



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

11.00 am, MONDAY, 10TH JULY, 2017

Location

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

Contact Point

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(DISTRIBUTED 30/06/17)

STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Dewi Wyn Roberts
[2 vacant seats]

Independent Members (with a vote) (5)

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

Community Committee Member (with a vote) (1)

Richard Parry Hughes

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

5 - 8

The Chairman shall propose that the minutes of the previous meeting of this committee held on 23rd January, 2017 be signed as a true record (attached).

5. ANNUAL REPORT OF THE STANDARDS COMMITTEE 2016 - 2017

9 - 20

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

6. LOCAL RESOLUTION PROCEDURE FOR TOWN AND COMMUNITY COUNCILS

21 - 27

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

7. ROLE DESCRIPTIONS FOR THE STANDARDS COMMITTEE MEMBERSHIP

28 - 36

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

8. SELF ASSESSMENT AND WORK PROGRAMME

37 - 44

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

9. ALLEGATIONS AGAINST MEMBERS

45 - 46

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

10. NORTH WALES STANDARDS COMMITTEES FORUM

47 - 58

To submit, for information, the minutes of a meeting of the North Wales Standards Committees Forum held on 17th October, 2016 (attached).

**11. ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2014 - 59 - 74
2016**

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

The formal meeting will be followed by a short training session for members on the committee's role and arrangements.

STANDARDS COMMITTEE 23/01/17

Present:-

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

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

Community Committee Member:- Mr David Clay.

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

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 meeting of this committee held on 3 October 2016, as a true record.

Referring to item 3 in the minutes, Preparations for the Local Government Elections 2017, the Monitoring Officer noted that he and the Senior Solicitor had recently attended a series of awareness raising meetings for prospective candidates and had given a short presentation on the Members Code of Conduct.

3. APPLICATIONS FOR DISPENSATION

Submitted –

- (1) The Monitoring Officer requested that the committee consider and determine applications by Councillor Dilwyn Morgan, Gwynedd Council Member for Y Bala, for a dispensation relating to the educational re-organisation of the catchment area of Ysgol y Berwyn, Y Bala.
- (2) A further request was received by Councillor Elwyn Edwards, Gwynedd Council Member for Llandderfel, after the report had been prepared, for a dispensation relating to the same matter.

Before considering the requests, the Monitoring Officer gave an outline of the school organisation process in the catchment.

(1) Application by Councillor Dilwyn Morgan

The Monitoring Officer noted that:-

- The Councillor had an interest in the matter because his grandson was a pupil at Ysgol Bro Tegid.
- The Councillor had also noted on his form that he was a Governor at Ysgol y Berwyn, but that this would not prevent him taking part in discussions as the Code of Conduct gave specific permission for governors appointed by the Council to take part, except when applications for permissions (such as planning) are being discussed.

- The Councillor had requested a general dispensation, because of his role as a local member, to participate in any meeting where he was invited to express the views and opinions of his electorate.
- The Councillor did not believe that his participation would damage public confidence.

Reference was made to previous decisions in similar cases where members with an interest had been granted dispensations to take part in only the local discussions, and it was suggested that the precedent that had already been set should be adhered to so that the committee was consistent in its decisions.

RESOLVED to approve the application for dispensation for Councillor Dilwyn Morgan to speak, but not to vote at Council-sponsored meetings about the reorganisation of schools in the Ysgol y Berwyn catchment, Bala, which are held in the area. However, he would not be allowed to speak, or be present or vote in any meeting of the Council, Cabinet or any of his committees; and he is required, at every meeting in which he participates, to clearly state that he has received a dispensation, and explain the exact nature of the restraints on him, and that this is noted in the minutes of such meetings.

(2) Application by Councillor Elwyn Edwards

The Monitoring Officer noted that:-

- The Councillor had an interest in the matter because his grandsons and granddaughter were pupils at Ysgol y Berwyn.
- The Councillor was given a dispensation in November 2009 to contribute to the Catchment Review Panel discussions; but, because the nature of the local discussions had changed since then, the recommendation was to update that dispensation to reflect the current situation.
- The Councillor's existing application specifically requested a dispensation to sign a petition calling for the new Berwyn Lifelong Learning School to be given community status and to gather names for it.

In considering the matter, it was noted that this was an application to act as a member of the Council, where the Gwynedd Council Members Code of Conduct applied. It was also noted that the application contained little information regarding the exact nature of the action. The committee was of the view that arranging a petition to be submitted by a member of Gwynedd Council to the Cabinet could represent an attempt to influence the decision to be made about the school.

The committee acknowledged the importance of members' input into local discussions of this nature, and had approved dispensations to enable them to take part in local discussions and meetings, despite having prejudicial interests. However, the committee was of the view that presenting a petition directly to those who were making the decision in this manner went beyond what they would be willing to approve. Public confidence in the process would be harmed if members with prejudicial interests were given the opportunity to try to influence in this manner.

The signing of the petition was a matter which the committee felt could fall within the same category of influence, but was of the view that signing the petition in this context would not be likely to harm public confidence in the process.

RESOLVED

- (a) **To approve the application for dispensation for Councillor Elwyn Edwards to speak, but not to vote at Council-sponsored meetings about the reorganisation**

of schools in the Ysgol y Berwyn catchment, Bala, which are held in the area. However, he would not be allowed to speak, or be present or vote at any meeting of the Council, Cabinet or any of his committees; and he is required, at every meeting in which he participates, to clearly state that he has received a dispensation, and explain the exact nature of the restraints on him, and that this is noted in the minutes of such meetings.

- (b) To refuse a dispensation for the Councillor to arrange the petition as the committee was of the view that arranging a petition to be submitted by a member of Gwynedd Council to the Cabinet could represent an attempt to influence the decision to be made about the school and public confidence in the process would be harmed if a member with a prejudicial interest was given the opportunity to try to influence in this manner.
- (c) To grant a dispensation for the Councillor to sign the petition as the committee was of the view that signing the petition in this context would not be likely to harm public confidence in the process.

The Monitoring Officer noted that he intended to hold a discussion with both councillors about their individual rights as a result of the above decisions.

4. MEMBERSHIP OF THE STANDARDS COMMITTEE FOLLOWING THE 2017 LOCAL GOVERNMENT ELECTIONS

Submitted – the report of the Monitoring Officer requesting the committee's opinion on the proposed arrangement for appointing elected members and community committee members to the Standards Committee following the 2017 Local Government elections.

The Senior Solicitor noted that he intended to write directly to all community and town councils before the elections in May, so that they could consider the matter at their first meetings following the elections. Additionally, he intended to make all Members of Gwynedd Council aware of the need to appoint a new community committee member to the Standards Committee and asked that they relay the message to their community and town councils.

RESOLVED to approve the proposed process.

5. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted – the report of the Monitoring Officer detailing the role, remit and arrangements of the North Wales Standards Committee Forum and a request for members' opinions on the development of the forum.

The Monitoring Officer noted that a request submitted to extend the forum to include the Powys and Ceredigion Councils' Standards Committees had been positively received by the other counties in North Wales.

The Chair noted the importance of ensuring that each meeting of the forum should be for a particular purpose and that outcomes were delivered.

Members were reminded of their right to refer any matter to the forum for discussion.

RESOLVED to state that this committee supports the application to extend the North Wales Standards Committee Forum to include the Powys and Ceredigion Councils' Standards Committees.

6. REGISTER OF MEMBERS' INTERESTS

Submitted, for information – the report of the Monitoring Officer on the preparatory work for compliance with the requirement to publish the Interests Register in an electronic format, so that each member's declarations could be viewed through their personal pages on the Council's website.

The importance of ensuring that any new Council member elected in May was fully aware of the stated arrangement was emphasised, and that this would be included in the first induction sessions on the Behavioural Code.

The Senior Solicitor stated that the preparatory work for publishing the register in an electronic format had highlighted the need to improve the form and content of the declaration of personal interest forms.

It was noted, if town and community councils were also required to publish their registers of interest electronically, that the Monitoring Officer should inform them of this when writing to them to invite nominations to this committee.

RESOLVED to note the report.

7. ALLEGATIONS AGAINST MEMBERS

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

RESOLVED to note the report.

The meeting commenced at 11.00 am and concluded at 12.05 pm

CHAIRMAN

**ANNUAL REPORT
OF THE
GWYNEDD COUNCIL
STANDARDS COMMITTEE

2016 - 2017**

FOREWORD BY THE CHAIR

[to follow]

Dr Einir Young
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

[to follow]

Iwan Evans
Monitoring Officer
Gwynedd Council

INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does so in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensations to allow them to participate in discussions despite them having a prejudicial interest under the Code
- Considering complaints referred to it under Gwynedd Council's local resolution procedure.
- Overseeing the Gwynedd Council Members Gifts and Hospitality Policy

COMMITTEE MEMBERS

Though the Standards Committee is one of the committees of Gwynedd Council, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

Independent Members

Margaret E Jones (member since 2012)

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 (member since 2012)

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has been living in Gwynedd for almost thirty years. She lived in California for a while and has travelled extensively in Africa mainly, working with marginal communities in semi-arid regions. Wales is her current priority but the challenges faced by communities are similar. We need a long term vision and plan, to ensure that the actions we take are for good or prevent things from getting worse. Integration and collaboration is critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and as Bangor University's Director of Sustainability Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

Amongst her many interests Einir is a passionate walker and she and her dog are currently walking the Wales Coastal Path with her sister.

Jacqueline Hughes (member since 2015)

Jackie lives in Nantlle with her husband Ian, 3 daughters, grand daughter and a very lively dog. Originally from the Wirral, she qualified as a diagnostic radiographer in 1987 after studying at Guys Hospital School of Radiography. After settling in North Wales with her young family, she joined the staff at Ysbyty Gwynedd. Jackie's career in Bangor has advanced both as a radiographer and as an industrial relations representative. She is currently the Staff Side Chair for the Betsi Cadwaladr Health Board as well as being the local society representative for most of the radiographers in North Wales. She has been President of the Society and College of Radiographers and was instrumental in developing the response to the Francis Report, and subsequently a new code of conduct for radiographers. She believes that any one working in public life must maintain a high level of personal standards in order to be credible to the public.

David Wareing (member since 2015)

In 2014 David relocated from Lancashire to Groeslon following his retirement from Merseyside Police. He served for 26 years in a variety of roles with his last posting being to the Force Operations Department at HQ. This position involved the planning and delivery of large-scale public events, public safety during major Police operations and the reduction of police support to outside agencies through greater partnership working. David specialised in risk assessment and ensuring compliance of relevant Health and Safety legislation working within the legal framework. David represented Merseyside Police on all five Safety Advisory Groups that covered the Force Area. He firmly believes that the actions of those in public office must be both transparent and accountable.

