



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

10.30 am, MONDAY, 27TH JANUARY, 2020

Location

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

Contact Point

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(DISTRIBUTED 17/01/20)

STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Anne Lloyd Jones
Beth Lawton
Dewi Wyn Roberts

Independent Members (with a vote) (5)

Aled Jones
Margaret E. Jones
David Wareing
Einir Young
Hywel Eifion Jones

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

4 - 7

The Chairman shall propose that the minutes of the previous meeting of this Committee held on 4th November, 2019 be signed as a true record (attached).

5. ETHICS STANDARDS IN OUTSOURCING AND COLLABORATION ARRANGEMENTS

To consider the report of the Monitoring Officer (to follow).

6. DECLARATION OF MEMBERS' INTERESTS

8 - 17

To consider the report of the Senior Solicitor (Corporate) (attached).

7. ALLEGATIONS AGAINST MEMBERS

18 - 19

To consider the report of the Senior Solicitor (Corporate) (attached).

STANDARDS COMMITTEE 4/11/19

Present:-

Elected Members:- Councillors Anne Lloyd Jones and Beth Lawton.

Independent Members:- Mr Aled Jones, Mr Hywel Eifion Jones, Miss Margaret E. Jones, Mr David Wareing and Dr Einir Young (Chair)

Community Committee Member:- Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Siôn Huws (Senior Solicitor - Corporate) and Eirian Roberts (Democratic Services Officer).

Mr Hywel Eifion Jones was welcomed to his first meeting, following his appointment as an independent member of the Standards Committee.

Reference was made to the recent death of Mr Sam Soysa, who had been a committed member of the Standards Committee for a number of years, and the committee's Vice-chair between 2012 and 2015. Condolences were extended to the family in their loss.

1. APOLOGIES

Councillor Dewi Roberts.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 17 June 2019, as a true record.

5. GIFTS AND HOSPITALITY REGISTER

The Monitoring Officer presented the report to the committee as part of its work of monitoring standards within the Council. Members were invited to note, accept and offer any observations on the contents of the report.

During the discussion, it was noted that:-

- Members were unsure when it was necessary to register a gift / hospitality. In response, it was explained, e.g. that refreshments provided as part of a body's normal meeting, such as Adra's Board (*Cartrefi Cymunedol Gwynedd*), did not constitute hospitality, but that refreshment provided, for example, by a private company, as part of a pre-planning application exhibition, was a different matter, as there could be an effort here to influence the member.

- There was a perception that councillors received far more gifts and hospitality than happened in reality.
- By now, it was Cabinet Members that held the right to make the majority of decisions, and other members did not have much of a deciding role, with the exception of matters, such as planning.
- A note should be included in the next Standards Committee annual report, reminding members of the need to register any offer of gifts / hospitality above the value of £25, whether or not the offer was accepted.

RESOLVED to note and accept the contents of the report with the observations presented during the discussion.

6 ALLEGATIONS AGAINST MEMBERS

Submitted, for information, the report of the Senior Solicitor (Corporate) presenting information about the Ombudsman's decisions on formal complaints against members.

During the discussion, it was noted that:-

- There was concern that members did not realise the importance of submitting evidence when making a complaint. In response, it was noted that many complaints related to comments made on social media, and that it was important to take a screenshot or print the evidence immediately in case the post disappeared. It was also noted, although there was fairly clear evidence in some cases, that other types of cases were far more difficult to prove, relating to behavioural patterns that emerged over a period of time, and which escalated from appearing to be unremarkable behaviour at the beginning to something far more serious. Cases such as these were far more challenging as collecting evidence meant keeping records over a period of time. It was added that it was intended for members' training to include reference to the importance of keeping a record of everything.
- A note should be included in the next Standards Committee annual report, if the training had been held by then, noting that the committee had responded to the observations made in the full Council meeting when the last annual report was presented, and that a discussion had been held.
- It was noted that, although scathing and critical comments could be made against members without breaching the code, there was a threshold that should not be crossed. It was intended to submit a report to the next meeting of the Democratic Services Committee detailing the support available to members that suffered online harassment from whatever source.

