Officer), Sion Huws (Compliance and Language Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

**Others invited to the meeting:** Councillor Lesley Day (Chair of the Democratic Services Committee) and Councillor Selwyn Griffiths (member of the Democratic Services Committee).

**Apologies:** Councillor Charles Jones; Dr Einir Young (Independent Member) and Councillor Anne Lloyd Jones (Vice-chair of the Democratic Services Committee).

### 1. DECLARATION OF PERSONAL INTEREST

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

### 2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 27 January, 2014 as a true record.

### 3. CHAIR OF VICE-CHAIR OF THE DEMOCRATIC SERVICES COMMITTEE

As it was not possible for the Vice-chair of the Democratic Services Committee, Councillor Anne Lloyd Jones, to be present, Councillor Selwyn Griffiths had been nominated to attend the meeting with the Chair, Councillor Lesley Day.

Councillors Lesley Day and Selwyn Griffiths were welcomed to the meeting.

An overview was undertaken of the functions of both committees and consideration given to how they could assist each other, specific matters relating to standards that were raised at the Democratic Services Committee and the support and training available to councillors.

The Chairs explained the roles and functions of both committees.

Opinion was sought from the representatives of the Democratic Services Committee on a series of questions, such as what the Standards Committee could do to promote higher standards and the main issues of conduct the Standards Committee should be discussing.

During the discussion the following suggestions were submitted:-

- (1) That a report on web-casting be submitted to the Standards Committee meeting of June / September in order to monitor the impact on members' conduct. The members should also have the opportunity to observe a committee as soon as the system would go live.
- (2) That the Monitoring Officer should send a letter to the new Ombudsman at the appropriate time to congratulate him in his post and to draw attention to the members' concerns regarding the time taken to investigate complaints. This matter should also be raised at the Chairpersons Forum.
- (3) That representatives of both committees were of the opinion that members who wished to make complaints against other members should be encouraged to use the Gwynedd Standard, rather than submit their complaint to the Ombudsman.
- (4) That the members needed more training on the Gifts and Hospitality Protocol, Declaration of Interest, the Social Media Protocol and the Code of Conduct.
- (5) That more needed to be done to promote the activity of the Standards Committee, such as including a summary of the committee's annual report in Newyddion Gwynedd.
- (6) That monitoring the attendance of members in committees / training should be added to the work programme of the Standards Committee and that both committees should collaborate on this matter.
- (7) A similar meeting should be held again within a year.

Representatives of the Democratic Services Committee were thanked for their valuable contribution to the discussion.

#### **4. REVIEW OF THE PROCEDURE FOR APPLICATIONS FOR DISPENSATIONS**

Submitted - the report of the Monitoring Officer asking the committee to consider:-

- (a) whether applicants for dispensations should be allowed to attend meetings of the Standards Committee to submit their applications;
- (b) the amended form for dispensation;
- (c) any other changes that should be made;
- (ch) whether the guidance for applications involving school organisation remained appropriate.

Referring to the question of allowing applicants for dispensations to appear before the committee to submit their applications in person, it was noted:-

- (1) This could cause delay should the date of the Standards Committee be inconvenient to the applicant.
- (2) That the amended application form was detailed and provided members with an opportunity to present their case in full.

In response to an enquiry, the Monitoring Officer confirmed that no precedent had been set either way in the past.

The Chairman suggested that 'uncle / aunt' should be added to the guidance relating to school organisation, however; others were of the opinion that this would be too broad and would be difficult to define. It was agreed that it would be appropriate to add 'partner' to the guidance.

#### **RESOLVED**

- (a) **To adhere to the existing procedure of not allowing applicants for dispensations to attend meetings of the Standards Committee to submit their applications.**

(b) To accept the amended application form for dispensation with the following changes / corrections:-

- To strengthen the opening statement to say that the form will not be considered if it has been completed incorrectly.
- To correct the English version of the second question in section 2 of the form to read “*How does your interest in the item arise?*”
- That the second question in section 3 of the form is divided in two as follows:-
  - “a) *Are you requesting dispensation for a specific meeting? (if so, provide details), or:*
  - “b) *Are you asking for general dispensation to participate whenever the matter arises?*”
- To replace the word ‘disability’ in the English version of section 2(i) of the notes at the end of the form.

(c) To amend the guidance for applications involving school organisation to read:-

*“That a father/mother, grandfather/grandmother, grandson/granddaughter, husband or wife, partner, 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.”*

## 5. SELF-ASSESSMENT

Submitted – the report of the Monitoring Officer asking the committee to consider a draft of the self-assessment document and to undertake a self-assessment of its work and effectiveness against the statutory and constitutional requirements.

The members were asked to consider the functions listed in the first column of the document and to note which assessment they believed was relevant to them using the following categories:-

Category 1 – Evidence that the committee was fully meeting the requirements.

Category 2 – Evidence that the committee was meeting the basic requirements, but could do more to fully comply.

Category 3 – No evidence that the committee was meeting the requirements.

The committee was also invited to add to the ‘Evidence’ and ‘Further Steps’ columns.

**RESOLVED to adopt the following as the committee’s self-assessment of its work (additions to the document in italic and underlined):-**

<b><u>FUNCTION</u></b>	<b><u>ASSESSMENT</u></b> <b><u>(1/2/3)</u></b>	<b><u>EVIDENCE</u></b>	<b><u>FURTHER STEPS</u></b>
Promote and maintain a high standard of conduct amongst members.	<u>2</u>	An annual report detailing the work of the Standards Committee has been published.	<p>1. Members of the committee to attend meetings of the Council as observers on a regular rolling programme <u>and that the Monitoring Officer decides which committees would be beneficial for the members to attend and to draw up a rota for them.</u></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>
		An annual work programme for the Committee has been published.	
		A meeting was held with the leaders of the political parties.	
		The Chairman and Vice-chairman attended the North Wales Standards Committee Forum to share experiences with other standard committees.	
		The co-opted members have attended committees / meetings of the Full Council as observers.	
Assist the members to keep to the Code of Conduct.	<u>1-2</u>	A local resolution procedure for complaints which are not matters for investigation by the	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).



		Ombudsman has been adopted.	
		A Social Media Protocol has been adopted.	
		The Member Member/Officer Protocol was reviewed.	

<b><u>FUNCTION.</u></b>	<b><u>ASSESSMENT</u></b> <b><u>(1/2/3)</u></b>	<b><u>EVIDENCE</u></b>	<b><u>FURTHER STEPS.</u></b>
Advise the Council regarding adopting or amending the Code of Conduct.	<u>1</u>	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.	<u>2</u>	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.	<u>1</u>	Annual reports are received on the training arranged during the year.	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
		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.	

			members at the beginning of meetings in accordance with a training programme.
		Occasional training sessions are held for Committee members before the formal meeting (the last one was in January, 2014).	4. <u>Monitor members' attendance of committees / training</u>

<b><u>FUNCTION.</u></b>	<b><u>ASSESSMENT</u></b> <b><u>(1/2/3)</u></b>	<b><u>EVIDENCE</u></b>	<b><u>FURTHER STEPS.</u></b>
Grant dispensations to members.	<u>1</u>	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.	<u>1</u>	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.	<b><u>Not applicable</u></b>	There has been no occasion to pay such an allowance.	
Exercise the above functions in relation to community councils.	<u>3</u>	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 conduct <b><u>and discuss the possibility of holding one meeting in the autumn in a central location with the community councils.</u></b>
		A survey questionnaire regarding the register of interests was sent to community councils	
		A survey questionnaire regarding gifts and hospitality was sent to community councils.	
		The annual report of the Committee is sent to all community councils.	

## 6. WORK PROGRAMME

Submitted – the report of the Monitoring Officer asking for the committee’s approval of the draft work programme for 2014/15.

**RESOLVED to agree on the following work programme:-**

### 30 June, 2014

- The Standards Committee’s Annual Report
- Procedure for hearings
- The Ombudsman’s casebook
- Allegations against members
- North Wales Standards Committee Forum
- Web-casting (or the September meeting)

### 29 September, 2014

- The Ombudsman’s Annual Report
- Annual Report of the Adjudication Panel for Wales
- Allegations against members
- Meet with community council representatives and discuss the possibility of holding one meeting in the autumn with community councils
- Training

### 26 January, 2015

- Gifts and Hospitality Register
- Elected Members’ Register of Interests
- Local Conflict Resolution Procedure
- Allegations against members
- North Wales Standards Committee Forum
- Election of new members

### 20 April, 2015

- Meeting with the Chief Executive and representatives of the Council's Management Group
- Social Media Protocol
- Members’ attendance of committees and training
- Allegations against members
- The Committee’s Work Programme

## 7. ALLEGATIONS AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer on formal complaints against members along with a copy of the Adjudication Panel for Wales’ full decision on the appeal of Councillor A.M. Jones.

Attention was drawn to the fact that the first complaint on the list had been in the hands of the Ombudsman for a year.

In response to an enquiry, the Compliance and Language Manager confirmed that no letter of apology had been received from Councillor Jones. It was explained that failure to apologise would in itself be a breach of the code and it would be possible to submit a further complaint should this be the case.

**RESOLVED to instruct the officers to follow up on the matter of the apology after Councillor Jones returns to his duties and to report back to the next meeting, and to the full Council, if he has not submitted a letter of apology.**

The meeting commenced at 11:00am and concluded at 1:00pm.