Aled Jones (member since 2016)

Aled is originally from Lampeter, Ceredigion. He read Welsh and Geography at Aberystwyth University. Having graduated in 1999, he moved to Caernarfon to work for Cymen translation company. He became a joint-owner of the company in 2007 and now heads a team of 20 members of staff and employs over 15 other freelance translators. He lives in Bangor with Tegwen, and their two children Cai and Beca. He has a keen interest in sport and can often be seen on the touchline supporting Bethesda Rugby Club and Bangor City Football Club. As a result of his work as a simultaneous translator he is privy to observe conduct and standards at all levels of governance and to identify best practice.

Community Committee Member

Councillor David Clay (member since 2008)

David has been an elected member of Barmouth Town Council for 29 years and has held the position of Chair on 4 separate occasions. He is 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 (member since 2011)

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 Cadwaladr University NHS Community Health Council. He is currently chairman of the Gwynedd Licensing Committee, where is able to draw on his experience as a former licensee. He is also the Carers' Champion for Gwynedd. A former Welsh Football referee his hobbies includes golf at Royal St David's Harlech and Dolgellau.

Councillor Michael Sol Owen (member since 2012)

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. He is a former Chair of Gwynedd Council's Planning Committee and also serves on the Management Board of Cartrefi Cymunedol Gwynedd.

Councillor Lesley Day (member since 2014)

Les has been a Gwynedd Councillor since May 2012 and is a former Chair of the Democratic Services Committee. She has been a Bangor City Councillor since 1991 and is a past mayor, representing the Garth Ward in Bangor. She is a former member of Arfon Borough Council. Les' qualifications, career and hobby are all local government. She gained her local government public admin qualifications whilst working for Surrey County Council. Upon returning to her home town of Bangor she gained her local government financial qualifications whilst working for Gwynedd County Council. Les transferred to Conwy County Borough Council on reorganisation in 1996. Les is the Chairman of Garth Community Centre and a governor of Ysgol Hirael.

The Monitoring Officer

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work.

The Monitoring Officer has a statutory role to ensure that the Council, its members and its officers act appropriately and lawfully.

Contact Details

- Iwan Evans, Head of Legal Services and Monitoring Officer.
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- Sion Huws, Senior Solicitor (Corporate).
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE'S WORK DURING 2016-2017

The Committee's work over the year has included the following (the Committee's full work programme can be seen in **Appendix 1**):

Cases heard by the Standards Committee

No complaints that elected members had breached the Code of Conduct were referred to the Committee during the year

Other Complaints

The Committee is also informed of those complaints not referred to it for decision. Summaries can be found in **Appendix 2**.

Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a 'prejudicial interest'. However, a member has a right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered four applications for dispensation during this period. Both applications were turned down. Two were granted whilst two were refused.

Training on the Code of Conduct

The Committee considered and advised on the training to be offered to members following the Local Government Elections in May 2017. Consequently, training was provided as part of the induction process for Gwynedd Council members and more detailed sessions will also be held. Training sessions are also to be offered to the town and community councils.

North Wales Standards Committee Forum

The North Wales Standards Committee Forum gives representatives of all north Wales authorities' standards committees the opportunity to meet. The purpose of the forum is to enable the area's standards committees to discuss and share ideas,

good practices and resources and also provide a joint opinion on a national level.
The Chair and Vice—chair of the Committee attend the meetings.

During the year Ceredigion and Powys Standards Committees submitted a requeste to join the Forum, a request which the Committee supported.

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2016-17

18 April 2016

- Undertaking Self-Assessment and formulating a Work Programme for the upcoming year
- Considering the amendments to the Code of Conduct
- Considering the process of placing the Register of Members' Interests on-line
- Deciding on two applications for dispensations

27 June 2016

- Approving the Standards Committee's Annual Report for 2015/16
- Reviewing the arrangements for members to attend committee and community council meetings as observers

3 October 2016

- Considering the arrangements for the Local Government Elections 2017
- Discussing the proposed local resolution procedure for community councils
- Considering the Annual Report of the Ombudsman 2015/16

23 January 2016

- Approving the process for appointing members to the Committee following the Local Government Elections
- Considering a request to extend the North Wales Standards Committee Forum
- Receiving an update on the Register of Members's Interests
- Deciding on two applications for dispensations

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that county and community and town councillors had breached the Code of Conduct:

Allegation	Decision
<p>That a councillor had falsely accused the complainant (a fellow town councillor) of making derogatory, discriminatory and ageist remarks about her at a town council meeting, which were subsequently published in a local newspaper.</p>	<p>No investigation. The Ombudsman was not persuaded that an investigation was in the public interest although it was a “borderline decision”. The Ombudsman wrote to the councillor to remind her to consider her obligations under the Code of Conduct.</p>
<p>That the councillor had distributed misleading information about the complainant (a fellow town councillor) stating that she had voted at a meeting of the planning committee. She was not a member of the committee but attended as an observer only</p>	<p>No investigation. The councillor had not been present at the meeting but on the basis of the evidence available it was not unreasonable for an individual to assume that the complainant had been involved in the planning committee in relation to the item in question. She had also taken the opportunity to clarify her position in a newspaper article. It was not in the public interest to investigate the complaint. The information handed out was broadly of a political nature and was not disrespectful or offensive in tone.</p>

<p>The councillor had harassed the complainant (a fellow town councillor) by making an unfounded complaint to the Ombudsman the he was guilty for harassing him. He had also uses council stationery when doing so. He also alleged that the councillor had failed to declare an interest</p>	<p>No investigation. The Ombudsman had previously decided not to investigate eth harassment complaint and nothing would be gained in re-opening the matter. The councillor was undertaking council business when his concerns about harassment came to light. Whilst the councillor had left the meeting in question he had not openly informed the council of the reason for doing so, which is required under the code. An investigation would not be in the public interest but the Ombudsman would remind the councillor of his duties under the code.</p>
<p>Complaint that a town councillor had failed to declare a prejudicial interest on several occasions and had taken part in meetings</p>	<p>Ombudsman has investigated – no evidence that the code had been breached.</p>
<p>Complaint that a town councillor had failed to declare a prejudicial interest on several occasions and had taken part in meetings.</p>	<p>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.</p>
<p>Complaint that a county councillor had failed to declare a prejudicial interest in a matter before a committee for a decision.</p>	<p>No investigation. Complainant had not submitted sufficient evidence to support his complaint.</p>
<p>That a county council member of the Planning Committee had not behaved with probity and impartiality when deciding upon an application.</p>	<p>No investigation. The complainant had not presented any evidence to support his complaint.</p>

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

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.

Committee :	Standards Committee
Date :	10 July 2017
Title :	Local Resolution Procedure for Town and Community Councils
Author :	Monitoring Officer
Purpose :	For Consideration

Summary

1. The most recent Ombudsman's guidance on the Code of Conduct for Town and Community Councils (July 2016) encourages the use of local resolution for low level complaints. The County Council has already adopted a local protocol. That procedure would not have been appropriate for Town and Community Councils and until now there was no suitable precedent for them to adopt.
2. One Voice Wales have now produced a protocol. It is relatively simple in nature, which would make it easier to use and/or adapt to local circumstances. The procedure will only work when both parties try and make it work and the same is true with Gwynedd's own Local Resolution Process. Failure to co-operate might therefore be factor in favour of referral to the Ombudsman for Formal Investigation.

Recommendation

That the Committee endorses the One Voice Wales Local Resolution Process and encourages its adoption by Town and Community Councils.



Un Llais Cymru



One Voice Wales

**Model Local Resolution Protocol
for Community and Town Councils**

ONE VOICE WALES

Model Local Resolution Protocol for Community and Town Councils

Background

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co-operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

The Local Resolution Process

Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

The Process

The complaint

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

Important Points to Note in preparing a process for use by the Council

The Clerk/Proper officer, Chair and Vice Chairs of Councils should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process. Councils wishing to pursue this route should contact One Voice Wales for guidance.

Councils might want to include some guidance where complaints which are most appropriately dealt with under this process are referred back to the Council by PSOW. The PSOW could actively do this if the Council has an approved process.

It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Councils need to be clear on their powers in respect of code of conduct matters. The Ombudsman has seen examples of councils who have deemed it appropriate to fully investigate a code complaint, decide that there has been a breach and some have even thought it appropriate to consider the issue of a sanction. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.



ABOUT ONE VOICE WALES

One Voice Wales is the national representative organisation for Community and Town Councils throughout Wales. The vision subscribed to by One Voice Wales is:

“Working with local councils in Wales to shape places communities want to live in”

One Voice Wales aims to support Community and Town Councils in achieving this vision and has adopted the following Mission Statement to guide its work:

“To represent the interests of Community and Town Councils; raise awareness and understanding of this primary tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.”

One Voice Wales
24c College Street
Ammanford
SA18 3AF
01269 595 400

admin@onevoicewales.org.uk

www.onevoicewales.org.uk

Agenda Item 7

Committee :	Standards Committee
Date :	10 July 2017
Title :	Role Descriptions for the Standards Committee Membership
Author :	Monitoring Officer
Purpose :	For information

Crynodeb

In its meeting on the 15th of July 2017 the Council Adopted new “Role Descriptions “for Council Members in their various offices. Amongst these were Role Descriptions for Members and Chairs of the Standards Committee. A copy of the report that went before the Council is attached together with the Role Descriptions relevant to the Standards Committee.

Recommendation

Accept the report.

MEETING	Full Council
DATE	15 th June 2017
SUBJECT	Role Descriptions
PURPOSE	It is requested that the Full Council adopt the various role descriptions.
AUTHOR	Geraint Owen, Head of Democratic Services

1. PURPOSE

- 1.1 Draft 'role descriptions' are presented on the recommendation of the Democratic Services Committee for formal adoption by the Full Council, see appendix A.
- 1.2 One of the main advantages of creating and adopting 'role descriptions' is the benefit to new Council members from their use as a guide to better understand the different roles.
- 1.3 In view of the above, the draft 'role descriptions' were published on the Porth for members (Internet for members) as a tool to assist the newly elected members in May, in accordance with the request of the Democratic Services Committee.
- 1.4 Adopting the role descriptions for members is also part of the ongoing work of the committee to win the 'Charter for Member Support and Development'.
- 1.5 The Charter was developed by the Welsh Local Government Association and it is referred to as 'Members Charter'. Elements of the charter coincide with and build on the requirements of the Local Government Measure (Wales) 2011. Its intention is to set specific standards in the field of member development.

BACKGROUND

- 2.1 Although a number of role descriptions already existed, there was a need to create several new roles as well.
- 2.2 A sub-group was established to undertake the work, and existing role descriptions were updatee along with creating new ones. The guidelines of the Welsh Local Government Association were used to produce each of the 'Member Role Descriptions and Responsibilities' and in addition, the guidelines of CIPFA (The Chartered Institute of Public Finance and Accountancy) were used for the Audit Committee. Each Draft Member Role Description and Responsibilities includes a description of the necessary skills to carry out the different roles.

2.3 An extensive consultation has been undertaken on the content of the various draft role descriptions with relevant Heads of Service, Head of Legal Services, the Council Leader, the Leadership Team and with democratic Services officers.