RESOLVED to note and accept the contents of the reports with the observations presented during the discussion.

7. ANNUAL REPORT OF THE OMBUDSMAN

Submitted for information – the report of the Monitoring Officer appending the Ombudsman's 2018/19 Annual Report.

During the discussion, it was noted that:-

- The report highlighted the workload facing the Ombudsman and his team, with health complaints and community council complaints taking up much of their time. There was scope to promote and provide support to community council members, and if a dispute arose, holding a discussion could offer a way forward.

- Reference was made to the lack of resources to investigate complaints, and the relevance of the full code to small councils was questioned. It was noted that the size of community councils varied greatly, and when considering the nature of some complaints relating to the smallest councils, it was suggested that a smaller-scale and clearer code would be more suitable.
- It was noted that some community councils were run very professionally, with no vacant seats, but this was not true for all the councils. The clerks were responsible for adherence to the standards, and clerks and community council members had a duty to attend the training provided for them.
- It was suggested that a review should be undertaken of the community councils as there was too great a gap between them and the County Council. It was reported that an investigation conducted into the sector recently had not produced recommendations for a revolutionary change. It was noted that at the last meeting of the North Wales Standards Committee Forum, reference had been made to the fact that the varying levels of councils posed a challenge.
- The reference in the report to the opening of an office in Bangor was welcomed, although there were no further details, and a question was asked about why the Ombudsman's main office had to be located in Cardiff.

RESOLVED to note the report.

8. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted, for information – the minutes of the North Wales Standards Committees Forum meeting held on:-

- (a) 29 June 2018
- (b) 26 June 2019

It was noted that interest had been expressed in joining the Forum from South Wales.

With specific reference to item 7 of the minutes of the meeting held on 26 June 2019, it was noted that an initial discussion had been held in the Forum about the idea of establishing a North Wales Joint Standards Committee. It was emphasised that this was in its infancy, and that it was not yet clear whether this was the right direction, and whether or not such a joint committee would add value.

During the discussion, it was noted that:-

- There were challenges in relation to joint working, although the idea sounded positive on paper. Gwynedd was a geographically challenging county as it was, without adding the other counties in North Wales, and such a committee could be unwieldy as everyone had their own different arrangements and systems. The Welsh language was another element that could not be disregarded.
- There should be joint working within the boundaries of Gwynedd in the first instance, e.g. jointly with Snowdonia National Park Authority, before consideration was given to extending to other counties.
- Although there were doubts about collaborating too closely, there was scope for the councils to share themes, expertise, etc., possibly through on-line arrangements.

RESOLVED to note the contents of the minutes.

The meeting commenced at 11.00 am and concluded at 11.55 am

CHAIRMAN

Agenda Item 6

Committee :	STANDARDS COMMITTEE
Date:	27 January 2020
Title	Register of Members' Interests
Author:	Senior Solicitor (Corporate)
Action:	For Information

Background

1. One of the matters included in the Committee's Work Programme is to receive a report on the elected members' Register of Interests.

Gwynedd Council's Register of Members' Interests

2. The Members' Code of Conduct states that Councillors must disclose orally to any meeting in which they are present, the existence and nature of any personal interest they have in the business being considered at that meeting. Furthermore, it states that a written notice must be provided to the Monitoring Officer including the details of the interest, the details of the business and a signature.

3. In addition, the Code of Conduct also states that, within 28 days of being elected, members must register their personal interests by providing a written notice to the Monitoring Officer. They must also provide a notice of any changes to those interests and also any new interests, within 28 days of becoming aware of them.

4. To assist members to adhere to the requirements of the Code of Conduct, the Council has provided two forms; one which is suitable for 'upfront' registration, and the other for registering declarations made at meetings. The declarations made on both forms constitute the register of interests. Copies of these forms are attached as an Appendix.

