
STANDARDS COMMITTEE, 26.01.15

Present:-

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

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

Community Committee Member:- Mr David Clay.

Also in attendance: Iwan Evans (Monitoring Officer), Rhun ap Gareth (Deputy Monitoring Officer), Sion Huws (Senior Solicitor) and Eirian Roberts (Members' Support and Scrutiny Officer).

Apology:- Mr Sam Soysa.

Representatives from the Isle of Anglesey County Council Standards Committee who were present to observe the meeting were welcomed.

Councillor Lesley Day was welcomed to her first meeting of this committee.

A welcome was also extended to Rhun ap Gareth, Deputy Monitoring Officer.

1. DECLARATION OF PERSONAL INTEREST

Mr Gwilym Ellis Evans (Chairman) and Mr David Clay declared personal interests in item 10 on the agenda - Report by the Monitoring Officer on an Investigation into a Complaint Made Against Councillor 'A' - due to the fact that they had close connections with some of the parties.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussion on the item.

2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 29 September 2014 as a true record.

3. APPLICATIONS FOR DISPENSATION

Submitted - the report of the Monitoring Officer on applications for dispensation received in connection with discussions involving schools organisation. Prior to considering the individual applications, the Monitoring Officer provided an outline of the schools organisation process.

(A) Application from Councillor John Pughe Roberts

The Monitoring Officer noted:-

- That Councillor John Pughe Roberts, Member for Corris/Mawddwy on Gwynedd Council, requested a general dispensation, due to his role as a local member, to speak and vote in relation to discussions on educational re-organisation in the catchment area of Ysgol y Gader, Dolgellau.
- That the Councillor had an interest in the matter because his daughter was a pupil at the school and his sister worked there.

While considering the application:-

- It was noted that it was important that a local member could contribute to the process, but that this should happen during the initial informal processes that occurred locally.
- Reference was made to previous decisions in similar cases where dispensations had been granted to members with an interest to take part in the local discussions only, and it was suggested that the precedent that had already been established should be adhered to so that the committee was consistent in its decisions.

RESOLVED to approve the application for dispensation for the Councillor to speak, but not to vote in meetings under the auspices of the Council regarding Ysgol y Gader which are held in the area, but that he may not speak, or be present or vote in a meeting of the Council, Cabinet or any of his committees, and that he is required to clearly state that he has been granted dispensation in every meeting he participates in, explaining the exact nature of the restraints on him, and that this is noted in the minutes of such meetings.

(B) Application from Councillor Dilwyn Morgan

The Monitoring Officer noted:-

- That Councillor Dilwyn Morgan, Member for Bala on Gwynedd Council, requested a general dispensation, due to his role as a local member, to speak and vote in relation to discussions on educational re-organisation in the catchment area of Ysgol y Berwyn, Bala.
- That the councillor had noted that he had an interest in the matter due to the fact that his wife occasionally undertook supply work in the schools of the catchment area and gave music lessons in schools on behalf of the William Mathias Centre and due to the fact that he was a Governor at Ysgol y Berwyn.
- That he was not of the opinion that these interests were prejudicial as the councillor's wife was not a permanent member of staff at any school in the catchment area and that the councillor had been appointed as Governor on behalf of the Education Department. Therefore, he recommended that it was not necessary to proceed with the application.

RESOLVED not to proceed with the application.

In response to an observation regarding the inclusion of '*partner*' in the list of connections that were deemed as too close to grant dispensation in respect of specific schools, the Monitoring Officer noted that the Standards Committee's guidelines referred to '*husband*' or '*wife*' and that an application regarding a '*partner*' or any other application would need to be considered on its own merit, but its existence or non-existence in the guidelines would not encumber the Council's discretion.

4. MEMBERSHIP OF THE STANDARDS COMMITTEE

Submitted - the report of the Monitoring Officer notifying the members that the term of office of two of the committee's independent members', namely Mr Gwilym Ellis Evans (Chairman) and Mr Sam Soysa (Vice-chairman), was coming to an end in February this year, after having served two terms, and outlining the steps that were necessary to follow to appoint new independent members.

Mr Gwilym Ellis Evans and Mr Sam Soysa were thanked for their valuable contribution to the work and development of the Standards Committee for several years and well wishes for the future were expressed to both of them.