2.4 Note, no element of evaluation is tied to the adoption of role descriptions. However, personal development interviews are offered to members who wish to take advantage of a personal discussion to identify ways of further developing their skills.

2.5 The list below contains the role descriptions to be adopted, namely

- A Gwynedd Council Member (which applies to all Members)

- Member of Audit Committee
- Chair of Audit Committee
- Member of Scrutiny Committee
- Chair of Scrutiny Committee
- Member of Democratic Services Committee
- Chair of Democratic Services Committee
- Member of Standards Committee
- Chair of Standards Committee
- Member of Licensing Committee
- Chair of Licensing Committee
- Members of Planning Committee
- Chair of Planning Committee
- Chair of the Council
- Leader and Deputy of the Opposition

See Appendix A for details of the 'role descriptions'.

3. RECOMMENDATION

3.1 The Full Council is asked to adopt the draft 'role descriptions'.

A description of the role of the Chair of the Standards Committee

(The Committee promotes, maintains and protects standards of conduct of Members within the Council and the appropriateness of all of the Council's discussions).

An external independent member chairs the Standards Committee not a Gwynedd Council Councillor.

Councillors' principles of conduct

- Open and transparent attitude
- Honesty
- Tolerance and respect
- Equality and fairness
- Acceptance of cultural differences
- Sustainability
- Uphold the law

1 Accountability

- To the Full Council

2 Role, purpose and activities

2.1 Lead and direct

- Manage meetings in a confident and effective manner to facilitate a comprehensive and communicable environment which would lead to clear decisions.
- Emphasise a sincere and unbiased attitude when working, whilst accepting professional advice, and responding to it.
- Act in accordance with the requirements of the Constitution and the relevant acts and policies.
- Implement the discussion rules relevant to the committee and in accordance with the Constitution
- Ensure that the meetings are being held in accordance with Gwynedd Council's Language Policy to promote the use of the Welsh language.
- Chair meetings in accordance with the rules of the constitutional procedure of Gwynedd Council.
- Be an ambassador for the Committee, whilst nurturing an understanding of its work.

2.2 Manage meetings effectively

- Work with officials to agree a programme with the aims and objectives being clear to every meeting
- Manage the way the meeting is run, ensuring that the objectives of the meeting are being achieved and that everyone adheres to the code of conduct for members, the rules of procedure and other constitutional requirements (bearing in mind that some Committee will be Web broadcast)

- Ensure that the appropriate preparatory work is being done in advance (which includes, as appropriate, preparatory meetings or briefing, clarify the roles of Committee members, officials and other attendees, scheduling)
- Ensure that all participants in the meeting will have the opportunity to contribute appropriately, and accept appropriate responses
- Ensure that the Committee is clear on its decision and summarise any proposals and the reasons for the decision

2.3 The contribution and development of the Committee Members

- Encourage a high level of performance from every Committee member
- Assess the Committee's collective performance and facilitate appropriate development activities and/or take the appropriate steps.

2.4 Lead the Committee in achieving their role regarding the following:-

- promoting and maintaining high standards of conduct by councillors and co-opted members
- assisting the councillors and co-opted members to adhere to the Members' Code of Conduct
- advising the Council on the adoption or amendment of the Members' Code of Conduct
- Monitor the course of Members' Code of Conduct
- advising and training councillors and co-opted members (or arrange for them to be trained) on matters that are relevant to the Members' Code of Conduct
- allow dispensations for councillors and co-opted members
- dealing with tribunal reports or interventional tribunals and the reports of the Council's Monitoring Officer regarding any matter that the officer has submitted to the Public Services Ombudsman for Wales.
- achieve roles regarding the Community Councils and their members.

Vice-chair

- Complete the duties of the Chair when he/she is absent.
- Assist the Chair to carry out specific duties as required.

3. To fulfil their role according to the description, the Chair of the Standards Committee will need to:

3.1 Understand the function of the Standards Committee

- Understand the purpose and function of the Council, the Standards Committee and the procedure to report complaints.
- Understand the function of the Committee.
- Understand the law and the Constitution in relation to behaviour.
- Understand the roles of the Councillors and officers.
- Understand the seven principles of Nolan.
- Leadership skills.
- Ability to manage the work of the Committee.

- Show objectivity by making independent decisions on the basis of evidence and the legal responsibility.
- Willing to be accountable to the public.
- Attend relevant training.

3.2 Manage meetings effectively

- Understand and use meeting protocols, Members Code of Conduct, fixed rules and other constitutional requirements.
- Ability to steer the meetings effectively, controlling the agenda and completing the aims.
- Ability to facilitate discussions effectively.
- Ability to listen and question effectively.

3.3 The involvement and development of the Committee Members

- Understand the function of the Standards Committee and the skills of its members.
- Ability to aid the Committee and its members to assess what needs to be achieved.
- Ability to note any needs in terms of training and development, promote appropriate learning and development activities and participate in them.

3.4 Promote the function of the Standards Committee

- Act as an ambassador for the Committee, helping people understand their roles
- Understand technical, procedural and legal matters to supervise the Committee's functions in a fair and accurate manner
- Ensure that the Committee operates in an objective, impartial and thorough manner in practicing its roles

NOTE: The role description and skills requirements above are in addition to your role description and skill requirements as an ordinary member

Full Name: _____

Signed: _____

Date: _____

A description of the role of a Standards Committee Member

(The Committee promotes, maintains and protects standards of conduct of Members within the Council and the appropriateness of all of the Council's discussions)

Councillors' principles of conduct

- Open and transparent attitude
- Honesty
- Tolerance and respect
- Equality and fairness
- Acceptance of cultural differences
- Sustainability
- Uphold the law

1 Accountability

- To the Full Council

2 Role, purpose and activities

2.1 Understand the nature of the Standards Committee and help it achieve its role by:

- promoting and maintaining high standards of conduct by councillors and co-opted members
 - assisting the councillors and co-opted members to adhere to the Members' Code of Conduct
 - advising the Council on the adoption or revision of the Members' Code of Conduct
 - Monitoring the course of Members' Code of Conduct
 - advising and training councillors and co-opted members (or arrange for them to be trained) on matters that are relevant to the Members Code of Conduct Members' Conduct;
 - allowing exemptions for councillors and co-opted members
 - deal with any reports of a Tribunal or a Tribunal case temporary case and any report from the monitoring officer of any matter referred to that officer by Ombwdsmon Gwasanaethau Cyhoeddus Cymru.
 - implement these functions in relation to elected members and co-opted by Gwynedd Council and members of community councils of Gwynedd.
- Understand technical, procedural and legal matters to contribute in a fair and accurate way to the work of the Committee.
 - Operate in an objective, impartial and comprehensive manner in receiving and using specialist advice about the various matters that are put before the Committee.
 - Demonstrate independence and impartiality in promoting, maintaining and improving ethical arrangements within Gwynedd Council and community councils in the County.

2.2 Participate in meetings and decide on matters

- Participate effectively in the meetings of the Standards Committee.
- Make wise and unbiased decisions (according to the Committee's terms of reference) that comply with the requirements of the law, the Constitution and relevant policies.

2.3 Internal governance, moral standards and links

- Ensure the quality of the Committee's decisions and ensure that you fulfil your role as a member of it by adhering to the Members' Code of Conduct and other constitutional and legal requirements.
- Promote and facilitate good governance in the Council.
- Understand the various roles of the councillors, officers and external people that operate in the field that the Committee is responsible for.

3. To fulfil their role according to the description, a member of the Audit Committee will need to:

3.1 Understand the function of the Standards Committee

- Understand the purpose and function of the Council, the Standards Committee and the procedure to report complaints.
- Understand the law, the Constitution and Policies in relation to the conduct of members of the Council
- Understand the law, the Constitution and Policies in relation to the conduct of members of the Community Councils
- Understand the roles of the councillors and officers
- Attend relevant training

3.2 Participate in meetings, and decide

- Be honest, whilst operating in an unbiased way whatever their personal opinion.
- Show objectivity by taking independent decisions based on evidence and the law.
- Ability to listen, and give every consideration and respect to other people's comments.
- Ability to analyse information.
- Monitoring the implementation of the Members' Code of Conduct
- Willing to be accountable to the public.

3.3 Internal governance, moral standards and links

- Know and understand the Members' Code of Conduct and the protocols.
- Know the Council's values and commit to them.

NOTE: The role description and skills requirements above are in addition to your role description and skill requirements as an ordinary member

Full Name: _____

Signed: _____

Date: _____

Agenda Item 8

MEEETING	STANDARDS COMMITTEE
DATE	
TITLE	SELF ASSEMENT AND WORK PROGRAMME
AUTHOR	IWAN G D EVANS, MONITORING OFFICER.

1. There are two aims in this report namely undertake a assessment of the work and outcomes of the Committee for 2015-16 and consider a draft work programme for 2016 - 2017 .
2. The terms of reference of the Standards Committee has been established through statute in the Councils Constitution and it is timely that that the Committee perhaps considers them anew at the beginning of a new term so as to prepare a work plan for the year..
 - (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;
 - (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
3. The Committee members are asked to consider the functions listed in the first column and then note which assessment they believe is relevant, using the following categories :

Category 1 – That the Committee has made significant progress in achieving the function or in the case of specific tasks that the need to act has not arisen.

Category 2 – That the Committee has substantially implemented the function.

Category 3 – That the Committee has acted in the function but there is a need to give further attention.

Category 4 – There is no evidence that the Committee has actioned the function and there is a basis for concluding that the area needs attention.

4. It is necessary to note the evidence which supports the category which the Committee awards. The column "Evidence" shows some examples of evidence, but it is possible that the Committee members are able to add to it.
5. By assigning a category to each function and noting the evidence, it is possible for the Committee to come to a conclusion regarding which further steps they need to take (if any). The last column contains some suggestions for further steps. These are the matters which will be fed through to the Committee work programme in the future.

6. Appendices

In Appendix 1 there is a draft self assessment for the committees consideration

In Appendix 2 the 2016- 17 Work Programme and an assessment of achievement.