5. The Monitoring Officer is under a statutory duty to establish and maintain a register of interests. This is a public document and it must be available at an office of the authority for inspection by members of the public at all reasonable hours. It must also be published on the authority's website. On Gwynedd Council's website, each member's declarations are available on their personal pages. Declarations made in meetings will also be found in the published minutes of that meeting.

Community Councils

6. The above statutory provisions are also applicable to town and community councils but with the following differences:

- There is no requirement to register personal interests 'upfront'.

- It's the Clerk to the council, rather than the Monitoring Officer, who is responsible for establishing and maintaining the register and for receiving notifications of personal interests.

7. We have provided community councils with Gwynedd's forms so that they can use them as templates if they wish. Whilst there is no requirement to register interests 'upfront', we advocate this as good practice.

Recommendation

8. The Committee is asked to:

(a) Accept and note the report

(b) Put forward any observations on steps that could be taken in relation to the registration of interests

Ffurflen Cofrestru Buddiannau /Interests Registration Form

Cod Ymddygiad Aelodau Cyngor Gwynedd Gwynedd Council Members Code of Conduct



Cofrestrwch eich buddiannau personol dan y penawdau priodol isod gan roddi “dim” lle nad oes gennych fuddiant. Mae rhaid cwblhau pob rhan o’r ffurflen a’i dychwelyd i’r Swyddog Monitro o fewn 28 diwrnod.

(Os ydych yn ystyried fod unrhyw wybodaeth yn wybodaeth sensitif (gweler Atodiad 1) dylsech gysylltu a’r Swyddog Monitro am arweiniad)

Register your personal interests under the appropriate heading below putting “none” where you do not have a relevant interest. You must complete every section of the form and return it to the Monitoring Officer within 28 days.

(If you consider the information to be sensitive information (see Appendix 1) you should contact the Monitoring Officer for guidance.)

Enw/Name.....

1. Gwaith, Swyddi a Busnes

Unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;

1. Employment, Jobs and Business

Any employment, or business carried on by you

2. Eich Cyflogwr, Partneriaethau neu Gyfarwyddwriaethau

Unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrm yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl.

2. Your Employer, Partnerships or Directorships.

Any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director.

3. Taliadau Etholiad a Chefnogaeth Ariannol

unrhyw berson, ac eithrio'r Cyngor sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;

3.Election Payments and Financial Support

any person, other than the Council , who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

4.Cyfranddaliadau a Waranau ("Securities") Mewn Cwmnïau

Unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yng Ngwynedd , ac y mae gennych gyfranddaliadau neu waranau (securities) eraill yn y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau'r corff hwnnw;

4. Shareholdings and Securities in Companies

Any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body

5. Cytundebau gyda'r Awdurdod

Unrhyw gontract am nwyddau, gwasanaethau neu waith a wnaed rhyngoch chi, rhwng ffyrm yr ydych yn bartner ynddi, neu gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn 4 uchod a'r Cyngor

5. Contracts With the Authority

Any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph 4 above

6.Tir ac Eiddo

Unrhyw dir neu eiddo Yng Ngwynedd yr ydych yn berchen arno neu yn dal les ynddo (ar eich pen eich hun neu ar y cyd ag eraill) gan gynnwys eich cartref.

6. Land and Property

Any land or properties in Gwynedd of which you are an owner, hold a lease of (alone or jointly with others) including your home.

7. Tenantiaeth gan y Cyngor

Unrhyw dir y mae'r Cyngor yn landlord arno ac y mae ffyrm yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn 4 uchod yn denant arno;

7.Tenancies by the Council

Any land where the landlord is the Council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph 4 above.

