



# Complete Agenda

**Democratic Service**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**STANDARDS COMMITTEE**

Date and Time

**10.30 am, MONDAY, 9TH NOVEMBER, 2020**

Location

**Virtual Meeting - Zoom**

Contact Point

**Eirian Roberts**

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(DISTRIBUTED 30/10/20)

# **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 - 6

The Chair shall propose that the minutes of the previous meeting of this committee held on 27th January, 2020 be signed as a true record (attached).

**5. ANNUAL REPORT OF THE STANDARDS COMMITTEE 2019/20**

7 - 19

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

**6. UPDATE ON THE PROTOCOL FOR HOLDING VIRTUAL MEETINGS**

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

**7. ALLEGATIONS AGAINST MEMBERS**

20 - 23

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

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## STANDARDS COMMITTEE 27/01/20

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**Present:**

**Elected Members:** Councillors Anne Lloyd Jones, Beth Lawton and Dewi Roberts.

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

**Community Committee Member:** Mr Richard Parry Hughes

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

**1. APOLOGIES**

An apology was received from Mr Aled Jones.

**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 4 November 2019 as a true record.

**5. ETHICS STANDARDS IN OUTSOURCING AND COLLABORATION ARRANGEMENTS**

The Monitoring Officer's report was submitted, giving an overview of the range of different governance arrangements involved with the Council's collaboration across a range of projects in various fields, and explaining how issues of propriety are addressed.

The Monitoring Officer noted, as there was a history of close collaboration between North Wales monitoring officers, that a great deal of co-ordination work happened behind the scenes and made it easier to reach a consensus on different matters.

Specific reference was made to:-

- The table in Appendix 1 of the report, which gave a brief overview of the types of collaboration and outsourcing models most frequently used.
- The Code of Conduct for North Wales Ambition Board Consultants.

An enquiry was made as to how all of this was presented to councillors so that the requirements were perfectly clear to them. In response, it was explained that this had to be dealt with on a case by case basis. E.g. the monitoring officers advised members regarding joint committees. There was a protocol for the Ambition Board regarding the arrangements, and in the case of companies such as Byw'n Iach, the board of directors had been instructed to go through the requirements with the councillors.

In response to a further question, it was noted that no problems had arisen in terms of declarations of interest in a collaborative situation, whether by misunderstanding or offence. These issues were quite evident on the whole, and it was possible to have a sensible and mature conversation whenever a situation arose. It was also important to have that conversation early enough.

**RESOLVED to note and accept the contents of the report.**

## **6 REGISTER OF MEMBERS' INTERESTS**

Submitted - the report of the Senior Solicitor (Corporate) presenting details regarding the procedure for registering members' interests and inviting the committee to offer any observations on actions which could be taken in relation to this.

It was noted that some organisations re-distributed forms for the upfront declaration of interests annually, and that this could be considered rather than sending reminder notices only. It was suggested that the community councils should be informed that registering beforehand was mandatory rather than just good practice. In response, it was explained that community councils could not be forced to do this as their members were not required to register interests upfront.

It was noted that, in the attempt to create an informal / welcoming environment at community council meetings, there was a tendency to inform members who had interests that they did not have to leave the room during the discussion on the matter at hand.

The Monitoring Officer suggested that there could be a piece of work to be undertaken looking at the way interests were registered. Regardless of the climate in terms of enforcement, members conformed as that was the right thing to do, and not because there was any requirement for them to do so. It also generated a better image if the member who had an interest left the room.

It was noted that Gwynedd councillors were urged to meet with the Monitoring Officer or the Senior Solicitor (Corporate) beforehand to check whether or not they had an interest in an item on a committee agenda.

It was noted that community council clerks did not declare interests. In response, it was explained that the Code of Conduct was not relevant to staff, and as the only officer working for a community council, that it could be difficult for the clerk to step aside. Despite this, it would be possible to put arrangements in place for the management of such a situation as this all involved public image. It was suggested that this could be included in the clerks' training.

The training arranged in Tywyn recently was praised, and the Monitoring Officer was thanked for attending.

It was noted that the form did not clearly highlight that the interests of partners etc. were also relevant.

The members were asked, as users, to take a look at the upfront registration form and the form for the registration of declarations made in meetings, and to contact the Monitoring Officer with any suggestions for improvement.