In Appendix 3 a draft work programme for 2017 – 18

RECOMMENDATION

The Committee is asked to undertake a self assessment of its performance in 2016-17 and approve the work programme for 2017 - 18

APPENDIX 1

SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2016/17

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		The Chair and Vice Chair have attended the North Wales Standards Forum to share experiences with other standards committees.	Continue to attend and support
Assist the members to keep to the Code of Conduct		Supported an induction programme for the new Council.	Consider feedback and new training programme
Advise the Council regarding adopting or amending the Code of Conduct		The Committee considered amendments to the Model Code of Conduct for adoption by the Council	
Monitor the operation of the Code of Conduct		<p>Receive regular reports on allegations against members</p> <p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p> <p>Receive annual reports in relation to the interests register and the declarations made.</p> <p>Receive annual reports on the register of interests and hospitality.</p>	Incorporate the Committees observations on these reports in the Committee's annual report.
Advise, train or arrange training for members on matters relating to the Code of Conduct		Supported an induction programme for the new Council.	Consider new training programme

Grant dispensations to members		The Committee dealt with applications for dispensations in an objective and appropriate manner.	
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman		There were no hearings	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation		No occasion to pay such an allowance has arisen.	
Exercise the above functions in relation to community councils		The amendments to the Model Code were communicated to the Community Councils and a joint advertisement was prepared with a number of them .	Arrange new training programme

ATODIAD 2/ APPENDIX 2

Rhaglen Waith Pwyllgor Safonau	Standards Committee Work Programme	
<p>27 Mehefin 2015</p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Adolygu trefn i Aelodau fynychu cyfarfodydd pwyllgorau a Cynghorau Cymuned.</p>	<p>27 June 2015</p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Review arrangements for members to attend meetings of committees and Community Councils</p>	<p></p> <p>1</p> <p>1</p> <p>2</p>
<p>3 Hydref 2015</p> <p>Adroddiad Blynyddol yr Ombudsman</p> <p>Honiadau yn erbyn Aelodau</p> <p>Trefn Datrys Lleol Cynghroau Cymuned</p> <p>Adolygiad Protocolau</p>	<p>3 October 2015</p> <p>Ombudsman's Annual Report</p> <p>Allegations Against Members</p> <p>Local Resolution Procedures for Community Councils</p> <p>Review of Protocols</p>	<p></p> <p>1</p> <p>1</p> <p>3</p> <p>4</p>

23 Ionawr 2017	23 January 2017	
Cofrestr Rhoddion a Lletygarwch	Gifts and Hospitality Register	3
Cofrestr Datgan Buddiant	Declaration of Interest registers	2
Adroddiad Blynyddol y Panel Dyfarnu	Annual Report of Adjudication Panel	1
Honiadau yn erbyn aelodau	Allegations against members	1
27 Mawrth 2017 (ni gynhaliwyd y cyfarfod)	27 March 2017(meeting not held)	
Hunan Arfarniad a Rhaglen Waith	Self Assessment and Work Programme	4
Hyfforddiant	Training	2
Paratoi ar gyfer etholiad 2017	Preparing for 2017 election	1

<p>Rhaglen Waith Drafft Pwyllgor Safonau 2017/18</p>	<p>Draft Standards Committee Work Programme 2017/18</p>
<p>10 Gorffennaf 2017 Adroddiad Blynyddol Hunan Arfarniad a Rhaglen Waith Honiadau yn erbyn aelodau Trefn Datrys Leol Un Llais Cymru</p>	<p>10 July 2017 Annual Report Self Assessment and Work Programme Allegations Against Members Local Resolution Procedure – One Voice Wales.</p>
<p>2 Hydref 2017 Adroddiad Blynyddol yr Ombwdsman Honiadau yn erbyn Aelodau Adolygiad Protocolau</p>	<p>2 October 2017 Ombudsman’s Annual Report Allegations against members Review of Protocols</p>
<p>22 Ionawr 2017 Cofrestr Rhoddion a Lletygarwch Cofrestr Datgan Buddiant</p>	<p>22 January 2017 Gifts and Hospitality Register Declaration of Interest registers</p>

Adroddiad Blynyddol y Panel Dyfarnu Honiadau yn erbyn aelodau	Annual Report of Adjudication Panel Allegations against members
27 Mawrth 2017 Hunan Arfarniad a Rhaglen Waith Hyfforddiant	27 March 2017 Self Assessment and Work Programme Training

Committee :	STANDARDS COMMITTEE
Date:	10 July 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 12494/201607109

Date Received: **01/03/17**

Complaint

That a community councillor had brought his position or the authority into disrepute and had used his position improperly whilst serving on a local committee.

Decision

No investigation. The member served on the committee in a personal and private capacity and not as an elected councillor.

2.2 Case 20160341713317/201607353 & 20160341713317/201607357

Date Received: 08/03/17

Complaint

Complaints against a councillor on the basis of failure to show respect to others, bullying behaviour and bringing the office or the authority into disrepute.

Decision

Ombudsman investigating

2.3 Case 7294/201607052

Date Received: 23/02/17

Complaint

Complaint against a councillor on the basis of using her position improperly, failure to declare an interest and bringing the office or authority into disrepute.

Decision

Ombudmsan investigating

2.4 Case 201700548

Date Received: 28/04/17

Complaint

That a councillor had made comments on his Facebook page that were defamatory and brought his office and authority into disrepute,

Decision

No investigation. It was unclear whether the comments were wholly public and if he had made them as an elected member. The Ombudsman however intended to write to the member to remind him that the provisions of paragraph 6(1)(a) (disrepute) applied at all times and in any capacity. An allegation of libel was a legal matter that should be resolved through the courts.

2.5 Case 13891/201700942-945

Date Received: 05/17

Complaint

Complaints against four community councillors in connection with non-declaration of interests.

Decision

No investigation in two cases. Considering whether to investigate in the

other two.

3. Recommendation

The Committee is asked to note the information.

FFORWM PWYLLGOR SAFONAU GOGLEDD CYMRU

NORTH WALES STANDARDS COMMITTEES FORUM

17th October 2016 at 11am

Committee Room 1, Isle of Anglesey County Council, Llangefni

PRESENT: Please see attached list of names

1. APPOINTMENT OF CHAIR FOR THE MEETING

Michael Wilson, Chair of the Isle of Anglesey County Council's Standards Committee

It was decided that the Chair of the hosting Authority would Chair the meeting on each occasion.

2. APOLOGIES FOR ABSENCE

No apologies for absence received.

3. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Chair welcomed Mr Nick Bennett, the Public Services Ombudsman for Wales.

A copy of the Ombudsman's presentation is attached to these Minutes, as Appendix 1.

The Ombudsman explained in relation to Local Resolution that this was something he would welcome as being extended to Town and Community Councils – but said he would not dictate on this. He said this was very much up to each Standards Committee. He also confirmed that One Voice Wales is doing work on this with the Community Councils and said he welcomed this.

In terms of complaints, the Ombudsman explained the number of county council complaints had reduced but the number of town and community council complaints had increased (the situation has swapped between these two since last year). 3 community councils were responsible for about a third of all town and community council complaints – Glyn Neath, Artillery and Holyhead Town Council.

The two stage test continues to be utilised and its aim is to continue to rid any vexatious complaints. However, the Ombudsman's office continues to see a rise in the number of complaints (10% per annum) with the Office taking 4,000 enquiries and 2,000 complaints last year. The Ombudsman says 76% of his resources go into health investigations. Although, he made it clear that where there are issues of

bullying, corruption or abuse of power he takes complaints of the breach of the Code of Conduct for elected members very seriously.

The Ombudsman office's budget is £4m and there are 58 members of staff.

The Ombudsman complimented on the Forum and believed it was a very beneficial thing to have between the North Wales Authorities. He explained he would be happy to meet with the Forum on a more regular basis should this be deemed useful.

4. QUESTION-AND-ANSWER SESSION WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES

A copy of the Ombudsman's Questions and Answers is attached to these Minutes, as Appendix 2.

The Chair thanked the Ombudsman for his attendance.

Break: 12-12.10. Ombudsman leaves.

5. FREQUENCY OF FORUM MEETINGS

The Chair raised an issue regarding the frequency of Forum Meetings. The Chair suggested 2 per year would be beneficial. This was considered a good average, particularly in light of the Ombudsman's comments of support for the Forum. It was also mentioned that it is important for useful items to be added to the Agenda; it was noted there was a good turnout for this meeting, probably because the Ombudsman was in attendance. It is important for the agenda to entice people to want to attend. There was also discussion in terms of who should make the arrangements; the host authority to be responsible for the agenda and room arrangements etc.

Resolved: A meeting of the Forum will be held twice per annum, on a rota basis for each authority, with the host authority making the relevant arrangements on each occasion.

The next meeting will be held in March/April 2017 by Denbighshire County Council, and the following meeting in November 2017 by Wrexham County Borough Council.

6. REGISTERS OF INTERESTS

The issue was raised by the Isle of Anglesey Standards Committee in relation to the standard register of interests for its members. It was explained that the software from modgov will not show a welsh option for members to be able to complete their online standard register – what goes online eventually is bilingual, and the member can input his / her details in Welsh or English, but the form is only available in English. Modgov has said it would be willing to update the software in order to allow

a welsh page, but at a cost of £10,000. The question was raised whether the other Authorities were having this problem and whether all Authorities would be willing to contribute toward the cost in rectifying the matter for all, at a fraction of the price.

This was not something which other Authorities had been concerned with and so were unsure whether monies could be promised in order to rectify a problem that they may not actually have.

The modgov system is utilised by the majority of Authorities on the Forum (not Snowdonia National Park), so if this is an issue, it could be a possibility to act together as a Forum to ratify it. But each Authority has entered into its own contact with modgov and so, although likely to be similar, there may be differences in terms of the specification agreed under the contract. Each Authority must therefore check its own contract and then a collective view can be taken. If it is an issue for all, it was agreed that some correspondence from the Forum i.e. all Authorities jointly acting, would be a stronger message.

Resolved: For all Authorities to make the necessary enquiries in terms of their contract with modgov and report back to the Forum so that any steps, if necessary, can be taken collectively rather than as individual Authorities.

7. MEDIATION TRAINING

In light of the Ombudsman's comment that he would be supportive of mediation training although he had no budget to be able to offer financial support for such idea, a question was raised as to whether the Forum members wanted such training, and if so, whether there were any ideas in terms of where to seek financial assistance.

There was some appetite for this but the cost of such training needed to be balanced against the fact that only a few, if any, that may actually need to use it. Perhaps alternative funding channels could be considered.

Resolved: For enquiries to be made for the next meeting of the Forum to be hosted by Denbighshire County Council.

8. NEXT MEETING

In March/April 2017 – to be hosted by Denbighshire County Council

End of meeting 12.45

Ombudsman
Ombwdsmon
Ymchwilio Gwynion



**North Wales Standards
Committee Forum**

**Nick Bennett
Ombudsman**

Investigating Complaints
Ymchwilio Gwynion

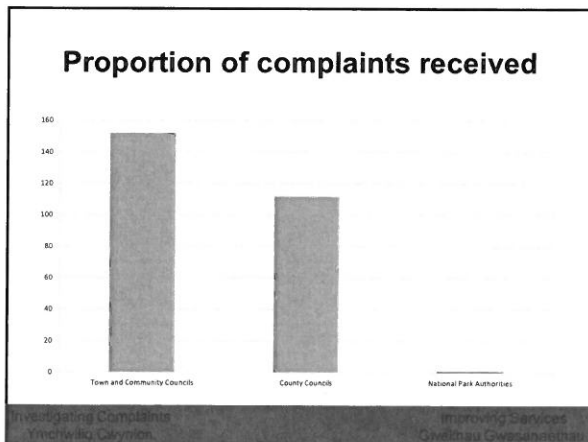
Improving Services
Gwellhau Gwasanaethau

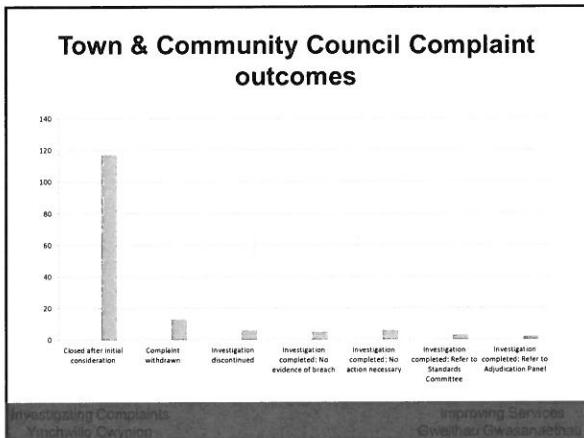
Local Resolution

- Member v Member complaints should be dealt with by internal dispute resolution procedure
- Extension of this to Community Councils

Investigating Complaints
Ymchwilio Gwynion

Improving Services
Gwellhau Gwasanaethau





Two stage test

- Is there **direct** evidence that a breach actually took place?

