



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

11.00 am, MONDAY, 23RD JANUARY, 2017

Location

Ystafell Gwryfai, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

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STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Lesley Day
Eryl Jones-Williams
Michael Sol Owen

Independent Members (with a vote) (5)

Margaret E. Jones
Jacqueline Hughes
David Wareing
Einir Young
Aled Jones

Community Committee Member (with a vote) (1)

David Clay

A G E N D A

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

4 - 5

The Chairman shall propose that the minutes of the previous meeting of this committee held on 3rd October, 2016 be signed as a true record (attached).

5. APPLICATIONS FOR DISPENSATION

6 - 10

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

6. THE STANDARDS COMMITTEE'S MEMBERSHIP FOLLOWING THE LOCAL AUTHORITY ELECTIONS 2017

11 - 12

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

7. NORTH WALES STANDARDS COMMITTEES FORUM

13 - 14

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

8. THE REGISTER OF MEMBERS' INTERESTS

15

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

9. ALLEGATIONS AGAINST MEMBERS

16 - 17

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

STANDARDS COMMITTEE 3/10/16

Present:-

Elected Members:- Councillors Lesley Day and Eryl Jones-Williams.

Independent Members:- Ms Jacqueline Hughes, Mr Aled Jones, Miss Margaret Jones, Mr David Wareing and Dr Einir Young (Chair)

Also in Attendance: Iwan Evans (Monitoring Officer), Siôn Huws (Senior Solicitor) and Eirian Roberts (Members Support Officer).

Apologies: Councillor Michael Sol Owen and Mr David Clay.

1. DECLARATION OF PERSONAL INTEREST

No declarations of interest were received from any members present.

2. MINUTES

The Chair signed the minutes of the previous committee meeting held on 27 June 2016, as a true record.

3. PREPARATIONS FOR THE 2017 LOCAL GOVERNMENT ELECTIONS

Submitted – the report of the Monitoring Officer appending a report that appeared before the Council's Democratic Services Committee on the 20th of September on the work that is in progress to prepare for inducting new members to the authority as a result of the May 2017 elections.

The committee was asked to consider the report and offer guidance on possible further training on the Code of Conduct.

The Chairman noted that she welcomed the fact that plans are in the pipeline to prepare for the elections.

During the discussion, the following observations were noted:-

- That it is essentially important that the new members receive training on the Code of Conduct.
- That there is a need to think about a format that introduces the Code of Conduct's main points for new members in a light-hearted and engaging way but also respecting the subject's seriousness.
- That the new members need to receive guidance at the beginning in terms of how to operate over the first few weeks as a councillor without breaking the Code of Conduct.
- It is not felt that calling at a stand at the Information Fair on the induction days is a sufficient way in itself of presenting the Code of Conduct to new members and needs to be followed soon after by a more detailed presentation by the Monitoring Officer.

RESOLVED to note the report.

4. LOCAL RESOLUTION PROCEDURE FOR COMMUNITY COUNCILS

Submitted – the oral report of the Monitoring Officer noting:-

- That this matter had been included in the work programme of the Standards Committee, but that Unllais Cymru by now has started on the work of drawing up a national procedure for community councils with an Ombudsman, Welsh Local Government Association and monitoring officers as part of the process also.
- This news would be welcomed and it was hoped that this new procedure would create a practical and more robust mechanism that will enable community councils to solve problems easier.

During the discussion, it was noted that Unllais Cymru should be contacted in due course to suggest that any training on the new procedure would be held locally.

RESOLVED to note the report.

5. THE OMBUDSMAN'S ANNUAL REPORT 2015/16

Submitted for information – the report of the Monitoring Officer appending a copy of those parts of the Ombudsman's Annual Report 2015/16 relevant to code of conduct complaints and noted what the Ombudsman has to say in his annual letter regarding complaints and code of conduct.

The Chair noted that a small percentage of the complaints are taken further and it appears that respect and uniformity are the matters that are raised the most.

RESOLVED to note the report.

6. ALLEGATIONS AGAINST MEMBERS

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

The Senior Solicitor noted that another two complaints had come to hand since the report had been prepared and that he would report on them at the next meeting.

RESOLVED to note the report.