**RESOLVED to note and accept the contents of the report.**

## **7. 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. It was noted that the Ombudsman was investigating one complaint and considering whether or not to investigate another.

Observations from the discussion:

- It was noted that it was encouraging to see so few complaints, but that some members had concerns regarding the time it took to receive a response from the Ombudsman. It was noted that this was a matter which had also been raised at the full Council.
- The Monitoring Officer explained that the complaint needed to be substantial for the Ombudsman to investigate and take action.

**RESOLVED to note and accept the contents of the report.**

The meeting commenced at 10.30 am and concluded at 11.30 am

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**CHAIRMAN**

# Agenda Item 5

<b>Committee</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>9 November 2020</b>
<b>Title</b>	<b>The Standards Committee's Annual Report 2019-20</b>
<b>Author</b>	<b>Senior Solicitor (Corporate)</b>
<b>Action :</b>	<b>Suggestions and approval</b>

## **Background**

1. The Standards Committee publishes an annual report to be presented to a meeting of the full Council. The Committee decided to do this as a means of raising the Committee's profile and of promoting its work.
2. I attach, for the Committee's attention a draft of the Annual Report for the period from 1 April 2019 to 31 March 2020.
3. The Committee is asked to approve the report.
4. The Chair of the Standards Committee will present the report to the Full Council in its next meeting. It will then also be distributed to each town and community council and published on the Council's website.

## **Recommendations**

5. To approve the Committee's Annual Report.

**ANNUAL REPORT  
OF THE  
GWYNEDD COUNCIL  
STANDARDS COMMITTEE**

**2019 - 2020**

**(Draft)**

## **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 an active member of the Chwilog Eisteddfod and in charge of the Charing Ceremony.

#### **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, her sister and her dog are currently walking the Wales Coastal Path and has reached Aber Llydan in Pembrokeshire. They are also walking the Snowdonia Slate Trail.

### **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.

### **Hywel Eifion Jones (member since 2019)**

Born and educated in the Vale of Clwyd, Eifion was a senior manager with Barclays Bank serving 34 years in numerous branches throughout North and Mid Wales. He has undertaken many public service roles including County Councillor with Ynys Mon Council and member of North Wales Police Authority. He is currently a Magistrate on North West Wales bench, and a member of Gwynedd Pension, Betsi Cadwaladr and Adra Boards. He is also a member of the Adjudication Panel of Wales which determines alleged breaches of the Code of Conduct by elected members of County and Community Councils.

### **Community Committee Member**

#### **Councillor Richard Parry Hughes (member since 2017)**

Richard was educated at Llanaelhaearn farm and went to Pwllheli Grammar School, Glynllifon Agricultural College, and Seale Hayne College (Plymouth University). He

has a degree in Farm Management. He worked for a vet partnership in Chwilog for three years and as a part-time lecturer at Glynllifon College, before buying the Upper Penfras Llwyndyrys farm where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. A former leader of Gwynedd Council, he still farms. He has extensive experience of committees, holding positions as chair of the Wales Federation of Young Farmers' Clubs before being elected as a member of public bodies. He served as a member of Gwynedd County Council from 1992 to 1996 and was a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was the Welsh Local Government Association spokesman on Environment and Planning during this period. He is an enthusiastic member of the Llwyndyrys Drama Company and a supporter of many other local societies such as Antur Aelhaearn and Friends of Carnguwch Church. He works as a voluntarily as a caseworker for the Farm Community Network. He is a member of Llannor Community Council since 1992.

## **Gwynedd Council Members**

### **Councillor Dewi Roberts (member since 2017)**

Dewi lives in Llanengan near Abersoch with his wife Bethan, and they have 5 children who are all grown up. He was an engineer and a lectured in engineering at Bangor Technical College before joining North Wales Police. There he worked as a Detective, locally, regionally and nationally, before retiring after 29 years of service.

He was elected in May 2017 as gwynedd Councillor representing Abersoch. Since his election he has chaired the Democratic Service Committee, is Chair of the Care Scrutiny Committee, Chair of the Dwyfor Area Committee, a member of the Audit and Governance Committee and Chair of the Gwynedd Community Health Council.

As well as being a member of the Standards Committee, he is also a member of the Standing Advisory Council for Religious Education, the Warden of Llanengan Church and sits on the Church Parish Council. He also serves as Governor of Ysgol Abersoch and Ysgol Botwnnog.