If so:

- Is an investigation required in the public interest?

Investigating Complaints
Ynchwilio Cwynion

Improving Services
Gwellirau Gwasanaethu

Testing Public Interest One Year on

- Is an investigation required in the public interest?
 - Public interest factors (non exhaustive)
 - Seriousness of breach
 - Deliberately seeking personal gain
 - Misuse of position of trust causing harm
 - Motivated by discrimination (protected characteristics)
 - Evidence of previous similar behaviour

Investigating Complaints
Ynchwilio Cwynion

Improving Services
Gwellirau Gwasanaethu

Vexatious Complaints!

- "Cllr X refused to shake my hand!"
- "Cllr Y cracked a bad joke in poor taste!"
- "Cllr P tutted and huffed whilst shaking his head!"
- "Cllr M referred to the public gathered in the street as a mob!"
- "Cllr S was clicking his pen on and off in an aggressive manner!"

Investigating Complaints
Ymchwilio Cwynion

Improving Services
Gwellirau Gwasanaethu

What does this mean?

- The Ombudsman will only deal with serious breaches of the Code
- Not the 'Ombudsman of sense of humour'
- More matters referred back to Standards Committees to investigate
- 'Mandatory' Member v Member internal dispute resolution

Investigating Complaints
Ymchwilio Cwynion

Improving Services
Gwellirau Gwasanaethu

Q & A

Investigating Complaints
Ymchwilio Cwynion

Improving Services
Gwellirau Gwasanaethu

APPENDIX 2

NORTH WALES STANDARDS COMMITTEE FORUM 17 OCTOBER 2016 QUESTIONS FOR THE OMBUDSMAN

1. Celia Blomeley, North Wales Fire and Rescue Standards Committee:
Local resolution protocol. Is it toothless because it is not compulsory and because it cannot apply sanctions?
Ombudsman:
Local Resolution protocols have been successful in our view in encouraging engagement at a local level and accountability for low level failures to abide by the Code. It gives the parties the opportunity to resolve matters promptly and amicably. Local authority members should be aware that where local resolution fails matters can be referred to us for consideration. Our view is that if a breach justifies the imposition of a sanction that this would not be suitable for local resolution in any event and should be referred to us. It is intended to be used for low level, trivial or vexatious matters.

2. Celia Blomeley, North Wales Fire and Rescue Standards Committee:
What is the future for local resolution protocols for town and community councils? Will it be limited to those who have powers of competency/additional duties under the Future Generations and Wellbeing Act 2015?
Ombudsman:
One Voice Wales has put together a draft model process which we have supported. Our view is that this process or one like this should be available to all Town and Community Councils.

3. Celia Blomeley, North Wales Fire and Rescue Standards Committee:
Conflict of interests for Monitoring Officers and Standards Committees arising from Local Resolution Protocols and then dealing with any subsequent referrals from the Ombudsman.
Ombudsman:
This is in our view a matter of professional judgement. If there is a conflict the new 2016 Regulations¹ allow for the creation of joint standards committees or referral to another authority in these situations.

4. Sharon Warnes, Snowdonia National Park:
There appears to be a reduction in the number of cases before the Adjudication Panel for Wales. Is this a direct result of local resolution? Or does the Ombudsman consider that the introduction of the public interest threshold test has affected the number of cases?
Ombudsman:
Whilst we consider that the “public interest” test may have had some bearing on this, the effect is that we are investigating the serious breaches. The figures for referral’s to APW in previous years have fluctuated but remain largely dependent on the nature of the complaints made to us. Low level complaints not investigated

¹ The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

because they did not meet the public interest test are unlikely to have been referred to the APW under the previous two stage test in any event.

5. Iwan Jones, Snowdonia National Park:

Is the Ombudsman considering offering or arranging mediation training for Monitoring Officers and the members of the various Standards Committee in light of the requirement for more to be done by way of local resolution? What is the role of the Standards Committee in relation to the Ombudsman's comment in the amended guidance, published July 2016, that "I am supportive of this (local resolution process) extending to cover community councils" (page 8)?

Ombudsman:

No our resources could not extend to this.

6. Iwan Jones, Snowdonia National Park:

If the Ombudsman is considering that a local resolution process should be extended to include community councils too, will the Ombudsman provide a standard Local Resolution Protocol or template so as to ensure all members are treated fairly and consistently?

Ombudsman:

No, our view is that the process proposed by OVW is suitable and alternatively a principal authorities own protocol could be utilised and amended for this purpose.

7. John Roberts, Isle of Anglesey County Council:

How do you see role of community councils when some have significant responsibilities yet the variance in clerks' time varies from full time staff to 10 hours a month and skill level varies considerably and some don't even want a computer.

Ombudsman:

This is not a matter for us. Nick you indicated that you could make reference here to Mark Drakeford's plans for local government reform.

8. Dilys Shaw, Isle of Anglesey County Council:

Why do cases take so long from the complaint being reported to conclusion?

Ombudsman:

Reasons vary – often depend on nature and number of allegations made, sources of evidence and how accessible these are, the availability of witnesses and members themselves when they need to be interviewed. We are constantly looking at ways to improve on timescales, we now have a dedicated Code of Conduct investigation monthly review system aimed at ensuring investigations are focussed and timely. We are hopeful that this will have a positive impact and will be monitoring this.

Last year 15/16 we saw an improvement in closure times, 84% of investigations were concluded within 9 months compared to the previous year when only 76% were closed in this time frame. Those taking up to a year to conclude reduced by 9%. (Reports attached)

9. Denise Harris-Edwards, Isle of Anglesey County Council:

Is the Ombudsman considering preparing a Sanction Guidance specifically tailored to the needs and powers of Standards Committees?

Ombudsman:

There is no plan for us to do this. We are generally of the view that the issue of sanction is mainly for the Committee or Tribunal considering a matter. The APW has issued sanctions guidance which we actively refer Standards Committees to.

We feel that the aggravating and mitigating factors are equally applicable and the guidance on the nature of a sanction informative. As a group you may wish to develop this yourself

10. Mike Wilson asked on behalf of Gwynedd County Council:

Clarity around the new Sl. i.e. suspension only within current term of office. Doesn't this make it pointless when a member can commit a serious breach of the Code, and if the timing is right, there will be no consequences? Would the expectation of the Ombudsman be that Standards Committees or Case Tribunals would still proceed and issue a censure only, making it clear that a suspension or disqualification would have followed had it been available? Is it really wasting costs to investigate, prosecute and adjudicate on something like this and isn't it unfair to elected members that some will be facing suspension because of a breach that takes place early on in their term of office and others will "get away with it"?

Ombudsman:

We supported this amendment when consulted by WG as it brings standards committee suspension sanctions in line with the APW's powers.

11. Mike Wilson asked on behalf of Gwynedd County Council:

Are we going down the route of the England model? Would it be better for the Ombudsman to just focus on public service delivery, rather than the conduct of elected members, given scarce resources?

Ombudsman:

Public Service delivery is important but the Code of Conduct plays a vital role in upholding standards in public office which is essential for public confidence in elected members. This is particularly important where we are seeing examples of serious breaches such as abuse of process or position.

12. John Roberts, Conwy County Borough Council:

The role of the Standards Committee and local Monitoring Officers in relation to town and community councils, particularly in light of the new draft Guidance. Is there an expectation that Monitoring Officers lodge complaints and / or is there an expectation that Standards Committees and Monitoring Officers now undertake local resolution at Town and Community Council level?

Ombudsman:

The guidance attempts to clarify that there are options available to a MO when a potential breach of the Code is identified, the mechanism to complain to us still exists. Where local resolution for Town and Community Council's is concerned it really is something which needs careful consideration. The One Voice Wales proposal is such that the Clerk plays a vital role in the process.

13. Martin Davies, Conwy County Borough Council:

Is there, or is there intended to be, an archive library of standards decisions, for consistency, rather than just the APW Case Tribunals.

Ombudsman:

Our casebook's provide a link to decisions taken by both SC and APW. We are currently working on a database of historic decisions which pre date the case books for internal use and we could consider whether there is scope for extending this for public access.

14. Ceri Nash, Wrexham County Borough Council:

It is a statutory requirement for Town and Community Councils to have websites and for their registers of interests to be published on them. What steps will the Ombudsman take if Town and Community Councils fail to conform to this requirement?

Ombudsman:

Failure by a town and community council to do this would ordinarily fall under our Maladministration jurisdiction. If a properly made complaint was investigated which identified that this was not happening recommendations could be made. If this was identified in the context of a code investigation we could make reference to this in the report but not an enforceable recommendation. However APW do have the ability to make recommendations if this arose as a key issue during a tribunal.

15. Ceri Nash, Wrexham County Borough Council:

What is the impact on the Ombudsman's office timescales now that it is receiving / investigating fewer cases?

Ombudsman:

Analysis of figures since the introduction of the PI test suggest that investigations are being concluded sooner 84% within 9 months in 15/16 compared to 76% in 14/15.

16. Ceri Nash, Wrexham County Borough Council:

The legislation in relation to the new ground for dispensation [paragraph 4 (3) of The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016] details that a dispensation may be granted if "it appears to the committee to be otherwise appropriate to grant a dispensation".

However, the amended guidance published by the Ombudsman's office details that dispensation can be granted "if appropriate in all circumstances, where it was not otherwise possible, to make reasonable adjustments to accommodate a person's disability".

Please confirm this is the "disability" created by the prejudicial interest; the legislation seems to be going further than what is included in the guidance?

Ombudsman:

Our understanding which is based on consultation information from WG is that the new ground for dispensation is based on a practical solution to "disability" of a particular member making it difficult for them to leave a room or chamber when a matter that they have a P&P interest is being discussed. The guidance has been written to reflect this.