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## **SPECIAL MEETING OF THE STANDARDS COMMITTEE, 12.06.14**

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**Present:-**

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

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

**Community Committee Member:-** Mr David Clay.

**Also in Attendance:** Sion Huws (Compliance and Language Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

**Apology:-** Councillor Charles W. Jones.

### **1. DECLARATION OF PERSONAL INTEREST**

Due to the references to disability and the use of wheelchairs in the report under item 3, the following members enquired whether they should declare an interest for the reasons noted below:-

- Councillor Eryl Jones-Williams on the grounds that his wife was disabled and that he was Vice-chair of the Meirionnydd Access Group. The Compliance and Language Manager advised that this did not constitute an interest, but the member noted that he wished to declare that he was Vice-chair of the Access Group.
- Ms Linda Byrne on the grounds that she had worked as a Disability Advisor at the University for a number of years, and that her daughter was a wheelchair user. She was advised by the Compliance and Language Manager that this did not constitute an interest.

### **2. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED to exclude the press and public from the meeting during the discussion on the following items because of the likely disclosure of exempt information as defined in paragraph 18C, Part 4, Schedule 12A of the Local Government Act 1972. This paragraph applies because it concerns the deliberations of the Standards Committee in reaching a decision on a matter referred to it. It is believed that the information should not be disclosed due to the possibility that any publicity relating to the case could prejudice the councillors' situation prior to any hearings. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

### **3. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON AN INVESTIGATION INTO COMPLAINTS AGAINST COUNCILLOR 'A'**

Submitted – the report of the Compliance and Language Manager asking the committee to consider the Ombudsman's report and to reach a decision in accordance with the requirements of the relevant regulations.

Two complaints had been received against the councillor, and they were considered separately.

**RESOLVED in respect of the two complaints -**

- (a) That the member who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the relevant authority's code of conduct.**
- (b) That a special meeting of the Standards Committee should be called to consider and decide on the matters and to authorise the officers to make the necessary arrangements**
- (c) To hold the hearing on 14 July (with the 15<sup>th</sup> as a reserve date), to commence at 9.30am.**
- (ch) To invite the Ombudsman to the meeting.**

**4. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON AN INVESTIGATION INTO A COMPLAINT AGAINST COUNCILLOR 'B'**

Submitted – the report of the Monitoring Officer asking the committee to consider the Ombudsman's report and to reach a decision in accordance with the requirements of the relevant regulations.

**RESOLVED**

- (a) That the member who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the relevant authority's code of conduct.**
- (b) That a special meeting of the Standards Committee should be called to consider and decide on the matter and to authorise the officers to make the necessary arrangements.**
- (c) To hold the hearing on 24 July (with the 29<sup>th</sup> as a reserve date), in Room 2, Penarlâg Offices, Dolgellau if possible.**
- (ch) To invite the Ombudsman to the meeting.**

**It was further RESOLVED that the relevant papers are sent to the two members who are the subjects of the investigations by registered post.**

The meeting commenced at 2.00pm and concluded at 3.15pm.

<b>Committee</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>30 June 2014</b>
<b>Title</b>	<b>The Standards Committee's Annual Report 2013/14</b>
<b>Author</b>	<b>Monitoring Officer</b>
<b>Action :</b>	<b>Observations and approval</b>

### **Background**

1. The Standards Committee publishes its annual report as 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 generally.
2. I attach, for the Committee's attention a draft of the Annual Report for the period from 1 April 2013 to 31 March 2014.

### **Recommendations**

3. The Committee's observations and approval are invited



**GWYNEDD COUNCIL  
STANDARDS COMMITTEE**

**ANNUAL REPORT  
2013/2014**

# **FOREWORD BY THE CHAIRMAN**

[to follow]

**Gwilym Ellis Evans**  
**Chairman of Gwynedd Council's Standards Committee**

# **FOREWORD BY THE MONITORING OFFICER**

[to follow]

**Dilys A Phillips  
Monitoring Officer  
Gwynedd Council**

## **MEMBERS 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 represents the interests of town/community councils ('the Community Committee Member'), as well as three elected members of Gwynedd Council.

### **Independent Members**

#### **Gwilym Ellis Evans**

Gwilym lives in Dolgellau, where he ran a garage business for almost 40 years. He has served on several tribunals including Industrial and Social Services Appeals Tribunals and is currently a member of North Wales Valuation Appeals Tribunal. He is currently Chair of the Gwynedd & De Ynys Môn Citizens Advice Bureau and serves on the Meirionnydd CAB Consultative Committee. He is also a member of the Gwynedd Economic Partnership Steering Group and a Trustee Board Member of Age Concern Gwynedd & Môn.

#### **Samindre (Sam) W. Soysa**

Sam lives in Harlech and works as a Health & Safety Consultant in North Wales. He has worked in several senior management and business roles over the past 20 years, including 7 years with the Ministry of Energy in New Zealand. He is currently Vice-Chair & Trustee / Director of Gwynedd & De Ynys Môn Citizens Advice Bureau, and serves on the Consultative Committee of the Meirionnydd CAB. He also serves as an Independent Member on the Standards Committees for Snowdonia National Park Authority and the North Wales Fire & Rescue Authority.

#### **Linda Byrne**

Linda has lived in north Wales for ten years and now works at the Citizens Advice Bureau in Caernarfon as a volunteer. Her husband is Welsh and 3 of her grandchildren are Welsh speaking. She has lectured in colleges of further education in the north east of England and in Wales, before becoming a Student Disability Adviser at Durham University and subsequently Bangor University. She served as a Town Councillor for six years and a Borough Councillor for eight years in Sedgefield, Co. Durham.

#### **Margaret E Jones**

Originally from Llandrillo yn Rhos, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as headmistress. She is a

deacon in Eglwys yr Annibynwyr Siloh, Chwilog, was Chairman of the Council of the Union of Welsh Independents for 3 years and is also a former President of the Union. She was a member of Gwynedd Community Health Council and Vice Chairman until the reorganisation in 2010. She is also Chairman of the Chwilog Eisteddfod.

### **Dr Einir Young**

Einir is the Director of the Welsh Institute for Natural Resources at Bangor University and works to translate the vision of Bangor as 'The Sustainable University' into reality. Einir is particularly interested in promoting debate on the conflicts associated with achieving and maintaining an integrated balance of concerns for people, planet and prosperity in everything we do as businesses, organisations of all kinds and individually. Maintaining standards is as important to sustainability as recycling and saving energy and she welcomes the opportunity to contribute to Gwynedd's Standards Committee.

### **Community Committee Member**

#### **Councillor David Clay**

David has been an elected member of Barmouth Town Council for 28 years and has held the position of Chair on 4 separate occasions. He is immediate past Chair of the Meirionnydd Area Committee of One Voice Wales. Now retired, he was an hotelier in Barmouth for 30 years and was an active member of Mid Wales Tourism Council and in later years a Director of Mid Wales Tourism Partnership.

### **Gwynedd Council Members**

#### **Councillor Eryl Jones-Williams**

Eryl is a semi-retired freelance journalist who has represented Dyffryn Ardudwy and Talybont on Gwynedd Council since 2008. He is also a long-standing town and community councillor and has served as both Mayor and Chairman. He takes an active part in disability rights and is vice-chairman of the Meirionnydd Access Group as well as a member of the South Snowdonia Access Forum and the Betsi Cadwalader University NHS Community Health Council. He is currently chairman of the Gwynedd Central Licensing Committee, where is able to draw on his experience as a former licensee. A former Welsh Football referee his hobbies includes golf at Royal St David's Harlech and Dolgellau.

### **Councillor Charles Wyn Jones**

Charles was born in Llanrug, where he still lives. He has served on Llanrug Community Council, Arfon Borough Council and, since 1996, Gwynedd Council, where he was Chairman of the Council in 2004/5. He is a member of the governing bodies of Llanrug Primary School and Ysgol Brynrefail. He worked for British Telecom for 30 years, where he was planning manager for Gwynedd and head of the BT planning department in north Wales. After retiring he studied divinity through the University of Gloucestershire and has been a preacher for many years. He served on the North Wales Police Authority between 2003 and 2012, and was a member of the Authority's Standards Committee.

### **Councillor Michael Sol Owen**

Michael lives in Pwllheli and has represented North Pwllheli on Gwynedd Council since May 2012. He holds a degree in Physics and Material Science and was managing director of a company in Pwllheli and also worked as a business consultant for the Assembly. He has been a member of Pwllheli Town Council for over 30 years and is chairman of the Pwllheli Youth Project charity. Currently he is Vice-chairman of Gwynedd Council's Planning Committee and also serves on the Management Board of Cartrefi Cymunedol Gwynedd.

## THE COMMITTEE'S WORK

The Committee's main role is to promote and maintain high standards of conduct by councillors and to assist them to observe the Members' Code of Conduct. It is responsible for doing so for members of Gwynedd Council and the county's town and community councils.

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.

Additionally, the Committee is responsible for overseeing Gwynedd Council's Gifts and Hospitality Protocol for Members.

### Work Programme

A copy of the work programme is attached as an Appendix to this report.

### 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 three applications during this period:

<b>Nature of interest</b>	<b>Committee's decision</b>
A member of a town council was also a member of a local chamber of trade and tourism. Matters relating to that body were to be discussed by the council.	Granted.

### Allegations against members

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that members had breached the Code of Conduct:

<b>Allegation</b>	<b>Decision</b>
That a councillor had used his Facebook page to try to elicit negative comments from the public regarding a particular school.	Not to continue with investigation
Failure to declare an interest.	No investigation
That a councillor had stated on his Facebook page that an establishment had received a score of zero under the food hygiene scheme.	No investigation
Unacceptable behaviour by a councillor towards his neighbour.	No investigation
Passing on a financial offer on behalf of a local company, whilst aware that it was higher than an offer by another company.	No investigation.