The meeting commenced at 11.00 am and concluded at 11.30 am

CHAIRMAN

Agenda Item 5

Committee:	Standards Committee
Date:	23 January 2017
Title:	Applications for dispensation
Author:	Monitoring Officer
Action:	To decide upon the application

Background

1. I enclose an application from Councillor Dilwyn Morgan, member for Y Bala on Gwynedd Council, in connection with the catchment area of Ysgol y Berwyn, Y Bala.
2. The councillor has noted two interests on his form. The fact that he is a governor would not of itself preclude him from taking part in discussions. The Code of Conduct specifically allows members appointed by the Council as governors to take part apart from situations where applications for permissions (e.g. planning) are discussed. However the fact that he has a grandson at one of the schools in question does constitute a prejudicial interest and consequently he cannot take part.
3. The Standards Committee may grant a dispensation of the situation comes within one (or more) of those listed in the relevant regulations (see notes oneth back of the form).

The Committee's Previous Decisions

4. The Committee has developed guidelines for itself, to be considered in deciding on applications relating to school reorganisation, which are that:

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

5. The Committee has however allowed dispensations in such situations in order to allow members to take part in local discussions. In its meeting on 26 January 2015 a dispensation was granted to a member with a similar prejudicial interest in the following terms:

“RESOLVED to approve the application for dispensation for the Councillor to speak, but not to vote in meetings under the auspices of the Council... 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.”

The Ombudsman's Guidelines

6. The Ombudsman's Guidelines on the Code of Conduct note the following in relation to granting dispensations in general:

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

7. Any further information received in relation to the applications will be presented at the meeting.

Recommendation

8. The Committee is requested to consider and decide upon the applications.

Application to the Standards Committee for a Dispensation

YOUR APPLICATION WILL NOT BE CONSIDERED UNLESS EVERY PART OF THIS FORM IS COMPLETED

1. PERSONAL DETAILS

1.1 Your name **DILWYN MORGAN**

1.2 Your council **GWYNEDD**

1.3 Your address and contact telephone no.

2. DETAILS OF YOUR INTEREST

2.1 What is the item in question?

Re-organisation of education in the catchment area for Ysgol y Berwyn.

2.2 How does your interest in the item arise?

5 year old grandson in Ysgol Bro Tegid, Governor of Ysgol y Berwyn

3. DETAILS OF YOUR APPLICATION

3.1 Are you applying for a dispensation to (a) speak and vote or, (b) to speak only?

3.2 Are you requesting:

(a) a dispensation for a particular meeting? If so please provide details below:

or

(b) a general dispensation so that you can take part whenever the matters arises?

In any meeting where I will be invited to present comments and express the views of my electors.

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

*If you have any questions regarding this form, contact the Senior Solicitor (Corporate):
Tel. 01286 679168 e-mail - sionH@gwynedd.gov.uk*

Guidance Notes

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

2. Circumstances in which dispensations may be granted

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

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

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

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

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

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

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

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

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

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

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

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Committee:	Standards Committee
Date:	23 January 2017
Title:	The Standards Committee's Membership following the Local Authority Elections 2017
Author:	Monitoring Officer
Action:	To consider the proposed steps to appoint members to the Standards Committee.

Background

1. Elections will held on 4 May 2017 to elect members to Gwynedd Council and all the county's community councils. Whilst this will have no effect on the Independent Members of the Committee, the terms of office of the **Elected Members** and the **Community Committee Member** will come to an end. We are anxious to be in a position to appoint new members at the meeting of the Full Council at the end of June 2017.

Elected Members

2. Three Gwynedd Council members will need to be appointed, with all members apart from the Leader and members of the Cabinet being eligible. An Elected Member cannot serve for more than two consecutive terms on the Committee. Of the present members, Councillors Michael Sol Owen a Lesley Day have served only one term, whilst Cllr. Eryl Jones-Williams has served two.

3. The Council has delegated to the Monitoring officer the power to write to all eligible members of the Council when a vacancy arises and to present the applications to the Business Group. The Group will then make a recommendation to the Full Council, which will make the appointment.

4. It is therefore intended to to follow the procedure followed previously, which is to write to the members after the election and to present the applications to the Business Group so that the Council can appoint at its meeting at the end of June.

Community Committee Member

5. A community councillor who is not a member of Gwynedd Council will have to appointed. A member cannot serve for more than two consecutive terms of office. The current Community Committee Member, Cllr. David Clay has served for two.

6. Whilst the appointment is made by the Council, it must consult with all the community councils and also any association representing community councils in the area.

7. In accordance with the Council's decision, the Monitoring Officer has delegated powers to establish a panel from the members of the Standards Committee to consider applications to become the Community Committee Member whenever it is necessary to appoint one.

8. The intention is to follow the procedure used previously, which was to write to all the community councils to give them the opportunity to nominate one of their members for the post. Although it will not be possible to nominate until after the election, we intend to write to the clerks before then so that they can ensure that the matter can be discussed at the first meeting of their council. We will also be contacting One Voice Wales as part of the process.