17. Ed Hughes, Flintshire County Council:

Given the comments in guidance published by your office suggesting that local resolution procedures might help to reduce the number of complaints received from town and community councillors how had you envisaged that being resourced?

[The paragraph from the guidance is as follows -

"Most local authorities across Wales have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. These arrangements are proving to be effective at resolving many of these kinds of complaints. I am supportive of this extending to cover community councils."]

Ombudsman:

This would not be a matter for us

18. Rob Dewey, Flintshire County Council:

Whilst the annual report is welcome would it be possible to include greater analysis of the trends and any lessons that might come from the statistics, e.g. is there a rise in cases of disrespect or has there been a fall in allegations of failure to declare interests, in order to help reveal any future work that might be needed by Standards Committees or to demonstrate the success of work that has already been undertaken.

Ombudsman:

We are currently exploring ways of capturing and reporting in a more comprehensive and meaningful manner. It is hoped that we will be able to provide greater analysis in the future and appreciate the need for this.

19. Ian Trigger, Denbighshire County Council:

There is a concern that the public may lose confidence in the enforcement of the Code of Conduct if they feel that legitimate complaints have been considered not worthy of investigation. Would the Ombudsman consider referring cases that he has determined not to investigate for local investigation?

Ombudsman:

We take the view that members of the public could lose confidence if we were to investigate trivial complaints also this is the reason behind the public interest test. We do have powers to discontinue an investigation and refer this for local investigation; this is something which we have done in the past, but with very little take up and some reluctance from Monitoring Officers. Nevertheless the ability to do this still applies and we could do it if we deemed it appropriate.

20. Ian Trigger, Denbighshire County Council:

Does the Ombudsman consider that the setting of minimum standards and mandatory training for Clerks to Town, City and Community Councils would assist in the maintenance of high standards of conduct and the operation of Local Resolution Procedures in those Councils?

Ombudsman:

Yes whilst we agree that training in this area would be beneficial particularly if Clerk's are to play a role in local resolution but this is something that we as an organisation would be unable to resource. Organisations such as one voice wales or Society of Local Clerks may wish to take up.

Committee :	Standards Committee
Date :	10 July 2017
Title :	Adjudication Panel for Wales – Annual Report 2014 - 2016
Author :	Monitoring Officer
Purpose :	Presented for information

Background

1. Members will be aware that the Adjudication Panel for Wales' role is to form case tribunals to consider allegations that members have breached the Code of Conduct. The Panel will receive such allegations in one of two ways – either directly from the Ombudsman or in the form of Appeals against decisions made by Standards Committees.

2. Recently the Panel has published a combined Annual Report for the years 2014–5 and 2015-16, and a copy is attached for the Committee's attention.

Recommendation

3. The Committee is asked to note this report for information.



Adjudication Panel for Wales Annual Report

2014–2015 / 2015–2016
Combined

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Foreword



This is my first annual report as President of the Adjudication Panel for Wales (APW). The report covers the period 1 April 2014 – 31 March 2016. You will note that this annual report covers a two year period, as opposed to the usual twelve months. The publication of this report was delayed due to the few cases dealt with by the APW and the retirement from office of my predecessor, Mr J Peter Davies. I hope you find the report informative and user friendly.

We aim to ensure that the APW serves the interests of all those in Wales falling within our jurisdiction, by dealing with any disputes both efficiently and effectively. Specifically we make every effort to ensure that all those involved in the dispute ultimately feel that the dispute has been fairly resolved within as short a timescale as is reasonable. We also are conscious that the wider public must have confidence that any breaches of the Code of Conduct by members of relevant authorities will be dealt with fairly and in a timely way in order to uphold trust and confidence in local democracy.

As can be seen from the statistics set out in the Report, various Applications have been made to the APW during the past 2 years. The most common types of cases before the APW relate to allegations concerning failures to disclose personal and prejudicial interests. It would appear that a very small minority of councillors struggle to identify when a personal or prejudicial interest exists, despite training and the guidance issued by the Public Services Ombudsman for Wales.

Any questions or comments arising as to any aspect of the workings of the APW, or as to the contents of the Report, are most welcome and should in the first instance be addressed to the Secretariat.

A handwritten signature in blue ink, which appears to read 'C Sharp'.

Claire Sharp
President, Adjudication Panel for Wales

Section 1 – About Us

In this section:

- Basis for the APW
- The APW's Function
- The APW's Regulations
- The APW's Process
- Members of the APW
- Appointments
- Training
- Contacting the APW
- Accessing the APW

Basis for the APW

The Adjudication Panel for Wales (APW) is an independent tribunal that has been set up to determine alleged breaches against an authority's statutory Code of Conduct by elected and co-opted members of Welsh county, county borough and community councils, fire and national park authorities.

The APW was established under Part III of the Local Government Act 2000.

The APW's Function

The Code of Conduct for an authority provides its members with a set of standards expected of them in public life. The code of conduct covers various requirements as to how members should conduct themselves and includes requirements in relation to equality, personal and prejudicial interests, confidential information, their authority's resources and the need to avoid bringing their office or authority into disrepute.

The APW has two statutory functions in relation to breaches of the Code of Conduct:

- to form case or interim case tribunals ("Case Tribunals") to consider **references** from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority's Code of Conduct; and
- to consider **appeals** from members against the decisions of local authority standards committees that they have breached the Code of Conduct ("Appeal Tribunals").

The APW's Regulations

The APW operates in accordance with its procedural regulations and other associated legislation. The regulations ensure that all cases heard by the APW are treated fairly, consistently, promptly and justly. They ensure that everyone who comes before the APW clearly understands the steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the APW. They also ensure that every party to a case understands the arguments of the other party and can respond to them.

APW's procedures are governed by the following legislation:

- The Local Government Act 2000 (as amended);
- The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (as amended), and
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001 (as amended).

The APW's Process

Anyone wishing to respond to a reference from the PSOW or to make an application for permission to appeal to the APW, must complete and send the relevant form to the APW.

At an APW hearing the panel is composed of a legally qualified chairperson and 2 lay members. APW hearings will normally be held in public and take place near to the authority area.

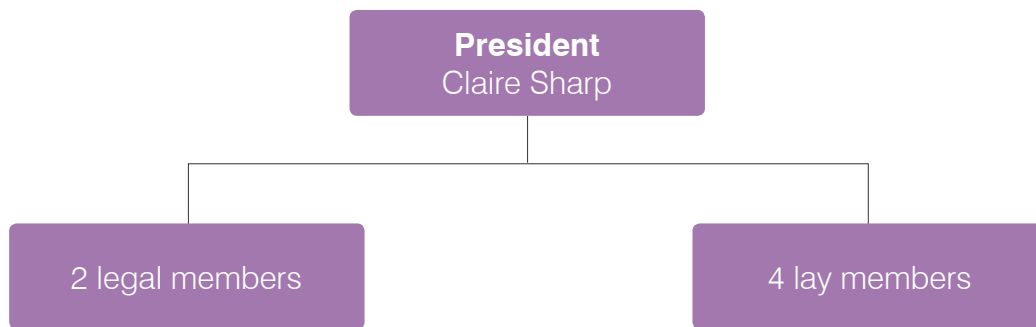
The APW publishes its decisions on the website for the APW. Decisions of Case Tribunals can be appealed on limited grounds to the High Court. Permission to appeal to the High Court must first be sought from the High Court.

Full information and guidance about the APW and its procedures, are provided on the website for the APW. Alternatively please contact the APW secretariat for further information or if you would like to receive publications in a different format. The contact details can be found on page 6.

Members of the APW

Appointments to the APW are made by the First Minister after consideration of recommendations made by the Judicial Appointments Commission.

President	The President has judicial responsibility for the APW and its members.
Legal Members	Legal members are lawyers and have responsibility for conducting proceedings at hearings and advising the Secretariat on matters of law. Legal members write APW decisions and give directions where necessary.
Lay Members	Lay members have a wide range of knowledge and experience relevant to the work of the APW.
Secretariat	The day-to-day administration is largely delegated to the secretariat which deals with all the preliminary paperwork and the processing of applications to the APW. The secretariat consults the President and/or legal members on all legal points arising during the preliminary pre-hearing stages of the proceedings and passes on any rulings and directions in writing to the parties. The secretariat acts as a point of contact for chairpersons, members and APW users and attends hearings to help with the efficient running of proceedings.



Appointments

In January 2016, 3 legal members and 4 lay members were appointed to the APW. Of the legal members appointed, Mrs Claire Sharp has recently been appointed as the President of the APW with effect from 1 May 2016.

Training

A training seminar was held during November 2014. No training was held during 2015/16 due to the recruitment of new members. A regular programme of performance appraisal for APW members has been completed over previous years. Due to the new appointments this year, it is anticipated that the next round of performance appraisal for APW members will start during the course of the 2017/18 year.

Contacting the APW

To contact the APW Secretariat:

APW Address: Adjudication Panel for Wales
Government Buildings
Spa Road East
Llandrindod Wells
Powys
LD1 5HA

APW Helpline: 03000 259805

APW Fax: 03000 259801

APW E-mail: adjudication.panel@wales.gsi.gov.uk

Accessing the APW

The APW is happy to communicate with you in English or Welsh. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of staff to phone you back.

You can choose to have your hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provisions will be made.

To enable arrangements for interpreters or to make provisions for any additional needs of attendees, sufficient notice must be given to the secretariat.

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Hearings Data
- Onward appeals
- Achievement against key performance indicators
- Complaints

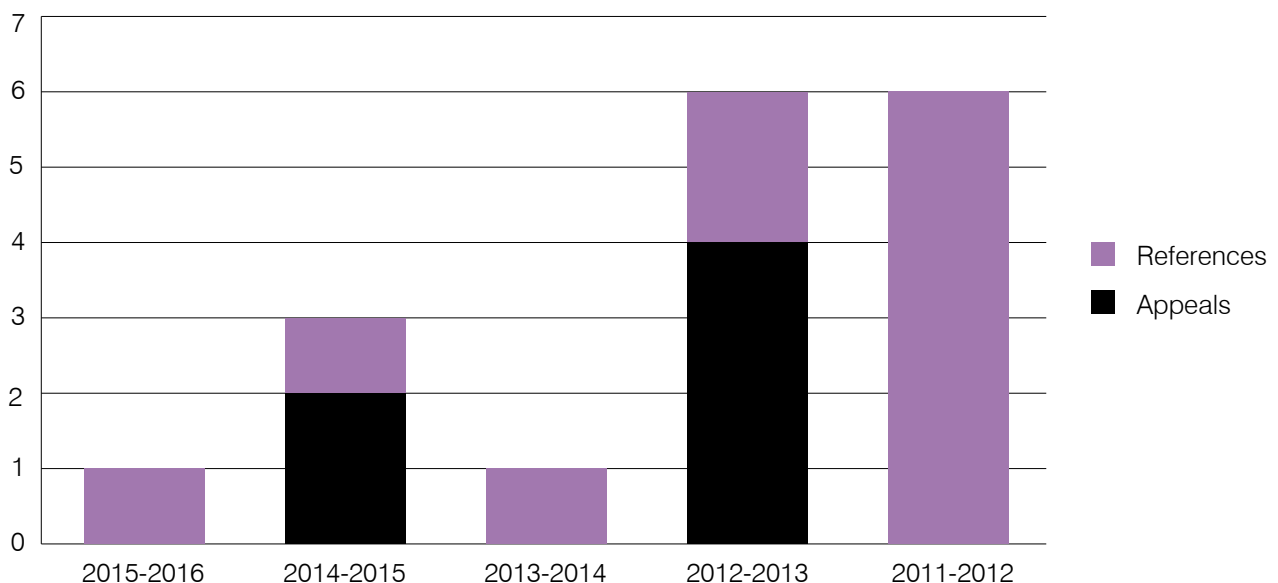
Numbers and Statistics

A Tribunal year runs from April to March. This report covers 2 tribunal years. As the numbers of cases received are relatively low, figures are given for a 5 year period to allow for comparison.

