



# Complete Agenda

Democratic Service  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**STANDARDS COMMITTEE**

Date and Time

**10.30 am, MONDAY, 11TH JULY, 2022**

Location

**Virtual Meeting - Zoom**

*(For public access to the meeting, please contact us)*

Contact Point

**Eirian Roberts**

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(DISTRIBUTED 01/07/22)

# **STANDARDS COMMITTEE**

## **Membership**

### **Elected Members (3)**

Councillors

Anne Lloyd-Jones  
Beth Lawton  
Dewi Owen

### **Independent Members (with a vote) (5)**

Aled Jones  
David Wareing  
Einir Young  
Hywel Eifion Jones  
[vacant seat]

### **Community Committee Member (with a vote) (1)**

Richard Parry Hughes

# **A G E N D A**

## **1. ELECTION OF CHAIR**

\*To elect a Chair for this committee.

## **2. ELECTION OF VICE-CHAIR**

\*To elect a Vice-chair for this committee.

*\*N.B. – The relevant regulations state:-*

*“Only an independent member of the Standards Committee may be the Chair and Vice-Chair.”*

## **3. APOLOGIES**

To receive any apologies for absence.

## **4. DECLARATION OF PERSONAL INTEREST**

To receive any declarations of personal interest.

## **5. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chair for consideration.

## **6. MINUTES**

4 - 9

The Chair shall propose that the minutes of the previous meeting of this committee held on 14th February, 2022 be signed as a true record.

## **7. ANNUAL REPORT OF THE STANDARDS COMMITTEE 2021-22**

10 - 27

To submit the report of the Propriety and Elections Manager.

## **8. SELF ASSESSMENT AND WORK PROGRAMME**

28 - 36

To submit the report of the Monitoring Officer.

## **9. ALLEGATIONS AGAINST MEMBERS**

37 - 39

To submit the report of the Propriety and Elections Manager.

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## STANDARDS COMMITTEE 14/02/22

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**Present:-**

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

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

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

**Also in Attendance:** Iwan Evans (Monitoring Officer), Sion Huws (Propriety and Elections Manager) and Eirian Roberts (Democracy Services Officer).

### 1. APOLOGIES

Apologies were received from Councillor Dewi Roberts.

### 2. DECLARATION OF PERSONAL INTEREST

Councillor Anne Lloyd Jones declared a personal interest in item 6 - Report on the Outcome of the Investigation of a Complaint against Councillor Michael Stevens of Tywyn Town Council. She was of the opinion that it was not a prejudicial interest, and she did not withdraw from the meeting during the discussion on the item.

Mr Hywel Eifion Jones declared a personal interest in item 8 – Annual Report of the Adjudication Panel for Wales 2019-20 and 2020-21, as he was a lay member of the Adjudication Panel for Wales. He was of the opinion that it was not a prejudicial interest, and he did not withdraw from the meeting during the discussion on the item.

### 3. URGENT ITEMS

No urgent matters were raised.

### 4. MINUTES

The Chair signed the minutes of the previous meetings of this committee held on 26 October, 8 November and 8 December 2021 as a true record, conditional on noting that Councillor Anne Lloyd Jones had not submitted an apology in relation to the meeting on 26 November, but had been unable to participate in the proceedings.

### 5. TASK AND FINISH GROUP – ETHICAL STANDARDS FRAMEWORK

Submitted – the report of the Propriety and Elections Manager detailing the findings and recommendations of the Task Group established by the committee to discuss the findings of the Review of the Ethical Standards Framework for Wales.

The Monitoring Officer noted that he welcomed the Task Group's report, and added:-

- The exercise had been an opportunity to take a step back from the work of the Standards Committee, where it sat within the Authority, and its profile.

- Richard Penn's report was an opportunity to see what was happening in other places, and to consider whether there were any ideas or opportunities to develop the committee.
- On the threshold of a new council following the Elections in May, now was a good time to begin building on this through the induction process etc.
- From the report, it could be seen that there were many practical elements that could be incorporated into a work programme, or put into practice, such as the concept in the Local Government and Elections (Wales) Act 2021 that the leaders of political groups were responsible for the conduct of their members. This committee had a new role to promote, support and monitor this work, and this opened the door for a more active and closer relationship with the group leaders. It would also be a means of ensuring a better link with the Council's senior management, the other statutory officers, or at least to raise awareness of the Standards Committee.
- There was a suggestion that the town and community councils were the main source of the problems in relation to the Code of Conduct, and although there was an element of truth in this, the fact that there were over 60 community and town councils of various sizes across Gwynedd, with approximately 750 community councillors serving on those councils, meant that the percentage of members that encountered Code of Conduct issues was comparatively small. Therefore, the promotion, liaison and support work would be ongoing, but as noted in the report, it was necessary to find a starting point, and create a platform to develop a more active relationship.
- As the body with statutory responsibility for the conduct of members in community councils, it was important that the Standards Committee did not get lost in the process of supporting and promoting, and that it was viewed as the statutory body with functions to maintain oversight and uphold standards.