8.Penodiadau gan yr Awdurdod

Unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich Cyngor i fod arno;

8.Appointments by The Council

Any body to which you have been elected, appointed or nominated by the Council;

9. Aelodaeth neu Swyddogaeth Reoli Cyrff Cyhoeddus , Cymdeithasau Tai, Elusennau, Cymdeithasau a Chlybiau, Pleidiau Gwleidyddol (nad ydynt wedi eu datgan yn 8 uchod),

Unrhyw;

- awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;
- cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusennol;
- corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
- undeb llafur neu gymdeithas broffesiynol; neu
- clwb preifat gymdeithas neu gymdeithasiad sy'n gweithredu o fewn ardal Gwynedd

yr ydych chi'n aelod ohono/ohoni neu'n dal swydd neu swyddogaeth o reolaeth y corff.

9. Membership or Management Role of Public Bodies, Housing Associations, Charities, Clubs and Associations, Political Parties (which are not disclosed in 8 above).

Any;

- public authority or body exercising functions of a public nature;
- company, industrial and provident society, charity or body directed to charitable purposes;
- body whose principal purposes include the influence of public opinion or policy;
- trade union or professional association; or
- private club, society or association operating within the Gwynedd area

in which you have membership or hold a position of general control or management.

10. Trwydded o Dir

Unrhyw dir yng Ngwynedd y mae gennych chi drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 diwrnod neu gyfnod hwy

10. Licence in Land

Any land in Gwynedd in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

Arwyddwyd /Signed.....

Dyddiad /Date.....

ATODIAD 1 / APPENDIX 1

18.5 Y GOFRESTR BUDDIANNAU AELODAU	18.5 THE REGISTER OF MEMBERS' INTERESTS
<p>18.5.1 Cofrestru Buddiannau Ariannol ac Eraill ac Aelodaeth a Swyddi Rheoli.</p> <p>(a) Yn amodol ar is-baragraff (c) mae'n rhaid i chi o fewn 28 diwrnod o'r</p> <p>(i) adeg y caiff côd ymddygiad eich awdurdod ei fabwysiadu neu y caiff darpariaethau gorfodol y côd enghreifftiol hwn eu cymhwyso i'ch awdurdod; neu o'ch</p> <p>(ii) etholiad neu benodiad i'r swydd (os yw hynny'n ddiweddarach), gofrestru eich buddiannau ariannol a buddiannau eraill, pan fyddant yn dod o fewn categori a grybwyllwyd ym mharagraff 8.4.1(b)(i) yng nghofrestr eich awdurdod a gynhelir o dan Adran 81(1) Deddf Llywodraeth Leol 2000 trwy roi hysbysiad ysgrifenedig i Swyddog Monitro eich awdurdod.</p> <p>(b) Mae'n rhaid i chi, o fewn 28 diwrnod o ddod yn ymwybodol o unrhyw fuddiant personol newydd neu newid i unrhyw fuddiant personol a gofrestrwyd o dan baragraff (a), gofrestru'r buddiant personol newydd hwnnw neu'r newid hwnnw i fuddiant personol trwy roi hysbysiad ysgrifenedig i Swyddog Monitro eich awdurdod.</p> <p>(c) Nid yw paragraffau (a) a (b) yn berthnasol i wybodaeth sensitif a bennwyd un unol â pharagraff 18.5.2(a).</p>	<p>18.5.1 Registration of Financial and Other Interests and Memberships and Management Positions</p> <p>(a) Subject to sub-paragraph(c) you must within 28 days of</p> <p>(i) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or</p> <p>(ii) your election or appointment to office (if that is later) register your financial interests and other interests where they fall within a category mentioned in paragraph 18.4.1(b)(i) in your authority's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to your authority's Monitoring Officer.</p> <p>(b) You must within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (a), register that new personal interest or change by providing written notification to your authority's Monitoring Officer.</p> <p>(c) Sub-paragraphs (a) and (b) do not apply to sensitive information determined in accordance with paragraph 18.5.2(a).</p>
<p>18.5.2 Gwybodaeth Sensitif</p> <p>(a) Pan fyddwch o'r farn bod y wybodaeth yn ymwneud ag unrhyw un o'ch buddiannau personol yn wybodaeth sensitif a bod Swyddog Monitro eich awdurdod yn cytuno, ni fydd angen i chi gynnwys y wybodaeth honno wrth gofrestru'r buddiant hwnnw, neu, fel y bo'n berthnasol newid i'r buddiant o dan baragraff 18.5.1.</p> <p>(b) Mae'n rhaid i chi o fewn 28 diwrnod o ddod yn ymwybodol o unrhyw newid i amgylchiadau sy'n golygu nad yw'r wybodaeth a eithriwyd o dan is-baragraff (a) yn wybodaeth sensitif mwyach, hysbysu Swyddog Monitro eich awdurdod gan ofyn i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.</p> <p>(c) Yn y côd hwn, mae "gwybodaeth sensitif" yn golygu gwybodaeth y byddai caniatáu iddi gael ei harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu unigolyn sy'n byw gyda chi fod yn agored i drais neu fygythion.</p>	<p>18.5.2 Sensitive Information</p> <p>(a) When you consider that the information relating to any of your personal interests is sensitive information and your authority's monitoring officer agrees, you need not include that information when registering that interest, or as the case may be a change to the interest under paragraph 18.5.1.</p> <p>(b) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (a) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.</p> <p>(c) In this code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.</p>