9. It is intended to form a panel from the present members of the Standards Committee to consider the applications, so that a recommendation can be presented to the meeting of the Full Council at the end of June.

Recommendations

10. The Committee's views on the proposed procedure is requested.

MEETING	STANDARDS COMMITTEE
DATE	23rd JANUARY 2017
TITLE	NORTH WALES STANDARDS COMMITTEES FORUM
AUTHOR	IWAN G D EVANS, MONITORING OFFICER

Background

1. The North Wales Standards Committee Forum was established in 2011. The aim of the Forum was to try and ensure consistency between the 6 Local Authorities in relation to the work of the Standards Committee. It was also for sharing good practice and solutions to problems. It could also be a conduit to convey a joint position e.e.to the Ombudsman.
2. The following terms of reference were agreed:
 - Membership – Chair, Vice-Chair and the Monitoring Officer with the Deputy Monitoring Officer or other Independent Members of Standards Committees attending as substitutes
 - Voting – one vote per Local Authority with the Chair of the Forum having the casting vote
 - Election of Chair and Vice Chair – every two years to provide consistency
 - Administration – could move with the Chair, but would require succession planning.
 - Frequency of Meetings – quarterly meetings with further meetings scheduled as and when required
3. The Forum now meets twice a year and the recent programme has included matters such as:
 - Consultation on the Ombudsman Bill
 - Revised Guidance on the Code of Conduct
 - Registration of interest and gifts and hospitality
 - Local Government reform consultations

In addition the Ombudsman has attended meetings to present and also to be questioned by the Forum. The Forum is unique in Wales.

4. Recently a request was also received on behalf of Powys and Ceredigion Councils Standards' Committees to join the Forum. This has generally been seen as a positive step forward. It will be a means of increasing the status of the forum as a consultative and development body. Obviously there are geographical implications which would mean that the area for meetings would be wider. On the other hand with meetings rotating between Authorities it's likely that this impact would be relatively low.

Recommendation

That the Committee accepts the information and their view on the development of the Forum.

Committee :	The Standards Committee
Date:	23 January 2017
Title	The Register of Members' Interests
Author:	Monitoring Officer
Action:	For Information

Background

1. The Register of Members' Interests contains the 'upfront' registration made by members when they become members (and updated by them as required) along with the forms filled by members when they declare an interest at meetings.

2. Up to now the register has been kept in paper format and has always been available to anyone who wishes to come in to inspect it. However, as members are aware, the Council is now required to publish the Register of Members' Interests electronically, and so it will also be available on the Council's website. This will be done through the 'Modern Gov' system used by the Council. It will mean that each member's declarations will be available through accessing their personal pages on the website.

3. To prepare for this, members were asked to update their declarations and the details were put on to the system. The information has now been collected and put into the system. Apart from some minor checking work this process has now been completed and the register will be available on the Council's website very shortly.

Recommendation

4. The Committee is asked to note the information.

Agenda Item 9

Committee :	STANDARDS COMMITTEE
Date:	23 January 2017
Title	Allegations against members
Author:	Monitoring Officer
Action:	For Information

1. Background

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

2. Complaint

2.1 Case 201600999

Date Received: 23/05/16

Complaint

Complaint that a town councillor had failed to declare a prejudicial interest on several occasions and had taken part in meetings.

Decision

Following an investigation, the Ombudsman decided that the councillor's conduct could be a breach of the Code, but that there was no public interest in referring the matter to the Standards Committee or the Adjudication Panel for Wales, bearing in mind that the councillor had since resigned from the council.

2.2 Case 201603417

Date Received: 12/09/16

Complaint

Complaint that a county councillor had failed to declare a prejudicial interest in a matter before a committee for a decision.

Decision

No investigation. Complainant had not submitted sufficient evidence to support his complaint.

2.4 Case 11870/201603781

Date Received: **26/9/16**

Complaint

That a county council member of the Planning Committee had not behaved with probity and impartiality when deciding upon an application.

Decision

No investigation. The complainant had not presented any evidence to support his complaint.

2.3 Case 11870/201603780

Date Received: **26/9/16**

Complaint

That a county council member had behaved inappropriately in supporting a planning application in his constituency at a meeting of the Planning Committee

Decision

No investigation. The councillor was not a member of the committee and he had declared an interest that was non-prejudicial. He was entitled to speak and to express his views on the application as a local member.

3. Recommendation

The Committee is asked to note the information.