

STANDARDS COMMITTEE 8/11/21

Present:

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

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 (Democracy Services Officer).

1. APOLOGIES

No apologies for absence were received.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meetings of this committee held on 14 June and 7 July 2021 as a true record.

5. REVIEW OF THE ETHICAL STANDARDS FRAMEWORK FOR WALES

Submitted - the report of the Monitoring Officer presenting information to the committee on the Review of the Ethical Standards Framework for Wales.

The Monitoring Officer drew attention to some points in the report, as follows:

- Although One Voice Wales and the Welsh Local Government Association (WLGA) were consulted as part of the review, it was surprising that there was no further consultation with a group of elected members, as this perspective would have been an important contribution to the creation of the report.
- It was not anticipated that legislative work would begin on the statutory changes, etc., until after the May 2022 Elections, as so much was happening in local government legislation at present.
- Although the recommendation that training on the Code of Conduct be made mandatory for all members of main councils and community councils was welcomed, there were questions arising as to the practicality of this, given that there were approximately 750 community and town council members across Gwynedd, and approximately 7,500 across Wales as a whole.
- Although the recommendation that more complaints should be resolved locally seemed sensible at one level, such an approach inevitably required resources and time to investigate those issues. This was true of Gwynedd's internal affairs and

community council matters, also bearing in mind that not all community councils had the professional resource to undertake the work.

- As the report highlighted the various ways in which standards committees across Wales operated, in terms of where the committee sat within the authority, its role and how proactive it was, etc., there may be issues here on which this committee should reflect, regardless of what would derive from the legislation.
- The statutory responsibility of leaders of political groups for the conduct of their members (under the Local Government and Elections (Wales) Act 2021) interwove with elements of this report, and created a platform to raise the profile of the Standards Committee, giving it a more prominent day-to-day role in matters of members' conduct.

The following main matters arising from the review were discussed:

Training

- It was noted that online training could be organised for members of community and town councils, or paper-based training for anyone without a computer. As well as eliminating the need to organise face-to-face training with so many members, it would also allow everyone to complete the training at a time convenient to them within a given time window. It was noted, however, that the resources were needed to ensure that it was the correct training and was properly marked.
- It was asked whether councils could work together to design training so that everyone received the same training, and that resources were pooled to put this together. In response, the Monitoring Officer noted that this was essential, and for the May 2022 Elections, the WLGA together with a group of monitoring officers were already working on a consistent training package across Wales.

The role of community/town council clerks

- It was noted that the post of clerk of a community/town council was a responsible one, and should be a full-time position, possibly with clerks serving more than one council, and possessing a professional qualification. The big question, however, was how, and what were the resources to do that.
- It was asked if there was room to strengthen the clerk's role, as they were at the scene when anything happened. Also, if the council had respect for the clerk, and the clerk had the strength and powers, this may be a way of sorting it out in the first place. It was noted that the chair of the council also had a prominent role to play in this.
- It was noted that the size and resources of community councils varied considerably, and that rural councils had a much smaller resource to deal with issues of dispute, with the clerk working heroically to maintain this broad role. There was room to develop this support, but the report did not suggest that there was a structure for that.
- It was noted that Partneriaeth Ogwen, for example, offered clerical support to community councils, and it was suggested that community groups of this type could partially professionalise clerks through such support.
- It was noted that having a strong monitoring officer and a strong chair was key to managing any county council, and similarly, it was important to have a strong clerk and strong chair to manage community councils, and to identify any risks before they arose.

Referrals to Standards Committees

- The Ombudsman's acceptance of the need for more referrals to standards committees when he refused to investigate complaints was welcomed, as there

were still complaints that matters were not shared. There was an opportunity here to resolve complaints more locally, and it was important to take that forward if possible.

- To the contrary, it was suggested that the local resolution process reduced the Ombudsman's workload. It was asked why the Ombudsman did not have regional/sub-regional/local representation across Wales to filter complaints in the first place, as this would lighten the work of the county council and remain at arm's length from the council.
- It was noticed that the report noted that concern had been expressed that the low number of referrals to standards committees as a proportion of complaints received by the Ombudsman was adversely affecting the ability of standards committees to maintain public confidence in elected members, and that complainants felt that their concerns were not being taken seriously. This concern was expressed at the full Council meeting annually, and it would be helpful to inform the Council that the comments we had been making over the years were set out in this report as a general complaint, and not just from Gwynedd Council.