### **Councillor Beth Lawton (member since 2017)**

Beth lives in Brynchrug and owns a local factory. She is a County Councillor for the Brynchrug / Llanfihangel area which includes the village of Brynchrug and Abergynolwyn. She is also a Community Councillor and chair of the School Governors of Craig y Deryn. She is active on several community-based committees including the Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal Committee and many others. She is chair of the Gwynedd Council Education and Economy Scrutiny Committee and is a director of the new leisure company.

## **Councillor Anne Lloyd-Jones (member since 2017)**

Anne lives and runs a farm tourism business in Tywyn and has represented Tywyn on Gwynedd Council since 1995 and prior to that was a member of Meirionnydd District Council for eight years. She was first elected as a member of Tywyn town Council in 1985 and became the first Lady Mayor in 1991, and again in 2004, and was Chairman of Gwynedd Council in 2009. She is the former Chairman of Gwynedd Council's Planning Committee and is a founder member of the management Board of Cartrefi Cymunedol Gwynedd. She was a member of Meirionnydd Community Health Council, and is the present Chairman of Tywyn and District Hospital Appeal Fund.

She is a member and past Chairman of Ysgol Penybryn and a member on the Governing body of Ysgol Uwchradd Tywyn.

Anne was Chairman of Mid Wales Tourism from 2001-2016, was a founder member and past President and Treasurer of the Tywyn Inner Wheel Club and has been the Treasurer of the local branch of the NSPCC since 1989.

Anne is married to John and they have three daughters and twin granddaughters.

## **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.  
E-mail: [IwanGDEvans@gwynedd.llyw.cymru](mailto:IwanGDEvans@gwynedd.llyw.cymru) Tel: 01286 679015
- Sion Huws, Senior Solicitor (Corporate).  
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## **THE COMMITTEE'S WORK DURING 2019-2020**

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.

One application for dispensation was considered during this period. The Committee decided to refuse the application.

### **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.

Ceredigion and Powys Standards Committees are by now also members of the Forum.

**THE STANDARDS COMMITTEE'S WORK PROGRAMME 2019-20**

**17 JUNE 2019**

- **Determine an application for dispensation**
- **Undertook Self Evaluation and drew up a Work Programme**
- **Discussed the Report of the Committee on Standards in Public Life**
- **Discussed issues identified in the Ombudsman's Code of Conduct Casebook**
- **Received a report on allegations against members**
- **Approved the Standards Committee Annual Report for 2018/19**

**4 NOVEMBER 2019**

- **Received the Monitoring Officer's Report on the Gifts and Hospitality Register**
- **Received a report on allegations against members**
- **Considered the Ombudsman's Annual Report**
- **Received the minutes of the North Wales Standards Committee Forum for information**

**27 JANUARY 2020**

- **Received the Monitoring Officer's report on Standards and Ethics in Outsourcing and Collaboration Arrangements**
- **Considered the authority's procedure for registering members' interests**
- **Received a report on allegations against members**

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>Complaint that a town councillor had breached the following provisions of the Code:</p> <ul style="list-style-type: none"> <li>• The need to show respect and consideration for others</li> <li>• Not to use bullying behaviour or harass any person</li> <li>• Not to conduct yourself in a manner that could be regarded as bringing your office or authority into dispute</li> <li>• Not to use your position improperly to confer on or secure a benefit for yourself or any other person</li> </ul>	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> <li>• He was not persuaded that the remarks made by others on Facebook regarding the complainant’s family could be attributed to the councillor or his obligations under the code.</li> <li>• The remarks, which were of a political nature, were not considered to be so egregious as to warrant an investigation</li> <li>• Even if the breach regarding improper use of position were to be proved it would not be sufficiently serious that a Standards Committee would be likely to consider or impose a sanction.</li> </ul>

<b>Analysis of Complaints against members</b>	
<b>Member against whom complaint was made</b>	
Member of community council	1
Member of Gwynedd Council	0
Member of Gwynedd Council and community council	0
<b>Nature of complainant</b>	
Councillor	1
Member of public	0
Officer	0
<b>Natur of allegation</b>	
General conduct	1
Declaration of interests	0
General behaviour & Declaration of interests	0
<b>Result</b>	
No investigation	1
Investigation – no evidence of breach of code	0
Investigation – no further steps	0
Investigation - reference to Standards Committee	0
Investigation - reference to Adjudication Panel for Wales	0

# Agenda Item 7

<b>Committee:</b>	<b>THE STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>9 November 2020</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Senior Solicitor (Corporate)</b>
<b>Purpose:</b>	<b>For information</b>

## **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 received the following decisions from the Ombudsman since the last report.