### **Cases before the Committee**

No cases were referred for a decision by the Committee during the year, but the Adjudication Panel for Wales turned down an appeal by Councillor AM Jones, Gwynedd Council against the Committee's decision, in September 2012, to suspend him for three months.

### **The North Wales Standards Committee Forum**

North Wales Standards Committees Forum provides an opportunity for representatives of all the standards committees in north Wales to meet. The purpose of the forum is to enable standards committees to discuss and share ideas, good practice and resources, and also present a collective view on the national level. Forum meetings are attended by representatives from the Committee (usually the Chair and/or Vice-chair) and officers.

### **Protocol on the Use of Social Media by Councillors**



The Standards Committee and the Council's Democratic Services Committee agreed on the need for a protocol on the use of Social Media by councillors. A joint Task Group of three members of the two committees was established to draft such a protocol, which was adopted by the Council on 6 March 2014.

## **Code of Conduct Training**

The Monitoring Officer held training sessions for community and town council clerks. The sessions were arranged jointly with the Association of Local Committee Clerks and were held in Caernarfon and Dolgellau.

The members of the Committee received training from the Monitoring Officer on the role of the Standards Committee, the Code of Conduct, applications for dispensations and conducting hearings.

### **Useful Contacts**

- **Dilys Phillips, Monitoring Officer / Siôn Huws, Compliance & Language Manager**  
Gwynedd Council, Shirehall Street, Caernarfon, LL55 1SH  
E-mail: [SionH@gwynedd.gov.uk](mailto:SionH@gwynedd.gov.uk) Tel: (01286) 679168 Website: [www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)
- **Public Services Ombudsman for Wales** - [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
- **Panel Dyfarnu Cymru** - [www.adjudicationpanelwales.org.uk](http://www.adjudicationpanelwales.org.uk)

**STANDARDS COMMITTEE WORK PROGRAMME 2013-14**

**1 July 2013**

- Application for dispensation
- Creating a Work Programme for 2013-14
- Approval of the Committee's Annual Report
  - Feedback from the Wales Standards Conference

**30 September 2013**

- Meeting with the leaders of the Council's political groups
  - Establish a sub-group to draft a Social Media Protocol

**27 January 2014**

- The Monitoring Officer's Annual Report on the Register of Gifts and Hospitality for Members
- The Monitoring Officer's Annual Report on the Members' register of Interests
- The Monitoring Officer's Report on the operation of the Gwynedd Standard and the Local Resolution Procedure
- Approval of a new form for the Member/Officer Protocol
- Approval of the Social Media Protocol

<b>Committee</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>30 June 2014</b>
<b>Title</b>	<b>Review of the Standards Committee's Procedure for Hearings</b>
<b>Author</b>	<b>Compliance &amp; Language Manager</b>
<b>Action :</b>	<b>To review the procedure</b>

### **Background**

1. The Committee drew up a procedure for hearings of complaints against councillors in April 2011. On the basis of the experience of holding its first hearing, the Committee revised the procedure in 2012, which was used for the case that came before it later that year

2. The current procedure is attached and the Committee is asked for its comments. The Committee is also asked whether it feels that any other documents would be useful, e.g. a summary of the procedure during the hearing for distribution to all present.

### **Recommendation**

3. The Committee's is invited to comment on the hearings process and the current procedure.

# **GWYNEDDD COUNCIL STANDARDS COMMITTEE**

## **PROCEDURE FOR HEARINGS**

### **BACKGROUND**

1. These arrangements will be followed when the Standards Committee ('the Committee') is required to decide upon a complaint that a member has breached the Code of Conduct. If there is any conflict between this document and the provisions of Part III of the Local Government Act 2000 and relevant regulations, then the statutory provisions will prevail.
  
2. The Committee will have to decide on a complaint against a member either :
  - When a complaint is referred to the Monitoring Officer by the Ombudsman to investigate and then report to the Committee; or
  
  - When the Ombudsman refers his report to the Monitoring Officer to present to the Committee.

There are two possible steps to the procedure of considering a complaint:

### **THE FIRST STEP**

#### **THE FIRST MEETING OF THE STANDARDS COMMITTEE (INITIAL HEARING)**

3. Following receipt of the report by the Ombudsman or the Monitoring Officer ("the Investigating Officer") :
  - A hearing will be held to decide, on the basis of the Investigating Officer's report, either:
    - (a) that there is no evidence of any failure to comply with the Code of Conduct; or
    - (b) that any person who is the subject of the investigation should be given the opportunity to make representations (orally or in writing) to the Committee
  - An officer who has not been involved in the investigation or the complaint itself ('the Advising Officer') will be present to provide legal advice to the Committee.
  - Any criteria established to assist the Committee and to ensure consistency in decisions will be considered.
  - If it is decided to give the person who is subject to the complaint ('the Member') the opportunity to make representations (i.e. hold a full hearing) the Committee will:
    - Decide whether the Investigating Officer should be asked to attend to present the report explain any matters in it.
    - Decide on a date for the hearing to offer the Member (together with two alternative dates to be kept in reserve)

## THE SECOND STEP

### **THE FULL HEARING**

If the Committee decides that the Member should be given the opportunity to make representations, the following procedure will be followed:

#### **Before the Hearing**

4. The intention is to ensure that all parties to the hearing are able to participate in the full knowledge of the matters requiring investigation and that the proceedings are fair, transparent and impartial.

5. A questionnaire will be sent to the member who is the subject of the complaint to asking him/her to confirm in writing within 14 days whether he/she:

- wishes to submit written and/or oral representations,
- disagrees with any finding of fact in the report of the 'Investigating Officer'
- intends to be represented by a solicitor, barrister or any other person,
- wishes to call any witnesses to give evidence before the committee,
- believes that any part of the meeting/any documents should be confidential.

6. A meeting will be held between the Chair and the Advising Officer to consider whether there is sufficient information to hand for the hearing. They will decide on any further steps that are required to ensure that all the necessary information is available to the Committee, and/or any other questions regarding how the hearing should proceed. Such meetings can be held at any stage of the process, as required.

7. The Investigating Officer will be informed of the proposed hearing and ask whether he/she intends to attend.

8. The Member's responses will be sent to the Investigation Officer and ask him/her to confirm within 7 days whether he/she:

- intends to be represented at the hearing,
- wishes to call any witnesses to give evidence before the committee,
- believes that any part of the meeting/any documents should be confidential.

9. It will be made clear to all parties that details should be provided beforehand of all the findings of fact that they intend to challenge and the evidence that they intend to produce.

10. The following information will be sent to members of the Committee, the member and the Investigating Officer beforehand:
  - The Investigating Officer's report.
  - The written response from the Member
  - Any further written response by the Investigating Officer.
  - An outline of the main facts of the case that have been agreed and those that have not been agreed.
  - A list of witnesses who will appear.
  - Whether the Member will be attending the hearing, and whether he/she will be represented.
  - The procedure for the hearing.
11. If the member has said that he/she will be attending the hearing, he/she will be contacted a few days beforehand to confirm his/her attendance.

### **The Hearing**

12. The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing. The hearing should be kept as informal as it appears appropriate. There will be three possible stages to a hearing :

#### **Stage 1 of the hearing - Preliminary Procedural Issues.**

The Chair will welcome everyone and ensure that everybody present has been introduced. He/she will explain the practical arrangements for the day and will then explain the steps to be taken during the hearing itself.

There will be an opportunity first of all for the Committee to resolve any issues that have arisen regarding the way the hearing should be conducted, including :

- Whether public and press should be excluded from the hearing or parts of it.
- Any matters that have come to the Committee's attention after the agenda was prepared.
- Whether the hearing should proceed in the absence of any party.
- If the Member or the Investigating Officer is not present, or represented, at the hearing, the Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence hear and decide the matter in the party's absence. Alternatively it may adjourn the hearing.
- If the Standards Committee is satisfied (after receiving a medical certificate) that any party is unable, through sickness, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter

## **Stage 2 of the hearing – Deciding whether the Member has breached the Code of Conduct**

The Committee will have to decide on any disputed facts and whether what took place constituted a breach of the Code of Conduct by the Member.

### **General Rules of Procedure**

- Members of the Committee can ask questions of anybody present, at any time.
- No cross-examination by the parties will be allowed, but questions can be directed through the Chair.
- The Committee will decide factual evidence on the balance of probabilities.
- If any new matter or evidence is raised that could have been raised during the 'pre-hearing' process, the assumption will be that it should not be allowed unless there is good reason to do so.

### **The procedure will be as follows:**

- The Investigating Officer will be invited to present his/her report.
- He/she may call witnesses to give evidence, with the Committee's permission.
- The Committee may ask questions to the Investigating Officer and/or any witnesses.
- The Member may ask questions (through the chair) to the Investigating Officer and/or any witnesses.
  
- The Member will be invited to present his/her case
- He/she may call witnesses to give evidence, with the Committee's permission
- The Committee may ask questions to the Member and/or any witnesses.
- The Investigating Officer may ask questions (through the chair) to the Member and/or any witnesses.
- The Investigating Officer and the Member will be given an opportunity to sum up.
  
- The Committee will retire to consider its decision.
- If the Committee decides that the Member has breached the Code it will consider generally what kind of sanction would be appropriate in the circumstances.
- If the Committee decides that the member did not breach the code of conduct, it can still consider whether or not to make general recommendations to the Council to avoid similar situations arising in the future.
- Once the decision is reached and the meeting reconvened, the Chairman will announce the Committee's decision.