Hysbysiad o Fuddiant Personol/ Notification of Personal Interest

Cod Ymddygiad Aelodau / Members' Code of Conduct

Rwyf i, y Cynghorydd / I, Councillor.....

yn eich hysbysu yn ysgrifenedig o fuddiant personol a ddatgelais yn y cyfarfod canlynol / give you written notification of a personal interest disclosed by me at the following meeting:

..... (enw'r pwyllgor / name of meeting)

a gynhaliwyd ar / held on.....(dyddiad y cyfarfod / date of meeting)

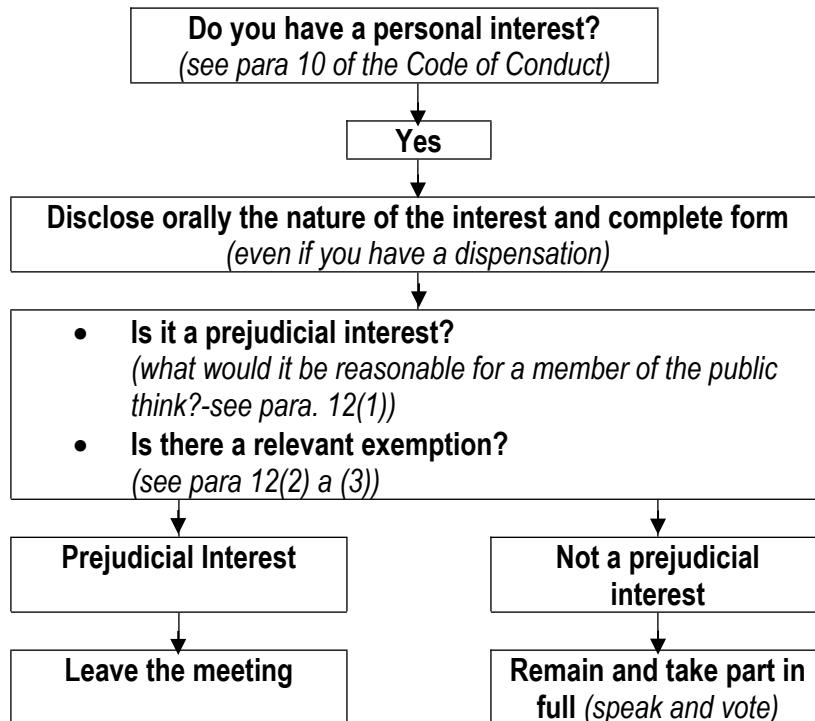
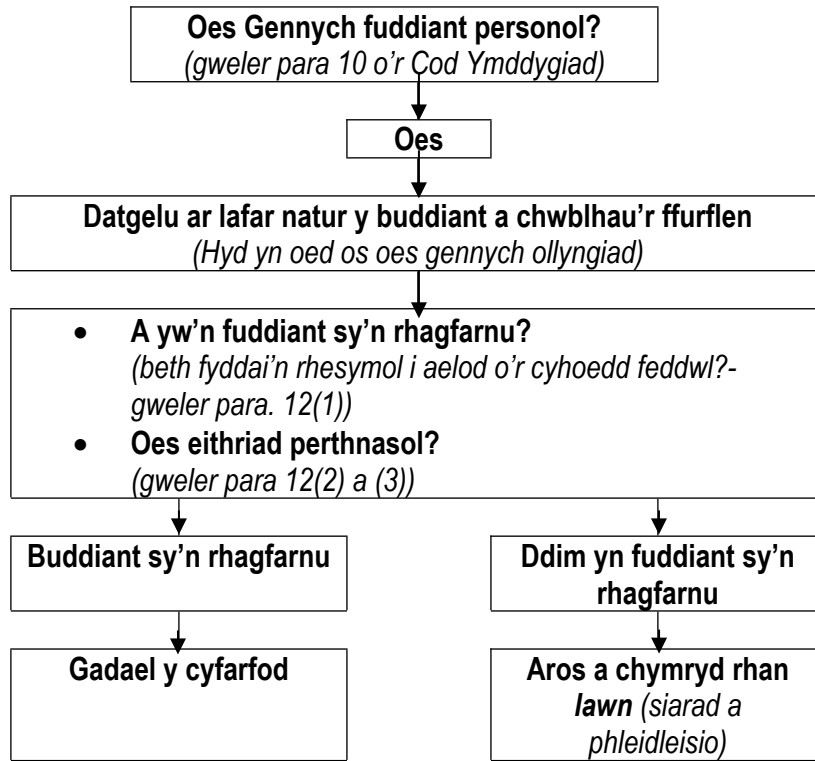
Enw a rhif yr eitem / Name and number of item:

Manylion y buddiant personol / Details of Personal Interest:

- Nid oedd yn fuddiant sy'n rhagfarnu / It was not a prejudicial interest
- Roedd yn fuddiant sy'n rhagfarnu a gadewais y cyfarfod / It was a prejudicial interest and I left the meeting
- Roedd yn fuddiant sy'n rhagfarnu ond derbyniais ollyngiad wrth y Pwyllgor Safonau / It was a prejudicial interest but I have received a dispensation from the Standards Committee

Arwyddwyd / Signed.....

Dyddiad / Date.....



Agenda Item 7

Committee:	THE STANDARDS COMMITTEE
Date:	27 January 2020
Title:	Allegations against members
Author:	Senior Solicitor (Corporate)
Purpose:	For information

1. Background

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

2. Decisions

We have not received any decisions from the Ombudsman since the last report. We are aware that he is currently investigating one complaint and considering whether to investigate another.

3. Analysis of the Complaints

Below is an analysis of this year's complaints (2019/20) where a decision has been:

Member who is subject of the complaint	
Member of community council	1
Member of Gwynedd Council	0
Member of Gwynedd Council and community council	0
Nature of the complainant	
Councillor	1
Member of the public	0
Officer	0
Nature of the allegation	
Overall conduct	1
Declaration of Interest	0
Overall conduct & Declaration of Interest	0
Outcome	
No Investigation	1
Investigation – No evidence of breaching the Code of Conduct	0
Investigation – Evidence of breaching the code but no further steps required	0
Investigation - referral to the Standards Committee	0
Investigation - Referral to the Adjudication Panel for Wales	0

4. Open Cases

The situation in relation to other cases is as follows:

- **Ombudsman considering an investigation** 1
- **Ombudsman investigating** 1

5. Recommendation

The Committee is asked to note the information.