### **2.1 Complaint no. 2019000952**

The Ombudsman conducted an investigation into this complaint. He concluded that no further action was required. He published a summary of his report and findings, which is attached as an appendix to this report

### **2.2 Complaint no. 202000026**

A complaint that a councillor had visited the complainant's property during the 'Lockdown' to ask if this was his main residence. The complainant felt that the member's attitude was very aggressive and complained about his behaviour during the visit.

The Ombudsman decided not to investigate. He was not persuaded, in the context of the Coronavirus pandemic, that any of the specific actions identified by the complainant amounted to a breach of the Code. Considerable public concern had been raised at the time both locally and nationally about traveling to and occupying second homes. There had been well-publicised national and regional Government advice stipulating no unnecessary journeys to second homes were to be undertaken.

### **2.3 Complaint no. 201907387**

A complaint that a community councillor failed to treat others with respect and made malicious and defamatory allegations against other council members.

The Ombudsman decided not to investigate. He was of the opinion that the member's language and the criticism she was making fell into the category of political expression. She also made her criticisms of other members in the context of the need for members to act in

accordance with the Code of Conduct and her view that local democracy was undermined by what she perceived to be sub-optimal behaviour.

## 2.4 Complaint no. 20201141

A complaint that a town councillor was responsible for the decision to withhold a grant to a local body by accusing it of acting illegally. The councillor had no legal qualifications. It was also alleged that he had provided the Clerk with a document in confidence without the permission of the Council in breach of the Code of Conduct which states that all members of the Council have the right to vote on any question at any meeting. It was claimed that he had breached the basic principles of the Code of Conduct by putting his personal agenda ahead of his responsibilities and duties to the town.

The Ombudsman decided not to investigate. The complainant had provided no direct evidence to prove that the member had attempted to use his position improperly to the detriment of the local body concerned, or failed to make a decision objectively. There was no suggestion that the documents were confidential or that the transfer was inappropriate.

## 3. Analysis of the Complaints

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

<b>Member who is subject of the complaint</b>	
Member of community council	3
Member of Gwynedd Council	1
Member of Gwynedd Council and community council	0
<b>Nature of the complainant</b>	
Councillor	2
Member of the public	1
Officer	1
<b>Nature of the allegation</b>	
General conduct	4
Declaration of Interest	0
Conduct & Declaration of Interest	0
<b>Outcome</b>	
No Investigation	3
Investigation – No evidence of breaching the Code of Conduct	0
Investigation - no further steps required	1
Investigation - referral to the Standards Committee	0
Investigation - Referral to the Adjudication Panel for Wales	0

#### **4. Open Cases**

4.1 The situation in relation to other cases is as follows:

- **Ombudsman considering an investigation** 10
- **Ombudsman investigating** 0

#### **5. Recommendation**

5.1 The Committee is asked to note the information.

**Summary of a report issued under section 69 of the  
Local Government Act 2000  
Case Number: 201900952**

An officer of a Town Council (“the Council”) complained that a member had written a disrespectful letter to a third party.

The Ombudsman’s investigation considered whether the content of the letter may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct for members (“the Code”).

The member asserted that they were not acting in their capacity as member when writing the letter. However, the Ombudsman found that, as the letter referred to Council business, it was reasonable to conclude that the member gave the impression they were acting in their capacity as a member of the Council when they wrote the letter. The Ombudsman found that the majority of the comments made by the member were political in nature.

However, the member’s comments to the third party recipient of the letter were considered to be disrespectful. Whilst the Ombudsman considered that those comments were suggestive of a breach of paragraph 4(b) of the Code, having taken into consideration the information provided by the recipient and the wider evidence available, he did not consider it would be proportionate or in the public interest for any further action to be taken.

The Ombudsman did not consider that there was evidence to suggest that the content of the letter sent by the member was suggestive of a breach of paragraph 6(1)(a) of the Code.

29 September 2020