### **Stage 3 of the hearing – Deciding what action should be taken.**

If the Committee decides that a member has breached the code:

- The Chair will give an indication of the kind of sanction the Committee is considering and will invite representations from the parties.
- The Committee will retire to consider whether the member should be punished, and if so, what punishment should be imposed, and if there are any general recommendations that should be made to the Council.
- In respect of imposing a sanction, the Committee will decide either that:
  - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
  - (b) the Member should be censured or
  - (c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months,
- Once a decision is made and the meeting reconvened the Chairman will announce the decision.

### **After the Hearing**

13. A written decision will be provided in the form of a Decision Notice shortly after the hearing.
14. The Committee shall cause to be produced and distributed a report on the outcome of the investigation in accordance with the Regulations. The Monitoring Officer on receipt of the report shall publish the report as required by the Regulations.



**Gwynedd Standards Committee  
Hearing Questionnaire**

**Compliant made against: [name and authority]**

**Ombudsman’s Case Reference: [                    ]**

<b>1.</b>	<b>Do you intend to attend the Standards Committee to be held on [date of hearing] ?</b>  <b>Yes / No</b>  <b>If not, please explain why:</b>
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<b>2.</b>	<b>Are there any matters in the Ombudsman’s Report with which you disagree?</b>  <b>Yes / No</b>  <b>If so, please note what they are:</b>
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3. Do you wish to submit any representations or documents to the Committee?

Yes / No

*\*Any representations or documents should be submitted to the Monitoring Officer when returning this questionnaire, or by [two weeks before hearing] at the latest. Late evidence will not be allowed to be presented unless there is good reason for doing so.*

If possible list the documents below:

4.	<p><b>Will you be asking any witnesses to speak on your behalf at the hearing?</b></p> <p><b>Yes / No</b></p> <p><b>If you are, please note who they are and on which points they will be speaking.</b></p>
5.	<p><b>Do you believe that any parts of any documents that will be before the Committee should be kept from the public or that any part of the hearing should be held in private?</b></p> <p><b>Yes / No</b></p> <p><b>If you do, please explain the reasons:</b></p>

6.	<p><b>Will anyone be presenting your case on your behalf?</b></p> <p><b>Yes / No</b></p> <p><b>If so, please give their name(s) and confirm whether or not they are a solicitor or barrister:</b></p>
7.	<p><b>If you are to be represented by a solicitor/barrister, do you wish to make an application for an indemnity under the Council's policy? (See attached document for details of the policy).</b></p> <p><b>Yes / No</b></p>
8.	<p><b>Do you or your representatives or witnesses have any access problems or any other requirements (e.g. wheelchair access?)</b></p> <p><b>Yes / No</b></p> <p><b>If so, please provide details</b></p>

**Signed..... Dated.....**

**Please complete this questionnaire and return it to: The Monitoring Officer, Gwynedd Council, Stryd y Jêl, Caernarfon, Gwynedd, LL55 1SH**

# The Code of Conduct Casebook

Issue 1 November 2013

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## A word from the Ombudsman

I'm very pleased to introduce the first edition of 'The Code of Conduct Casebook'. 'The Ombudsman's Casebook' featuring investigations into complaints about maladministration and service failure is published quarterly and has proved of interest and value to its many readers. It's designed above all to highlight the findings of investigations and quick fixes so the other service providers can learn from them and improve public services.

For quite some time there have been calls for an equivalent publication on Code of Conduct investigations, but this has proved more challenging to produce. While maladministration cases result in reports and recommendations from my office, cases where there is evidence of a breach of the Code of Conduct are referred to either a Standards Committee or a Tribunal convened by the Adjudication Panel for Wales for a decision. Consequently, it is harder to provide the full story of a case in our summary. We have used the learning from Code cases in the form of case examples, however, in developing guidance for County Councillors and Community Councillors which is available here.

In order to develop the Code of Conduct Casebook, we have been including summaries in each report we produce, whether the case is referred or not. We're also grateful to the Local Authority Monitoring Officers and to the Adjudication Panel for Wales for allowing us to include links to their judgements so that the full story of each case can be told.

(Continued overleaf)

I hope you find them useful, and hope also that members of county and town and community councils will find them helpful in considering situations where the Code might possibly be breached. Recently, we have seen a welcome reduction in the number of cases being investigated by my office and I believe that the introduction of local resolution mechanisms by county councils has played an important part in this. Ideally, it would be good to see a further reduction in the months ahead.

The vast majority of councillors pursue their duties in a public spirited, open and transparent fashion. Examples of poor behaviour are thankfully rare. The real problems often arise where acrimony between councillors is allowed to develop to the point of continuous argument with sides being taken and entrenched positions adopted. Typically, this happens within town or community councils and the issues at the heart of the disputes, if they can even be remembered, are often trivial.

I hope that the councils concerned will take a long objective look at themselves, realise they are bringing themselves and their councils into disrepute, and seek assistance either from their monitoring officer or One Voice Wales to resolve the dispute. I would like to pay particular tribute to the Monitoring Officer of the City and County of Swansea who personally engaged in mediation in an attempt to end one particularly protracted squabble. His work, and that of his colleagues across Wales, has been of particular support to my office in improving adherence to the Code of Conduct.

Although this is the first Code of Conduct Casebook, I also anticipate it will be my last as I expect to move to a new role shortly. I would like to take the opportunity to wish all of those in local government in Wales the very best as they head into some very difficult times ahead, and also to pay tribute to the work of some key individuals and organisations who have contributed to driving up standards including the Adjudication Panel for Wales under the capable leadership of its president, Peter Davies; Stephen Phipps both as long time clerk to the Panel and in developing policy for the Welsh Government, and Steve Thomas and Daniel Hurford at the WLGA.



Peter Tyndall  
Ombudsman

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains the summaries of all reports issued by this office during the last six months, for which the findings were one of the four set out above. In reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known.

## Case Summaries

### **No evidence of breach**

#### **Promotion of equality and respect - City and County of Swansea**

**July 2013 - Case references 201204336, 201204337, 201204338, 201204389 & 201204706**

Following complaints made by five individuals, the Ombudsman investigated whether a Councillor had made insulting and abusive comments and behaved in an inappropriate manner during a Special Development Management and Control Committee meeting.

The Ombudsman obtained copies of relevant documents from the Council. The Ombudsman also obtained accounts of events from persons present at the meeting, which included members of the public, elected members and Council officers. The Councillor in question was also given an opportunity to respond to the complaint.

Having considered the available information, the Ombudsman concluded that there was no evidence that the Councillor had breached the Code of Conduct.

#### **Promotion of equality and respect – Powys County Council**

**June 2013 - Case reference 201203179**

The Ombudsman received a complaint that a member of Powys County Council breached the code of conduct by sending letters to members of Llandrindod Wells Town Council which contained untrue statements which caused the complainant to suffer harassment, alarm and distress.

The investigation considered whether the Councillor had breached the paragraphs of the Code relating to bullying and harassment and bringing the office of the member into disrepute. The Ombudsman obtained evidence from the Police and County Court; the Councillor in question also provided written comments. Having considered the evidence gathered, it was concluded that, in circulating the letters, it was not the Councillor's intention to cause harassment, alarm or distress to the complainant. It was also established that the statement made in the Councillor's letters (notwithstanding the probable misapplication of terminology in respect of one statement) were in the main representative of the truth.

The finding was that there was no evidence of any failure to comply with the Code of Conduct.



## **Disclosure and registration of interests – Cefn Community Council July 2013 - Case reference 201202501**

Mr A complained that a member of Cefn Community Council had failed to declare a personal and prejudicial interest in the business of a charitable trust of which he was a trustee by virtue of his status as a Cefn Community Council councillor. Mr A said that the interest was that the Councillor's close personal friend was the General Manager of a football club which played on a pitch owned by the charitable trust. Mr A also complained that the Councillor had used his position to disadvantage the football club after his friend had resigned from the club.

The Ombudsman considered various minutes arising out of Community Council and charitable trust meetings, as well as copies of documentation relating to the status of the charitable trust. The Ombudsman considered complaint correspondence which had been exchanged by the Community Council and also interviewed three members of the Community Council as well as the Clerk.

The Ombudsman found no evidence that the Councillor had used his position to disadvantage the football club. The Ombudsman did not consider that the Councillor's association with the Football Club's General Manager was such that it gave rise to the need to declare a personal interest.

The Ombudsman's finding was that there was no evidence of a breach of the Code.

## **No action necessary**

### **Promotion of equality and respect – Isle of Anglesey County Council August 2013 - Case reference 201204406**

A complaint was made that a member of the Isle of Anglesey County Council had breached the code of conduct during the live broadcast of a current affairs programme in conflict with one of the panellists by making comments about the panellist that were considered to be personal, insulting and unnecessary.

The conclusion was that the Councillor's comments were in general political rather than personal expressions and that they were not a matter of breaching the code. However, during part of the discussion, the Councillor made a comment regarding the panellist's lineage. It was considered that what was said could possibly be interpreted as being a personal and unnecessary expression and not a political one. It was considered that his comments were unwise and inappropriate.

The finding was that there was no need to take action in respect of the matters investigated.

### **Promotion of equality and respect – Caerphilly County Borough Council August 2013 - Case reference 201203463**

The Ombudsman received a complaint that a member of Caerphilly County Borough Council had failed to observe the code of conduct for members of the Council. It was alleged that, during a meeting of Pentricwm Community Association (PCA), the Councillor had accused the complainant of failing to maintain confidentiality in the context of their work in cancer care. The complainant said that the accusation damaged their reputation and lowered their standing in the community. The complainant also alleged that the Councillor pointed their finger and shouted directly at them. The complainant said that the Councillor continued to verbally attack them and refused several requests from the chairperson to stop.

During the investigation evidence was obtained from the Council and the PCA. The Councillor in question, the complainant, and four witnesses were also interviewed.