Other matters raised:

- The reference to establishing an all-Wales Standards Committee Forum was welcomed.
- It was noted that the collaboration between the Standards Committee and the Leaders of Political Groups was going to be important for the future.
- It was noted that it was noticed from the website that very few Gwynedd councillors published annual reports, especially last year, and it was asked whether the Standards Committee should be promoting that. In response, it was explained that members were reminded to produce annual reports, but it was believed that the requirement had been paused last year as part of the Covid Emergency Regulations. It was also noted that some councillors provided weekly updates for their constituents via Facebook.
- It was noted that it was important that anyone who put their name forward for election as a councillor was clear about what was expected of them, and that they understood exactly what the Code of Conduct meant. In response, the Monitoring Officer explained that every new member of the Council received a presentation on the Code before signing up for the post, and that the Code would also be part of the briefing sessions arranged by the Democracy Service for potential candidates for the May 2022 Election. He further stated that he would check the information sent out to potential candidates to ensure that the information was up to date, as councillors signed up to be community leaders, along with all the expectations in relation to conduct associated with that. The Chair suggested that the relationship between the Standards Committee and the Democracy Service needed to be strengthened, as they may be operating in separate boxes at present.
- The fact that councillors would not be required to put their home addresses on the acceptance statement for the post was welcomed, but bullying, etc., on social media was noted as an ongoing problem.
- In response to a comment that the threshold for receiving gifts and hospitality varied across Wales, it was noted that the need to reconcile arrangements in many aspects was an emerging theme, but no doubt the new technology would facilitate the running of an All-Wales forum, which could discuss this sort of thing.
- In response to a question, the Monitoring Officer confirmed that there were times when officers had suggested to the complainant that it was not a matter of a breach of code or protocol.
- It was suggested that the report highlighted a conflict between two principles, i.e. the desire to reduce the number of complaints and the desire to reduce the threshold.

- It was noticed that the report stated that the chair of the standards committee should play a leadership role, along with the chief executive, monitoring officer and leaders of political groups, in promoting high standards of conduct throughout the council, and the view was expressed that this was something that should be done more in Gwynedd.
- The fact that there were clear and accessible guidelines on Gwynedd Council's website on how to lodge a complaint, including a language complaint, was welcomed.
- It was noticed that the report stated that the primary focus of standards committees should be on proactive measures to support members of their council to maintain appropriate standards of conduct, thereby avoiding breaches of the Code, and that standards committees did this in a variety of ways, such as working with leaders of political groups, attending and monitoring Council meetings and submitting annual reports to councils on their activities and standards of conduct within the authority. In light of this, it was suggested that it would be beneficial to establish a Task and Finish Group to discuss our response to the report, bringing together the proposals highlighted during this discussion, and reporting back to the next committee meeting. In response, the Monitoring Officer stated that he believed it was timely, prior to the May 2022 Council Elections, to look at the future of the Gwynedd Standards Committee in light of the issues raised in the report, as well as the new legislation and the statutory responsibility of political group leaders for the conduct of their members, considering the future format of the committee, how it could be made more visible and operational within the Council, and how to strengthen and make the connection between the committee and various Council services, e.g. Democracy Services, more prominent.

RESOLVED to accept the report for information, and to establish a Task and Finish Group, consisting of the Chair of the Standards Committee, together with one elected member (Councillor Anne Lloyd Jones), one independent member (Mr Dave Wareing) and the Community Committee Member (Mr Richard Parry Hughes) with the support of the Senior Solicitor (Corporate), to discuss the findings of the Independent Review of the Ethical Standards Framework in Wales, paying particular attention to the following matters, and to submit recommendations to the next meeting of the Standards Committee on 14 February, 2022:

- **The future format of the Standards Committee;**
- **How to make the committee more visible and operational within the Council; and**
- **How to strengthen and make the connection between the committee and various Council services, e.g. Democracy Services, more prominent.**

6. ALLEGATIONS AGAINST MEMBERS

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

RESOLVED to note the information.

7. THE OMBUDSMAN'S ANNUAL REPORT 2020-21

Submitted for information – the report of the Monitoring Officer appending the Ombudsman's 2020-21 Annual Report.

During the discussion, the following matters were raised:

- It was noted from the table showing the proportion of complaints received under each principle compared to 2019/20 (page 101 of the agenda) that the number of

complaints relating to promoting equality and respect had increased significantly, and the need to focus on this area when conducting the training was emphasised. It was also noted that the number of disclosure and registration of interest complaints had decreased, suggesting that the message in relation to this was starting to get through.

- It was noted that paragraph 3.2.1 of the Independent Review of the Ethical Standards Framework stated that equality and respect for others had been added to the Nolan Principles by the Welsh Government, but that these principles were not included in the Model Code of Conduct. Therefore, failure to comply with equality and respect did not in itself constitute a breach of the Code, although failure to adhere to the principle of equality and respect would probably amount to a breach of the requirements set out in paragraphs 4 (a) and 4 (b) of the Code.
- It was noticed that only 10 out of 500 complaints had been referred to standards committees over the entire year. It was suggested that this might be a point to note in the full Council, although it was accepted that the sense of frustration would continue. In response, the Monitoring Officer noted that, despite acknowledging the criticism of the procedure, etc., the low number of referrals could also be positive, as it suggested that the majority of complaints were not serious enough to warrant an investigation.
- It was suggested that if people were more willing to apologise, many of these issues would soon be forgotten.

RESOLVED to note the report.

The meeting commenced at 10.30 am and concluded at 11.45 am

CHAIR