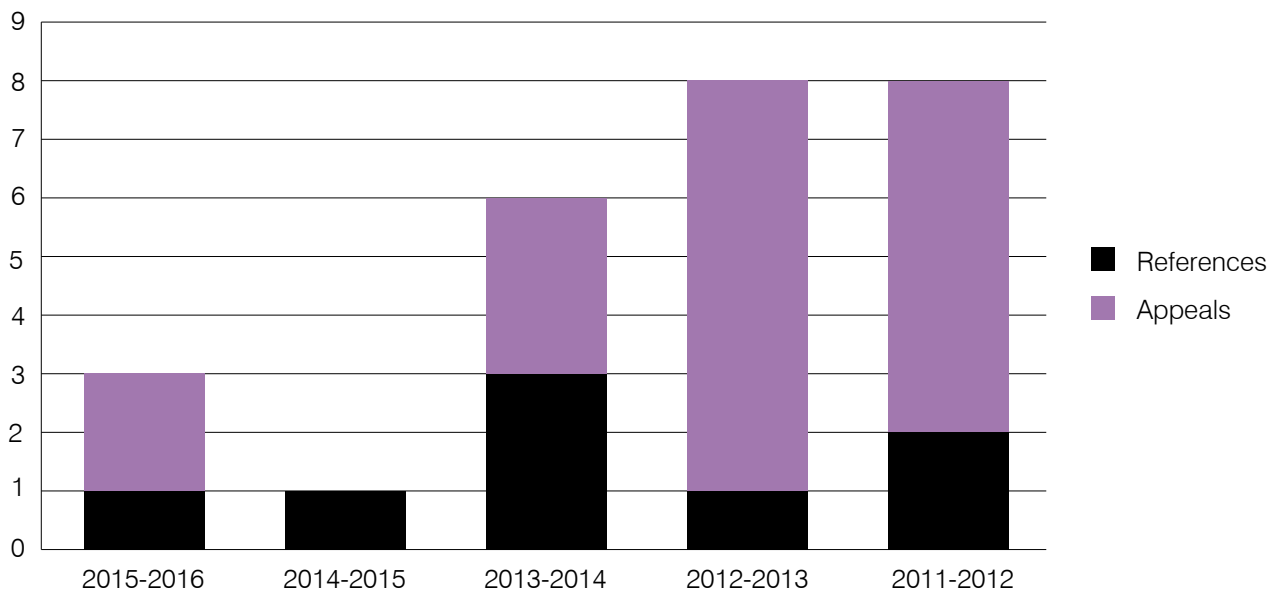
The following statistics are collated:

- Number of references and appeals received
- Type of applications received and registered
- Number of applications finalised
- Outcome of applications

Graph 2.1: Number of references and appeals received by year

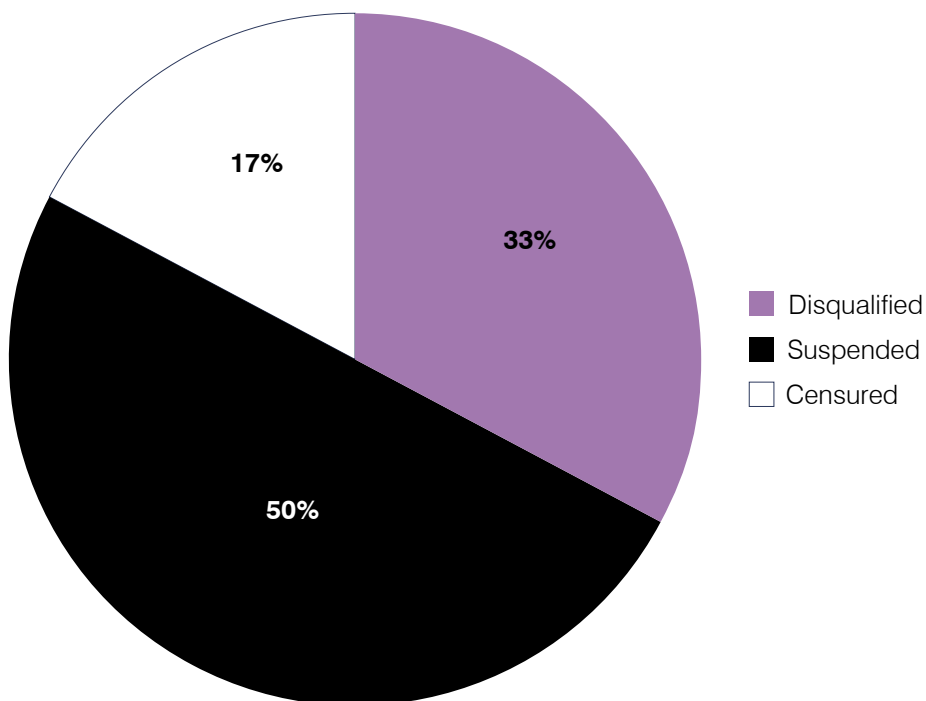


Graph 2.2: Number of references and appeals decided by year April 2011-March 2016

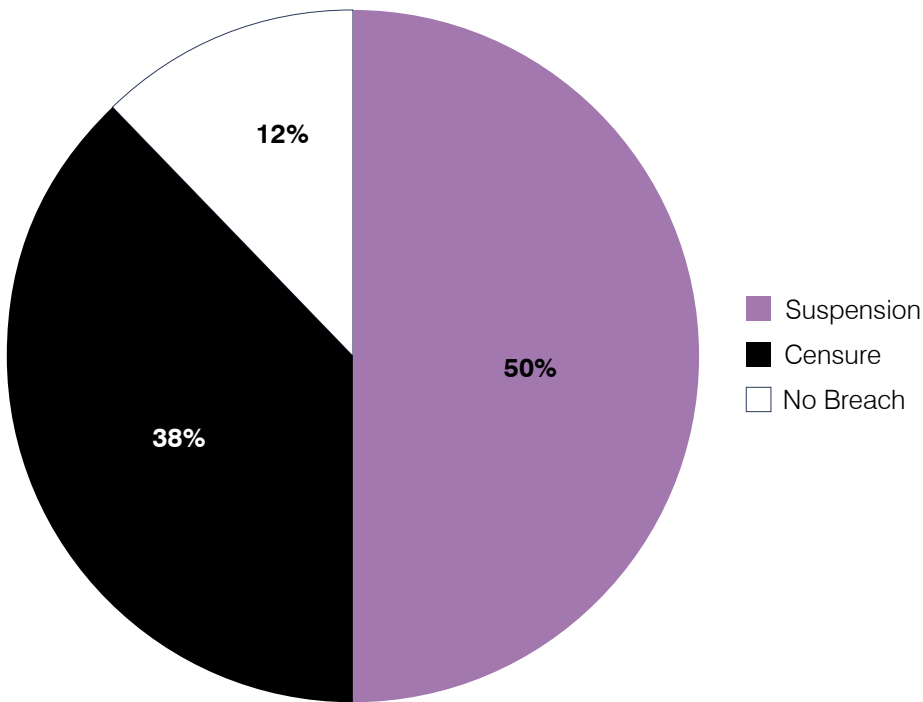


Charts 2.3 and 2.4: Outcomes of references and appeals April 2011-March 2016

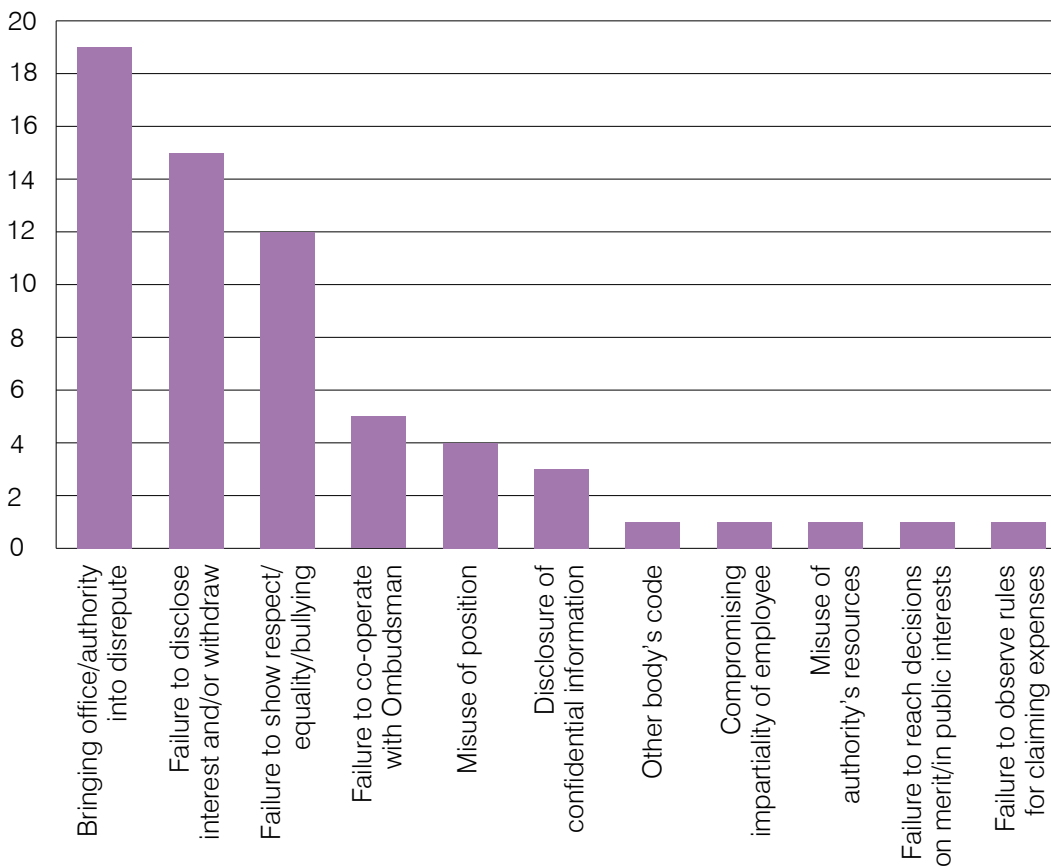
The chart below shows the outcome of references decided by the Adjudication Panel over the last 5 years.