Mr Gwilym Ellis Evans thanked his co-members on the committee and the officers for their support over the years.

In response to questions, the Senior Solicitor noted:-

- That the advertisement for new independent members would appear on the Council's Website, on Twitter and on Facebook.
- That there was no intention to put the advertisement in the local papers, mainly due to a lack of time and resources, but if difficulty was encountered in attracting applicants, the local papers would be a good way to spread the message.

RESOLVED to note the report.

5. TRAINING FOR COMMUNITY COUNCILS

Submitted - the report of the Monitoring Officer appending a copy of a letter that had been sent to community councils to seek their opinions on the content and format of the training that could be offered to them, and requesting the committee's opinion regarding the recommendations in the letter, and any other recommendations regarding the type of support that could be offered to town and community councils.

Further to the content of the report, the Senior Solicitor noted that around 16 responses had been received from community councils to date, and that each one of them favoured the recommendations.

During the discussion:-

- It was noted that the clerk of Barmouth Town Council had stated that she had not received the letter. In response, the Senior Solicitor explained that there was a database of names/addresses of community council clerks on the Council's website, and that the clerks themselves were responsible for notifying the Council of any changes. The Monitoring Officer noted that he accepted that there could be gaps in the information at times and that this needed to be looked at. It was also noted that it was necessary to check that the letter to Barmouth Town Council had been sent to the correct person.
- It was enquired whether a letter had also been sent to the Chairs of the councils. The Monitoring Officer responded that the Council did not keep the contact details of the Chairs.
- It was noted that every community council should be encouraged to establish an email address and that it would be possible to email the community councils to ask them for the name / address of their chairs.

- The officers were asked to look what the latest situation was in terms of the requirement community councils to establish websites either jointly or individually.
- It was suggested that it was also necessary to look at some sort of training for chairs on creating and maintaining an appropriate culture.
- It was emphasised that providing appropriate training for community councils was very beneficial.
- It was explained that it was the role of the Monitoring Officer to improve standards. He was undertaking more direct work with some community councils but did not have any power over them.
- It was noted, that if community councils received more functions in the future, it would be necessary to ensure that the governing arrangements were robust.
- It was suggested that it would be beneficial for every community council to receive a copy of One Voice Wales' standing orders for town and community councils.
- It was noted that the clerks needed support as they were in quite a lonely post that demanded expertise and a background in a range of different fields.

RESOLVED to note the report.

6. ALLEGATIONS AGAINST MEMBERS

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

Referring to part 2.7 of the report, the Senior Solicitor noted that Case 201403463 had now also been closed.

RESOLVED to note the report.

As a result of the Chairman's interest in item 10 on the agenda, and in the absence of the vice-chair, Dr Einir Young was appointed to chair both following items.

7. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item 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 so that the councillor is not prejudiced by any possible publicity of the case before any hearing. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. REPORT OF THE MONITORING OFFICER ON AN INVESTIGATION INTO A COMPLAINT MADE AGAINST COUNCILLOR 'A'

Submitted – the report of the Monitoring Officer on his investigation into a complaint made against Councillor 'A'. The committee was asked to come to a decision in accordance with the relevant regulations.

The Monitoring Officer outlined the details of the allegation, the legal background, the investigation that he had conducted, the facts, his findings on the facts and his conclusions. He then retired from the meeting.

The Senior Solicitor detailed the procedure to be followed for considering the complaint.

RESOLVED

- (a) To authorise the Senior Solicitor, due to the circumstances of the case, to adapt the procedure in this case, for the convenience of the member who is the subject of the investigation, asking whether he or she would be willing to submit their observations in writing in respect of the findings of the investigation and the allegation that he or she has failed, or may have failed, to comply with the authority's code of conduct.**
- (b) To consider any written observations received before deciding if it is necessary to call a special meeting of the Standards Committee to consider and determine the matter.**
- (c) To keep the papers of the case confidential until after any hearing and to delete references to individuals when the papers will be published.**

RESOLVED to re-open the meeting to the press and public.

At the end of the meeting, the Senior Solicitor noted that the Welsh Standards Conference would be held in Cardiff on 20 October, 2015.

The Chair noted that the minutes of the previous meeting of the North Wales Standards Committees Forum would be submitted at the next meeting of this committee.

The meeting commenced at 11.00am and concluded at 12.30pm.