The investigation found that there was evidence to suggest that the Councillor may have breached the Code by failing to show respect and consideration towards the complainant. However, there was conflicting evidence about exactly what was said and how it was said. There was also evidence to suggest that whatever exchange did take place was in the heat of the moment following an element of provocation from other people. The Councillor was reminded of their obligation under the Code and it was found that no action needed to be taken in respect of the matters investigated.

**Promotion of equality and respect – Penmaenmawr Town Council  
July 2013 - Case reference 201201768**

Ms W complained that a member of the Town Council had acted aggressively towards her. This was witnessed by others.

The Councillor was interviewed and strenuously denied the allegation. Having investigated, the Ombudsman determined that, as the evidence was contradictory, no further action would be taken.

**Promotion of equality and respect – Member of Llanfaelog Community Council  
July 2013 - Case references 201201908, 201201909, 201201910, 201201911 &  
201201913**

A number of complaints were made regarding the behaviour of a Councillor from Llanfaelog Community Council. It was alleged that the Councillor had used bad language and had behaved inappropriately during a meeting.

The Ombudsman decided to investigate the matter to determine whether there was evidence of breaches of the Code of Conduct, which requires members to show respect and consideration to others and not to conduct themselves in a manner which could bring the role of member or the Council itself into disrepute.

Evidence was obtained from all members of the Council who were present at the meeting. The evidence gathered supported the fact that the Councillor was heard muttering offensive words under his breath. However, it does not appear that the language used was specifically directed at an individual. The Councillor said that it was possible he used the language described as a means of voicing his frustration during the meeting.

The Ombudsman found that the evidence suggested that the Councillor's actions may have breached the Code. However, whilst he would not in any circumstances condone the use of such language, when reaching his decision, the Ombudsman was mindful of the fact that this was an isolated incident, the comments were made in the heat of the moment and were not directed at a particular person. On this basis, the Ombudsman decided that no further action needed to be taken in respect of the matters investigated.

### **Disclosure and registration of interests – Cefn Community Council July 2013 - Case reference 201202499**

Mr A complained that a member of Cefn Community Council had failed to declare a personal and prejudicial interest in the business of a charitable trust of which he was a trustee by virtue of his status as a Cefn Community Council councillor. Mr A said that the interest was that the Councillor's son was the Assistant Manager of a football club which played on a pitch owned by the trust. Mr A also complained that the Councillor had used his position as councillor to disadvantage the football club after his son had resigned from the club.

Having investigated, the Ombudsman found no evidence that the Councillor had used his position to disadvantage the football club but did find that he may have failed to properly declare a personal and prejudicial interest. Whilst the Ombudsman concluded that the evidence was suggestive of a breach of the Code of Conduct, there was no evidence to suggest that the Councillor had done so deliberately.

The Ombudsman's finding was that no further action was necessary in respect of the matters complained about.

### **Disclosure and registration of interests – Cefn Community Council July 2013 - Case reference 201202500**

Mr A complained that a member of Cefn Community Council had failed to declare a personal and prejudicial interest in the business of a charitable trust of which he was a trustee by virtue of his status as a Cefn Community Council councillor. Mr A said that the interest was that the Councillor's brother-in-law was the general manager of a football club which played on a pitch owned by the trust. Mr A also complained that the Councillor had used his position as councillor to disadvantage the football club after his brother in law had resigned from the club.

Having investigated, the Ombudsman found no evidence that the Councillor had used his position to disadvantage the football club but did find that he may have failed to properly declare a personal and prejudicial interest. Whilst the Ombudsman concluded that the evidence was suggestive of a breach of the Code of Conduct, there was no evidence to suggest that the Councillor had done so deliberately.

The Ombudsman's finding was that no further action was necessary in respect of the matters complained about.

### **Disclosure and registration of interests – Rogiet Community Council June 2013 - Case reference 201204415**

The Ombudsman received a complaint that a former member of Rogiet Community Council had breached the Code of Conduct. It was alleged that the former Councillor had failed to declare an interest during meetings of the Community Council. The former Councillor was co-opted to the Community Council in July 2012. The Community Council managed allotments on behalf of the County Council. The former Councillor had been an allotment holder for several years.

The investigation considered information from the complainant, the former Councillor, the Community Council and Monmouthshire County Council. The investigation concluded that the former Councillor had, on occasion, failed to declare a personal interest in the Community Council's discussions about the allotments. The former Councillor's conduct was therefore suggestive of a breach of the Code. However, the former Councillor had stepped down from the Council in April 2013. Therefore, the Ombudsman found that no action needed to be taken in respect of the matters investigated. The former Councillor was reminded that, if he were to be elected as a member of a council in the future, he should be mindful of his obligation to comply with the Code.

### **Disclosure and registration of interests – Blaengwrach Community Council June 2013 - Case reference 201204755**

The Ombudsman received a complaint that a Councillor had breached the Code of Conduct on 14 February 2013 by remaining in the room when the Community Council discussed matters relating to her husband. The complainant also complained that the Councillor and others made inappropriate remarks to her for having reported her husband's behaviour to the Community Council. This had caused the complainant concern.

Although the recollections of the parties varied as to the exact circumstances under which the Councillor remained in the room when matters relating to her husband were discussed, it was the Ombudsman's view that she should not have remained. It is the responsibility of each member to decide whether or not they have a personal interest and the views of other members on the matter are not relevant. Further, it is clear that a matter concerning a person so closely related to a member gives rise to a personal and prejudicial interest.

The Code itself and the Ombudsman's Guidance to Members are quite clear on these matters. The Ombudsman provisionally found that there was evidence that a breach may have occurred under the relevant provisions of the Code, but that it was unlikely that a sanction would be applied if the breach were found. In accordance with his procedures, the Ombudsman consulted with the Monitoring Officer, who agreed that a sanction was unlikely but said that he would issue appropriate advice to the Community Council on the subject of personal interests. The Ombudsman concluded that in the circumstances of this particular complaint, no further action was necessary.

With regard to the concerns about inappropriate comments being made by the Councillor, the Ombudsman was not persuaded that the comments as reported provided sufficient evidence of a breach. The Ombudsman's finding in relation to that matter was that there was no evidence of a breach under the relevant provision.

**Duty to uphold the law – Pembrokeshire County Council  
July 2013 - Case reference 201201986**

A complaint was made that a former Councillor had used the Council's computer systems to produce election leaflets for his colleagues. The former Councillor was interviewed and accepted that he had created, or been the last person to have saved, 23 files of election material and manifestos for some candidates who had difficulty using computers. He said that none of the files were printed using the Council's resources.

The former Councillor accepted that the Council's internal policy and the Code of Conduct did not permit members to use its resources for political purposes. He also accepted that he was wrong to have done so and was of the view that the rules concerning the use of Council computers should be changed.

There was evidence suggestive of a breach of the Code and the matter was referred to the Council's Monitoring Officer to determine whether he wanted to consider the matter locally. The Monitoring Officer agreed with the Ombudsman that, as the former Councillor had resigned and moved away from the area, no further action needed to be taken

**Objectivity and propriety – Llandrindod Wells Town Council  
April 2013 - Case reference 201204096**

The complaint arose as a consequence of another complaint which was being investigated. The investigation considered that the Councillor may have breached the Code of Conduct in the way that he handled a complaint to the Council about another Councillor's behaviour.

It appeared that the Councillor had not considered his personal association with the person complained about, and also failed to comply with the Council's procedure and this may have brought the Council into disrepute. The evidence also indicated that the Councillor may have disclosed information which could reasonably be regarded as confidential.

The Ombudsman decided that, whilst there was evidence to suggest breaches of the Code of Conduct, the matters were minor in nature and it was unlikely that a standards committee would impose a sanction. The matter was referred to the Council's Monitoring Officer, who considered that further local investigation was not appropriate.

## Referred to standards committee

### **Objectivity and propriety – Gorseinon Town Council April 2013 - Case reference 201201628**

The Ombudsman received a complaint that a member of Gorseinon Town Council had failed to observe the Code of Conduct. It was alleged that the Councillor had made untrue and malicious statements about a local bar and restaurant in a Town Council meeting. The complainant said the comments were later reported by the South Wales Evening Post and associated website. The complainant said that the Councillor lived close to the premises and was using his position to “continue a vendetta” against it.

The Councillor said that he had not received training on the Code and he did not believe he had breached it. He said his comments were “...genuinely held, reasonable and honest beliefs and represented ...the views of [his] constituents [and] many residents of Gorseinon...”. He confirmed that he made the comments but said he did not know the press were present. He said that if he had known he may “...have chosen [his] words differently...”.

The investigation established that the Councillor may have had a personal and prejudicial interest in the Council’s discussions about the restaurant. The Ombudsman concluded that the Councillor’s conduct was suggestive of a breach of the Code. The Ombudsman’s report was referred to the Monitoring Officer of the City and County of Swansea for consideration by its Standards Committee. It determined that the Councillor’s conduct had breached the Code but concluded that no further action should be taken.

The decision of the Standards Committee can be found [here](#).

### **Promotion of equality and respect – Monmouthshire County Council March 2013 – Case reference 201102666**

The Ombudsman received a complaint from an officer of Monmouthshire County Council that a member of the Council had failed to observe the Code of Conduct. It was alleged that the Councillor had provided information about the officer’s private life to other members and a member of the public.

It became apparent during the course of the investigation that the Councillor may also have failed to act within the scope of the dispensation awarded to him by the Council’s Standards Committee. That dispensation restricted his ability to participate in discussions involving the operation of a local attraction in which his wife worked, and in which he therefore had a personal and prejudicial interest.