The chart below shows the outcome of appeals decided by the Adjudication Panel over the last 5 years



Graph 2.5: Percentage of breaches by type April 2011-March 2016



Hearings data

During 2014 – 2016, 2 referrals from the PSOW and 2 appeals against the determination of standard committees proceeded to hearing, resulting in a total of 5 hearing days:

Type	Length (in days)
Referrals	2 hearing days
Appeal	3 hearing days

There were also 4 telephone conferences which took place in relation to these cases.

Onward appeals

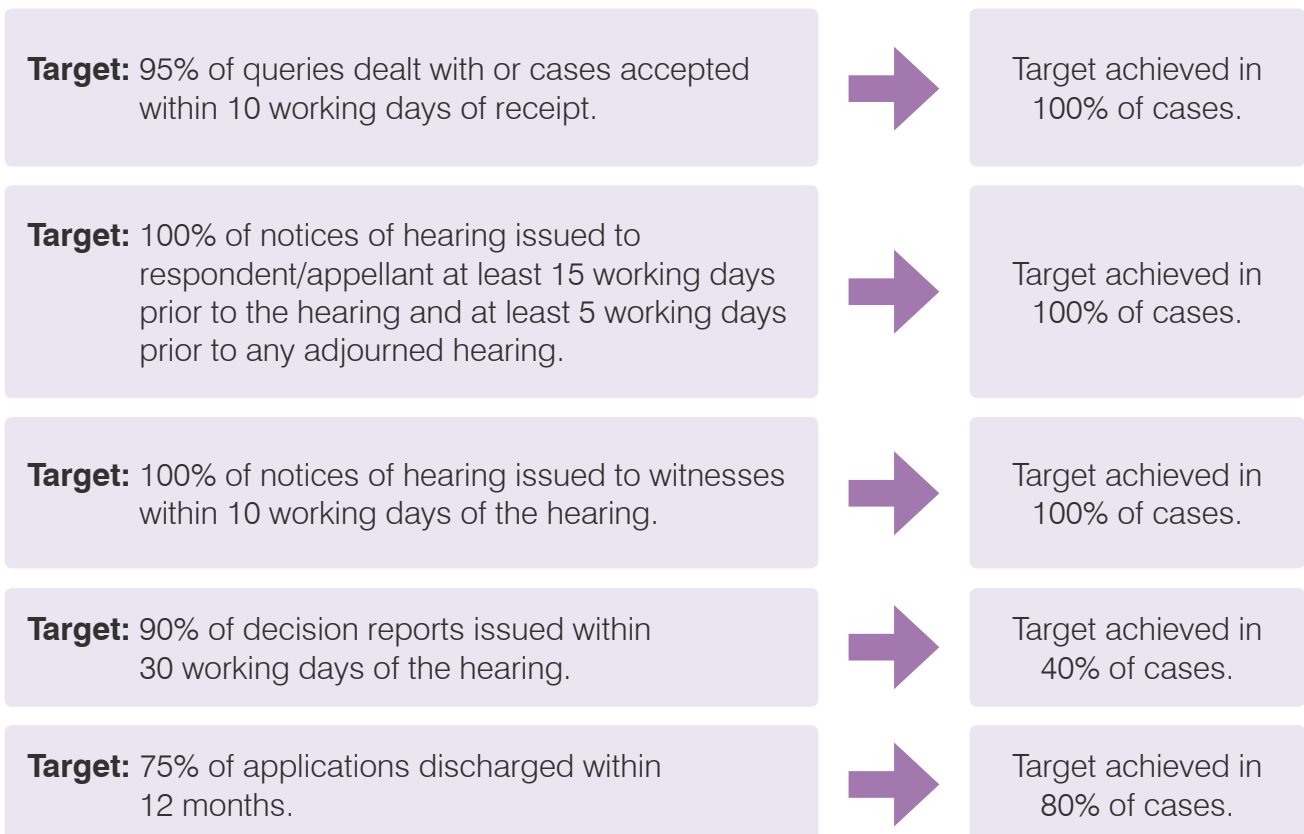
Applications for permission to appeal a decision of a Case Tribunal of Interim Case Tribunal can be made to the High Court on limited grounds. Over the period of this report, no applications for permission have been made.

Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal (see below). To measure customer satisfaction, we use an indicator that is derived from feedback forms that are issued when a case is complete (see section 4).

Speed of our service 2014-2016



Complaints

The APW received no formal complaints during the reporting period.

Section 3: Case summaries

In this section:

- References
- Appeals

References

During the reporting period 2 case tribunal hearings took place resulting from references from the Ombudsman. Summaries of the cases determined by the APW appear below.

APW/002/2014-015/CT

Llanfihangel ar Arth Community Council

The allegation was that the councillor had breached Llanfihangel ar Arth Community Council's Code of Conduct by failing to declare a personal and prejudicial interest at a meeting of the Community Council.

The incident arose when a planning application on land adjacent to a property owned by the councillor was considered by the Community Council, and a secret ballot held to decide whether or not the Council would support or oppose the application.

The Case Tribunal found by unanimous decision that the councillor failed to comply with Llanfihangel ar Arth Community Council's Code of Conduct as follows:

- Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent (paragraph 11(1));
- Where you have a prejudicial interest in any business of your authority, you must, unless you have obtained a dispensation from your authority's Standards Committee, withdraw from the room, chamber or place where a meeting is considering the business is being held (paragraph 14(1)).

The Case Tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of Llanfihangel ar Arth Community Council for a period of 3 months.

APW/001/2015-016/CT

Magor with Undy Community Council

The allegation was that the councillor had breached Magor with Undy Community Council's Code of Conduct by not declaring or leaving a meeting where the Community Council considered the remuneration package of the clerk.

The incident arose as the councillor was in a relationship with the clerk, and they married several months later.

The Case Tribunal found by unanimous decision that the councillor failed to comply with Magor with Undy Community Council's Code of Conduct as follows:

- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 6(1)(a));
- Where you have a prejudicial interest in any business of your authority, you must, unless you have obtained a dispensation from your authority's Standards Committee, withdraw from the room, chamber or place where a meeting is considering the business is being held (paragraph 14(1)).

The Case Tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of Magor with Undy Community Council for a period of 3 months. It also recommended that the councillor undertook further training about the Code of Conduct before returning to office.

Appeals

During the reporting period 2 appeal tribunal hearings took place resulting from appeals by members of decisions by Local Authority Standards Committees. Summaries of the cases determined by the APW appear below.

APW/001/2014-015/AT

Sully and Lavernock Community Council

An appeal was received against the determination of the standards committee that the councillor had breached Sully and Lavernock Community Council's Code of Conduct and should be suspended from office for 6 months and was required to undergo training.

The standards committee had found that the councillor had breached the following paragraphs of the Code of Conduct in emails about another member of the Community Council:

- You must show respect and consideration for others (paragraph 4(b));
- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 6 (1)(a)).

The councillor appealed on the basis that the standards committee had failed to give sufficient weight to the evidence that the emails were sent from a private email address and in his capacity as a private citizen, and ignored the provocation by the member who was the subject of the emails. The councillor also submitted that the sanction imposed was disproportionate.

The Appeal Tribunal found that some of the emails had been sent in a private capacity, but some were official. It also found that some of the emails were political expressions and attracted enhanced protection under Article 10 of the European Convention of Human Rights.

The Appeal Tribunal concluded by unanimous decision that the councillor had not breached Sully and Lavernock Community Council's Code of Conduct and overturned the decision of the standards committee.

An appeal was received against the determination of the standards committee that the councillor had breached the Isle of Anglesey County Council's Code of Conduct and should be suspended from office for 1 month.

The standards committee had found that the councillor had breached the Code of Conduct when communicating with officers of the Council about the sale of a particular piece of land; when the councillor failed to declare a close personal association with the prospective purchaser of the land and when the councillor misused his position as a member to gain an advantage for the prospective purchaser:

The Standards Committee indicated that the following paragraphs of the code of conduct had been breached:

- You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage (paragraph 7(a));
- You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest (paragraph 10(1));
- Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent (paragraph 11(1));
- Where you have a personal interest in any business of your authority and you make written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication (paragraph 11(2)(a));
- Where you have a personal interest in any business of your authority and you make oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation (paragraph 11(2)(b));
- Where you have a prejudicial interest in any business of your authority, you must, unless you have obtained a dispensation from your authority's Standards Committee, withdraw from the room, chamber or place where a meeting is considering the business is being held (paragraph 14(1)(a));
- Where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee, not seek to influence a decision about that business; not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business (paragraph 14(1)(c-d)).

The councillor appealed on the basis that he did not have a longstanding relationship with the prospective purchaser, and that the sanction of suspension did not properly take into account the harm done to him and his family once the matter was published in the press.

The Appeal Tribunal concluded by unanimous decision that the councillor did have a close association with the prospective purchaser and had breached Isle of Anglesey County Council's Code of Conduct. It referred the matter back to the standards committee with a recommendation that the councillor should be suspended from office for 3 months.

Section 4 – Our Customers

In this section:

- Customer satisfaction survey

Customer satisfaction survey

The APW strives to improve customer service delivery and its aim is to put our customers at the heart of everything we do.

During 2014-2016 the APW distributed a customer satisfaction survey on case completion. The feedback from the survey enables us to gain a better understanding of our customers' needs and gives a valuable insight into what the APW is doing well, as well as highlighting those areas where the APW needs to improve.

We received 2 completed forms during 2014-2016. Of those:

- 100% of completed responses said the APW was prompt to respond;
- 100% of completed responses said the APW was polite and helpful;
- 100% of completed responses said they were satisfied with the information they received;
- 100% of completed responses said they were able to understand the process;
- 100% of completed responses said they found the information in the guidance forms useful; and
- 100% of completed responses said we processed the case efficiently.

Section 5 – Business Priorities

In this section:

- Business priorities for 2016-2017

It is important that the APW continues to develop in order to deliver the best possible service for our customers. This section is about how the APW will build on its achievements through focusing on business priorities and our commitment to our customers.

Business Priorities 2016-2017

- Plan and deliver an all-members training event and induction for new members;
- Implement a new appraisal system for all members;
- Continue to monitor and update the APW website;
- Deliver an effective and efficient service, meeting key performance indicators and responding to feedback on customer satisfaction surveys.

Section 6 – Expenditure

In this section:

- Expenditure for 2014-2016

Expenditure for 2014-2015

Content	Amount
Members Fees and Expenses for tribunal proceedings*	£12,000
Tribunal events (hearing costs)	£121.36
Total	£12,121.66

* rounded to the nearest £1,000

Expenditure for 2015-2016

Content	Amount
Members Fees and Expenses for tribunal proceedings*	£15,000
Tribunal events (hearing costs)	£6,577.78
Total	£21,577.78