The evidence found by the Ombudsman's investigation suggested that the Councillor may have breached provisions of the Code of Conduct. The Ombudsman decided to refer the matter to the Council's Monitoring Officer, for consideration by the Council's Standards Committee. It concluded that the Councillor had breached the specified paragraphs of the Code and determined that he should be suspended for four months.

The decision of the Standards Committee can be found [here](#).

### **Integrity – Neath Port Talbot County Borough Council February 2013 – Case reference 201200387**

A member of the public complained that a member of Neath Port Talbot County Borough Council had sent out an election letter using Council-headed paper before the election that took place on 3 May 2012.

The Ombudsman concluded that the evidence that he had obtained during his investigation suggested that the Councillor may have misused the Council's resources for political purposes, thereby bringing their office or authority into disrepute. The Ombudsman decided that he should refer his report on this investigation to the Monitoring Officer of Neath Port Talbot County Borough Council, for consideration by the Council's Standards Committee.

It found that the Councillor had breached the Code and censured him for both breaches and required him to attend training, on the Code, within three months.

The decision of the Standards Committee can be found [here](#).

### **Objectivity and propriety – Llandudno Town Council February 2013 – Case reference 201103150**

An individual complained that a member of Llandudno Town Council breached the Code of Conduct for members when she attempted to enter their licensed premises after hours by saying that she was a Town Councillor. The complainant said that, when her request was refused, she became abusive and made threats concerning their licence and business. Subsequently, the member circulated unfounded written allegations about the complainant's behaviour to other town councillors and senior elected members, which were investigated by the County Council's licensing officer.

The Ombudsman concluded that the Councillor's actions in attempting to gain entry to the licensed premises after hours, and subsequent e-mail to other town councillors and elected members making unfounded comments about the complainant's behaviour, suggested that she had misused her position as a councillor and thereby brought the office into disrepute. He referred the matter to the Monitoring Officer of Conwy County Borough Council for consideration by the Council's Standards Committee.



It found that the Councillor's actions, in using her position in order to confer an advantage for herself, had brought her office into disrepute. The Standards Committee also found that the Councillor had failed to comply with requests made by the Ombudsman's office during the investigation. The Councillor was suspended for a period of six months.

The decision of the Standards Committee can be found [here](#).

### **Objectivity and propriety – Powys County Council February 2013 – Case reference 201200003**

It was alleged that a Councillor had breached the Code of Conduct for members of Powys County Council in that he disclosed sensitive information which was given to him in confidence and which he knew, or reasonably should have known, it to be confidential.

The Ombudsman concluded that the evidence suggested the Councillor had been provided with confidential information which he had then disclosed, and that in doing so, he may have breached the Code of Conduct. The Ombudsman decided that his report on this investigation should be referred to the Monitoring Officer of Powys County Council for consideration by its Standards Committee.

It found that the Councillor had disclosed information he knew to be confidential and so had breached the Code and, in so doing, brought his office as a member into disrepute. The Councillor was suspended for a period of one calendar month.

The decision of the Standards Committee can be found [here](#).

## Referred to Adjudication Panel for Wales

### **Promotion of equality and respect – Flintshire County Council July 2010 – Case reference 200802503**

The Ombudsman investigated a complaint against a member of Flintshire County Council. The complaint alleged that the Councillor breached the Code of Conduct by failing to show respect and consideration for officers of the Council; by using bullying or harassing behaviour; attempting to compromise the impartiality of officers and, in so doing; that he conducted himself in a manner likely to bring the office of member of the Council into disrepute.

The Adjudication Panel found that the Councillor had breached the Council's Codes of Conduct which were in force at the time of the events being complained about. It decided that the Councillor should be disqualified from being or becoming a member of an authority for a period of two and a half years.

The decision of the Adjudication Panel can be found [here](#). The former Councillor has been granted leave to appeal the decision to the High Court.

### **Integrity – Ceredigion County Council January 2013 – Case reference 201102175**

The Ombudsman received a complaint that a former Councillor had failed to observe the Code of Conduct for members of Ceredigion County Council. It was alleged that the Councillor had over-claimed mileage expenses over a period of 11 years.

During his investigation, the Ombudsman took account of the fact that a Council investigation found that the Councillor had over-claimed expenses as a Member and as Chairman of the Council. The Councillor repaid £5100.42 to the Council.

The Ombudsman concluded that the evidence suggested breaches of the Code relating to misusing his position to gain an advantage for himself, failing to follow the Council's requirements when claiming expenses thereby bringing the office into disrepute. His report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal. The tribunal found that the Councillor had breached the Code and that he should be disqualified, for a period of three months, from being or becoming a member of Ceredigion County Council or any other relevant authority.

The decision of the Adjudication Panel for Wales can be found [here](#).

### **Integrity – Mumbles Community Council January 2012 – Case reference 201002266**

A Councillor alleged that another member of Mumbles Community Council had failed to observe the Code of Conduct. It was alleged that the accused Councillor had brought the office of Councillor and the Council into disrepute by making misleading statements about his assets to an Employment Tribunal.

The Ombudsman concluded that there was evidence to suggest that the Councillor's conduct may have breached the Code. His finding was that his report should be referred to the Monitoring Officer of the City and County of Swansea, for consideration by the Standards Committee.

It found that the Councillor's conduct in relation to misleading statements he had made about his assets amounted to a breach of the Code in that it had brought his office as Councillor and the Council into disrepute. It decided that the Councillor should be suspended from being a member of the Council for a period of 18 weeks.

The Councillor subsequently appealed to the Adjudication Panel for Wales. The Adjudication Panel for Wales unanimously endorsed the decision that the Councillor had breached the Code of Conduct. It also endorsed the decision to suspend him from being a member of the Council for a period of 18 weeks.

The decision of the Adjudication Panel for Wales can be found [here](#).

## More Information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to [James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk) or sent to the following address:

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# The Code of Conduct Casebook

Issue 2 May 2014

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## A word from the Ombudsman

The Code of Conduct Casebook was introduced by my predecessor, Peter Tyndall, as a mechanism for focussing attention on the work of this office in investigating complaints about alleged breaches of the Code of Conduct applicable to all councillors, in whatever capacity they may be serving and irrespective of the Council on which they sit. Mr Tyndall has now moved to a new post as the Ombudsman and Information Commissioner for Ireland and, thus, it falls to me as the Acting Public Services Ombudsman for Wales to provide the introduction for this second edition.

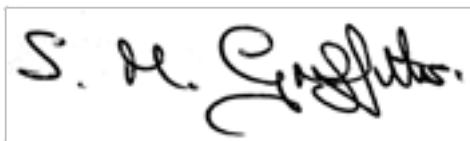
It is pleasing that the number of complaints we have received concerning alleged breaches of the code of conduct has fallen. It is too early to tell whether this is a long term trend and whether we will again receive a high number of complaints during an election year, but this may partly be down to local resolution processes which have now been in operation across Wales for some time. There are for those taken into investigation by this office four possible outcomes, as detailed more fully in the Introduction to this Casebook; namely, no evidence of breach of the code or no action needed and referral to an authority's standards committee or the Adjudication Panel for Wales. Given the sheer volume of work that is undertaken by Council Members, it is very pleasing to note that the numbers of members who are complained about are relatively few, leading to the conclusion that the vast majority of such work is undertaken without any adverse issues arising. This is undoubtedly to the benefit of constituents.

Reviewing the complaints which have arisen in the last six months, it is noteworthy that there are three main areas that give rise to disputes.

The first relates to the difficulty that councillors may have differentiating between activities undertaken in their official role and things done in a private capacity. It can be a difficult line to draw. More significantly, constituents may only see the official persona and always expect their councillors to behave in a manner befitting the role and not act in any way that might bring their office into disrepute.

The second theme relates to the relationship between councillors themselves and between councillors and officers. It is to be expected that councillors will be passionate about pursuing the interests of their constituents but it may be that there is a legitimate difference of opinion between fellow councillors or between councillors and officers as to how this is best to be achieved. Naturally, it is crucial that forceful lobbying does not step over the mark into bullying or harassment, either of which would involve a breach of the Code.

Finally, councillors should always be aware of the divide between, on the one hand, their actions as a councillor representing their constituents and, on the other hand, their political activities. This distinction can be crucially important in relation to the use of council facilities which will be legitimate when acting as a councillor but unacceptable when being utilised for political purposes.



Professor Margaret Griffiths  
Acting Ombudsman

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains the summaries of all reports issued by this office for which the findings were one of the four set out above. In reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October 2013 to March 2014, but also includes the summaries of older cases for which the standards committee or Adjudication Panel hearings were concluded during this period.

## Case Summaries

### No evidence of breach

#### **Blaenau Gwent County Borough Council – Promotion of equality and respect Case reference 201305131 – March 2014**

The Ombudsman received a complaint that, following a meeting of the Council on 21 November 2013, a Councillor ('the complainant') felt he had been bullied by another Councillor. The complainant stated that the Councillor had clenched his fist and threatened to "sort him out". The complainant stated that he had felt in fear of being punched.

During the course of the investigation, information was received from the Council and witnesses were interviewed. While there was evidence of a heated discussion between the complainant and the Councillor at the end of the meeting, there was no evidence to support the complaint that the complainant had been threatened by the Councillor.

Having reviewed the evidence, the Ombudsman concluded that there was no evidence that the Councillor had breached of the Code of Conduct.

#### **Cardiff County Council - Promotion of equality and respect Case reference 201204852 – February 2014**

A member of Cardiff County Council ('the complainant') complained about the conduct of a fellow Councillor. The complainant stated that the Councillor had failed to show him respect and consideration during a coffee break at the meeting of the full Council in October 2012; in failing to do so, the Councillor had brought the role of member and the Authority into disrepute. The complainant also complained about the language used by the Councillor to describe him when corresponding with members of the public by email in February 2013.

During the course of the Ombudsman's investigation, information was obtained from the Council and a number of elected members who were in the vicinity at the time of the alleged incident.

The evidence obtained in relation to the incident during the coffee break did not support the allegation made. Further, the Ombudsman was mindful that the complainant was not specifically named in the emails sent to the members of the public by the Councillor. In the absence of any specific reference to the complainant, the Ombudsman was unable to conclude, on balance, as to who was being referred to in the emails. The Ombudsman concluded that the evidence gathered during the investigation did not suggest that the Councillor had breached the Code of Conduct.



**Powys County Council – Accountability and openness**  
**Case reference 201204510 – November 2013**

Mr G complained that a member of Powys County Council built properties on his land without planning permission and that, when the member in question accepted a position on the Brecon Beacon's National Park Authority planning committee, he breached the Code of Conduct. Mr G said that planning history for this site was complex and the Council had sought legal advice.

The Councillor said that he had erected a house in 2007 on the basis of approved planning permission. He had purchased his property in 2000 and included copy of planning permission for the erection of motel units and private accommodation issued in 1994. The Councillor said that, where possible, his wife or agent took the lead so that his position was not compromised, although this would not obviate his requirement to abide by the Code. He said that his property, was outside the boundaries of the National Park and he was not a member of Powys Council's Planning, Tax Licensing and Rights of Way Committee.

The Ombudsman found that there was no evidence to suggest the Councillor had been involved in planning decisions relating to his land, and that there was no evidence of a breach of the Code of Conduct.

## **No action necessary**

### **Torfaen County Borough Council – Disclosure and registration of interests Case reference 201306694 – March 2014**

A member of Torfaen County Borough Council referred herself to the Ombudsman for consideration of a potential breach of the Code of Conduct to the Ombudsman. The Councillor said that she may have breached the Code by failing to declare a personal and prejudicial interest in a small schemes grant payment she made in November 2013. The Councillor explained that she considered whether she had a personal interest when making the application for a grant for an organisation within which she is a member, but following discussions with an officer of the Council concluded that she did not.

The matter was highlighted by the relevant scrutiny committee and, having considered the matter further, the Councillor felt it was appropriate to make a self referral. The Councillor accepted full responsibility for the potential breach and made unreserved apologies in respect of her actions.

The circumstances of the grant were considered and it was determined that, by reason of the Councillor's regular attendance at meetings and her membership of the organisation, she had a personal interest and that this interest would also be prejudicial. It therefore followed that her conduct, in failing to declare these interests, suggests of a breach of the Code of Conduct.

However, having taken into consideration the Councillor's conduct in referring this matter, her acceptance of responsibility and apology, the Ombudsman determined that no action should be taken in respect of the matters investigated.

### **The City and County of Swansea – Promotion of equality and respect Case reference 201203127 – November 2013**

A complaint was made by Mr X about a member of the City and County of Swansea. Mr X complained that the Councillor had bullied and harassed fire officers, visited fire stations without permission, solicited confidential information from fire brigade officers and involved himself in Fire Brigade Union business.

Having conducted an investigation, the Ombudsman found that the complaints that had been made were serious and called into question the Councillor's behaviour towards officers within the fire service.

The Ombudsman found that, whilst it was appropriate for Mr X to make the referral because it raised serious concerns about what the Ombudsman described as the Councillor's potentially divisive, manipulating and disrespectful behaviour, no further action should be taken in this matter. The Ombudsman decided that, whilst the evidence did not exonerate the Councillor, it did show that, in the majority of the incidents complained of, he was not acting in his official capacity, and the evidence available was not sufficiently conclusive to show that he had brought his office or authority into disrepute.

With respect to the remaining issues, the evidence was contradictory and lacked independent corroboration. Finally, consideration was also given to the Councillor's Article 10 human rights insofar as he was entitled to raise any concerns about the fire authority that had been brought to his attention in his capacity as a Member. The Ombudsman decided that no further action was necessary.

## Referred to standards committee

### **Pembrokeshire County Council – Duty to uphold the law** **Case reference 201203889 – November 2013**

An individual stated that they had anonymously received a DVD that appeared to show that a Councillor had used the Council's computer system to create election materials for colleagues. An examination of the DVD showed that the Councillor had been either responsible for the creation, or had been the user to have last 'saved' 21 documents of a political nature on the Council's computer system. This appeared to be a breach of the paragraph of the Code of Conduct which states that the resources of the authority must not be used for political purposes.

The Councillor was interviewed and admitted that he had helped colleagues prepare their election material, but was clear that Council equipment had not been used for printing these items. The Councillor said that some files had been created in his role as Secretary and he then believed that he could occasionally use the Council computer for other purposes. He accepted that this was not the case. The Councillor stated that the information received by the complainant had been stolen from his computer.

The Ombudsman decided that the matter should be forwarded to the Monitoring Officer for consideration by the Council's Standards Committee. It concluded that the Councillor had breached the Code of Conduct and determined that he should be suspended for two weeks. The decision of the Standards Committee can be found [here](#).

### **Gwynedd Council – Promotion of equality and respect** **Case reference 201100986 – April 2012**

The Ombudsman received a complaint that, on 6th July 2011, a Councillor had posted in his blog that the complainant had taken satisfaction at a third party's resignation as a Councillor. The Councillor had also said that the complainant intended to retire as a head teacher and would stand for election as a Councillor for a particular ward.

The complainant said that the suggestion that he intended to retire and stand for election were untrue. The complainant said he had no intention of retiring, and had chaired the meeting when the Member complained about had been nominated to represent a party during the forthcoming 2012 elections.

The complainant alleged that the Councillor had brought his office into disrepute. The complainant considered that the Councillor had created a disadvantage for the complainant in his professional capacity by spreading rumours about his alleged intended retirement which could create difficulties should he seek further employment. The complainant stated that the blog could have caused difficulties for him with his governing body, and confusion amongst his school staff and pupils' parents.

The Ombudsman found that the evidence suggested that the Councillor had breached the Code of Conduct and referred his report to the Monitoring Officer of Gwynedd Council for consideration by the Council's Standards Committee. It concluded that the Councillor had breached the Code of Conduct and determined that he should be suspended for three months.

The Councillor subsequently submitted an appeal against the decision of the Standards Committee to the Adjudication Panel for Wales. The tribunal upheld the decision of the Standards Committee. The decision of the Adjudication Panel for Wales can be found [here](#).

### **Pentyrch Community Council – Selflessness and stewardship** **Case reference 201002530 – January 2012**

The chairman of Pentyrch Community Council made a complaint against a Councillor in relation to concerns that his manner of conducting council business was inappropriate and constituted bullying and harassment of the Clerk and the Chairman himself. It was said that the Councillor made unreasonable demands and frequently asked for actions to be taken which were in conflict with the standing orders of the Community Council. This behaviour had gone on for around three years. It was also alleged that he had failed to declare a personal interest in matters that arose in Council business.

The Community Council provided extensive written record of the exchanges between itself and the Councillor, and he was given an opportunity to respond.

The Ombudsman's decided that there was evidence of multiple breaches of the Code of Conduct, and referred his report to the appropriate Standards Committee for consideration. The Standards Committee of Cardiff City Council found that breaches had occurred as outlined above. However, by the time of the hearing, the Councillor was no longer a member. As such, a censure was issued, and the Standards Committee commented that, had he still been a serving member, it would have applied a six month suspension as it viewed the breaches very seriously.

The Councillor submitted an appeal against the decision of the Standards Committee to the Adjudication Panel for Wales. The tribunal upheld the decision of the Standards Committee, having considered the implications of Article 10 of the Human Rights Act. The decision of the Adjudication Panel for Wales can be found [here](#).

## Referred to Adjudication Panel for Wales

### **Llandrindod Wells Town Council – Promotion of equality and respect Case reference 201202775 – April 2013**

A member of the Council ('the complainant') complained that a former Councillor ('the accused member') pursued a course of conduct towards him which would amount to harassment. The accused member approached the County Council about a naked photograph the complainant had taken of himself and sent to a fellow pupil while both were still at school. The incident had occurred three years before the complainant was elected and no criminal action was taken. The Council investigated the matter and advised the accused member that it had no child protection concerns.

The accused member conducted a survey of members of the public which included a description of the events which appeared to falsely accuse the complainant of committing a sexual offence against a minor. This caused significant reputational damage to the complainant and forced him to speak publicly about a historical private matter.

It appeared that the accused member may have breached a number of paragraphs of the Code of Conduct in his pursuit of the complainant and in misleading members of the public about the event. This matter, and the subsequent Police Information Notice issued to the accused member by the police under the Protection from Harassment Act 1997 (PHA), were widely reported in the local press. This appeared to amount to a further breach of the Code of Conduct.

The accused member indicated that he conducted his survey because he felt that the complainant had breached the Code of Conduct. However, as he did not report this alleged breach of the Code of Conduct to this office, this also appeared to be a breach of the Code of Conduct.

The accused member resigned from his post and refused to engage in the investigation process. The Ombudsman took the view that this may have been an attempt to frustrate the investigation process, which itself may also amount to a breach of the Code of Conduct.

As the evidence gathered suggested that the accused member may have breached multiple paragraphs of the Code of Conduct, the Ombudsman referred his report to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The tribunal decided that the Councillor had breached the Code of Conduct and that he should be disqualified for a period of three years. The decision of the Adjudication Panel for Wales can be found here.

## More Information

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<b>Committee :</b>	<b>STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>30 June 2014</b>
<b>Title</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>For Information</b>

## **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**

Referred to the Standards Committee.

### **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**

Referred to the Standards Committee.



### **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**

Referred to the Standards Committee

### **2.5 Case No. 6141/201400682**

**Date received:** 29/04/14

#### **Complaint**

Complaint by a fellow- member that a town councillor had been persistently negatively critical of the clerk's performance.

#### **Decision**

No investigation. The member was entitled to complain if he believed that the performance of an employee fell below the required standard.

## **2.6 Case No. 6141/201400694**

**Date received:** 29/04/14

### **Complaint**

Complaint by a fellow- member that a town councillor had used his position for financial gain.

### **Decision**

Considering whether to investigate

## **2.7 Case No. 6180/201400801**

**Date received:** 15/05/14

### **Complaint**

Complaint by a member of the public that a county councillor denied using particular words in a conversation.

### **Decision**

Considering whether to investigate

## **2.8 Case No. 6397/201401427**

**Date received:** 02/06/14

### **Complaint**

Complaint by a member of the public that a town councillor had acted in a rude manner.

### **Decision**

Considering whether to investigate

## **3. Recommendation**

The Committee is asked to note the information.

**MINUTES OF A MEETING OF THE  
NORTH WALES STANDARDS COMMITTEE FORUM  
HELD AT COUNTY HALL, MOLD  
ON TUESDAY, 29 APRIL 2014**

**PRESENT:**

Isle of Anglesey	Michael Wilson - Chair Robyn Jones - Deputy Monitoring Officer Awena Parry - Solicitor to the Monitoring Officer
Conwy	Howie Roberts - Chair ( <b>Chair</b> ) Samuel Adams - Vice-Chair Ceri Williams - Deputy Monitoring Officer
Denbighshire	Ian Trigger - Chair Rev. Steven Wayne Roberts - Vice-Chair
Flintshire	Patricia Jones - Chair Edward Michael Hughes - Vice-Chair Gareth Owens - Monitoring Officer
Gwynedd	Gwilym Ellis Evans - Chair
Wrexham	Ceri Nash - Vice-Chair
Snowdonia National Park	David Vaughan - Chair

**1. APOLOGIES**

Apologies for absence were submitted on behalf of Islwyn Jones (Anglesey), Delyth Jones (Conwy) and Sam Soysa (Gwynedd).

**2. MINUTES**

The minutes of the meeting of the North Wales Standards Committee Forum held on 21 October 2013 were submitted for approval.

**RESOLVED: That the minutes of the meeting of the North Wales Standards Committee Forum held on 21 October 2013 be received and confirmed as a correct record.**

**3. TRAINING SESSION**

A presentation was received from Mr Gareth Owens, Monitoring Officer of Flintshire County Council on ethical training and development not only to help councillors to understand their obligations under the Code of Conduct but also to assist independent members in their role on Standards Committees. He explained the approach taken in Flintshire in relation to:

- Member training - this had not been made compulsory due to a limited enforcement mechanism, apart from those on Planning and Audit Committees which Group Leaders were responsible for enforcing. Low attendance at Member training sessions had prompted a change in procedure to ensure a minimum of six attendees before a training session could proceed. It had also caused the Council to adopt a different approach. Training was given in small doses on specific topics at meetings which councillors were already attending. He gave examples of delivering training on declaring interests at group meetings and on recording declarations of interest immediately prior to committee meetings.
- Standards Committee - in addition to task-based training (eg granting dispensations and the holding of a hearing), broader development on the role and workings of the Council had been given. An informal half-hour training session was held prior to each Standards Committee meeting, with suggestions for future topics for training and discussion sought under the Forward Work Programme standard item.
- Town and Community Councils - periodic meetings of the Standards Committee were held at Town and Community Councils with others invited to attend and submit agenda items. At these meetings, the half-hour training session was adapted accordingly. In addition, meetings of the County Forum provided an opportunity for issues to be raised between representatives of the County Council and Town and Community Councils.

Following the presentation, members of the Forum discussed the varying number of Town and Community Councils within their areas and the difficulties that some had experienced in providing training to Clerks. It was noted that useful guidance could be found within a governance toolkit for parish/town councils in England produced by the Association of Council Secretaries and Solicitors, which had previously been made available to Monitoring Officers.

Comments were raised on the different approaches taken by Councils to engage with Town and Community Councils. These involved holding 'roadshow' events across the locality and encouraging Council Members to visit Town and Community Councils and report back on any issues. A potential increase in such issues was likely due to the need for Town and Community Councils to develop their websites in line with Welsh Government requirements.

#### **4. OPEN SESSION FOR ITEMS OF CURRENT INTEREST**

##### **(i) High Court matter**

In Flintshire County Council, a decision was awaited from the High Court in response to a challenge made by a councillor who had been disqualified. In view of the nature of the challenge, it was felt that the outcome would be of

significance to all Standards Committees. The case had been included in The Ombudsman Code of Conduct Casebook.

(ii) Appraisals

Gwynedd County Council Standards Committee had undertaken a self appraisal at its last meeting. A similar exercise was being developed by Anglesey County Council Standards Committee to identify any improvements and to be proactive as opposed to reactive, however this would involve members being individually appraised by the Chair who was in turn appraised by the Monitoring Officer. Reference was made to a set of standards in England to assess whether ethical practices were in place within Councils. The Chair suggested that this topic could be a future agenda item.

(iii) Dispensation forms

It was reported that Gwynedd County Council Standards Committee had been involved in the formulation of a draft policy which had subsequently been endorsed and was also undertaking a review of dispensation forms.

**5. APPROVAL OF LETTERS FROM ISLE OF ANGLESEY COUNTY COUNCIL IN RELATION TO STANDARDS MATTERS**

In response to previous discussions, Ms Awena Parry, Solicitor to the Monitoring Officer of Anglesey County Council presented the letters which had been drafted to One Voice Wales and the Ombudsman for Wales, for approval by the Forum.

(i) One Voice Wales

Following concerns around Town and Community Councils complying with statutory publication requirements, the letter suggested ways in which help could be offered by One Voice Wales. During discussion, some members of the Forum spoke of their surprise that many Town and Community Councils had refused the offer of funding to help with this. The second letter requested that consideration be given to publishing a governance toolkit, similar to that referred to earlier in the meeting, to assist Town and Community Councils in Wales.

(ii) Ombudsman for Wales

The letter requested that the Ombudsman for Wales consider (a) the potential for developing sanctions guidance for specific use by Standards Committees and (b) publishing case summaries on the Ombudsman's website, once they had reached a conclusion, in addition to the continuation of The Ombudsman Code of Conduct Casebook which had proved useful.

It was not yet known when the new Ombudsman for Wales, Nicholas Bennett, would take up his post.

**RESOLVED: That the three letters be sent by Anglesey County Council on behalf of the Forum, with no changes.**

**6. ANY OTHER ITEM**

(i) Chairing meetings

Whilst the Chair was satisfied to continue in this role, he suggested that the Chairs of each Standards Committee may wish to preside at meetings held at their Council offices. The Forum felt that this might lead to inconsistency and would complicate arrangements.

**RESOLVED: That that the Chair (or Vice Chair) of the Forum would preside at meetings wherever they were held.**

(ii) All Wales Standards Conference

It was clarified that the next All Wales Standards Conference would be held next year in South Wales.

(iii) Ombudsman

At the previous meeting, it had been resolved that concerns raised by Gwynedd County Council about an outstanding case should be raised with the newly appointed Ombudsman for Wales. It was agreed that a letter would be sent on behalf of the Forum to relay these concerns with the expectation that a response should be made in reasonable time. It was felt that the new Ombudsman should be allowed time to settle into his role before being invited to a future meeting of the Forum.

**RESOLVED: That a letter be sent on behalf of the Forum by Gwynedd County Council to the Ombudsman for Wales to relay the concerns and seek a response within reasonable time.**

(iv) Training

A suggestion was made by Anglesey County Council for the Forum to receive training from Peter Keith Lucas, who had provided valuable training to a number of Councils. The total cost of £3K plus VAT for a full day (10am-4pm) would amount to £500 per Council. Those who had been involved in training by this provider spoke in support of the suggestion and felt that the content of the training would be beneficial to the Forum.

Mr Owens agreed to email the Monitoring Officers who were not present to convey the support for this training. Once approval had been granted from all Councils, arrangements would be made to proceed.

**RESOLVED: That Mr Owens contact Monitoring Officers on the Forum to seek agreement to the training from Peter Keith Lucas.**

## 7. **FEEDBACK**

It was clarified that this standard agenda item provided an opportunity for self-analysis of the Forum's meetings and to identify any improvements which could be made. Comments were raised on the need to keep the meetings informal whilst some felt that the minutes should have been made available earlier and had only been provided in English.

**RESOLVED: That the minutes of meetings of the North Wales Standards Committee Forum be provided bilingually and forwarded to Conwy County Borough Council for prompt circulation to the Forum.**

## 8. **DATE AND VENUE OF THE NEXT MEETING**

In line with earlier discussion, it was agreed that Ms Parry would contact Peter Keith Lucas to pursue training dates for end June/early July 2014 at Anglesey County Council.

A suitable date for the next meeting of the Forum would be arranged by Sian Harland for September 2014 at Anglesey County Council.

**RESOLVED: That a date for the next meeting of the Forum be arranged by Sian Harland for September 2014 at Anglesey County Council. That Ms Parry seek suitable dates for end June/early July from Peter Keith Lucas for the training session at Anglesey County Council.**

(The meeting ended at 3.30pm)