In response to the questions, the Monitoring Officer noted:-

- It was obvious that there was variation across Wales in relation to how standards committees operated. There had been mention of extending the Chairs Forum across the whole of Wales, which would provide an opportunity to establish some consistency. This committee had responded to the Richard Penn Report by examining what other people did, and this could possibly be a learning opportunity for the working methods of the committee. It was added that the message from the recent All Wales Standards Conference was that there was scope for all to learn from each other.
- Regarding the frustration that members were now unable to participate in discussions on matters in which they had a contribution to make, it would be possible to grant a dispensation for a specific subject area. However, it was not believed that there would be change to the guidance or legislation in relation to declaring an interest. Therefore, as highlighted by the Task Group, the rights and grounds for a dispensation could possibly be clarified, and therefore, if the situation arose, an application could be submitted, although it was acknowledged that the timetable for doing so was extremely challenging.

In response, Members noted:-

- There was scope to be more flexible here. Applying for a dispensation was an extremely bureaucratic process, and people were likely to take a risk with relatively minor matters in the community councils, rather than following the process.
- Members were not clear whether or not they had a prejudicial interest, and the scrutiny committees in particular were losing much input from members who had experience of what was being scrutinised, when they had to withdraw from the meeting. In this respect, it was considered that it would be preferable to allow them to have their say, but refrain from voting on the matter.

The Chair noted that the discussion on Richard Penn's Report in the Standards Conference had been of a very high standard, but we, in Gwynedd, had made great strides in understanding the report from our perspective. He added that if any other standards committees had undertaken a similar exercise to the Task Group in Gwynedd, it would be interesting to bring all the work together to see whether there were similar themes that could be discussed further.

In response, the Monitoring Officer noted that the North and Mid Wales Chairs Forum had become established, and that it was evident from Richard Penn's recommendations that this would become a national forum that would be an opportunity to share good practice, discuss problems and more operational matters in relation to the committees, and disseminate consistency.

The Task Group was thanked for its work, and the recommendations were approved.

It was suggested that the main challenge would be the need to establish a local resolution procedure, and a question was asked about how this would work in practice. In response, the Monitoring Officer noted:-

- The principle was entirely appropriate and was to be supported, as it was far preferable to take the heat from a situation by local discussion and agreement than embarking on a formal and lengthy complaints process.
- As with any such system, there were two sides, and the first step would be to establish what the two sides were. Each complaint that was resolved locally took time and resources to ensure fairness and justice for both sides.
- Care was needed not to raise people's expectations about the ability of the system to deliver without any supporting resources in place.
- Both sides would have to show a desire and willingness for local resolution, and in some cases the arrangements were not appropriate due to the gravity of the conduct or the challenge.
- The system should be established quickly in order to resolve matters, but there was a need for investment in resources and time to ensure that people received fair play in this type of context.

In response, it was noted that there was recognition that this was challenging, good will was required to ensure that the system worked, and it was emphasised that committee members were available, e.g. through a sub-committee, to assist the Monitoring Officer with the work.

The Monitoring Officer expressed his disappointment that he was not clear how Richard Penn's recommendations would work in relation to resources etc. especially if the arrangements were extended to community councils.

The Chairman endorsed this observation and added that it was also a complex problem in relation to timing, as matters took a considerable time to advance through the system.

The Monitoring Officer and his team were thanked for their constant and effective support to Tywyn Town Council. It was noted that those in greatest need of support did not attend the training sessions, and that the members were sometimes unwilling to discuss matters round the table, and were unable to do this now as everything happened over Facebook.

Reference was made to the importance of providing appropriate support to community and town council clerks, and a question was asked about whether a virtual meeting could be held with all the clerks in order to offer guidance and support. It was added that it was very

difficult to find people to undertake the work, opposition was expressed in relation to the requirement for clerks to hold a qualification, especially in the smallest councils.

The Task Group's suggestion to produce a short, simple leaflet explaining the Code of Conduct to present to members as they accepted their jobs, was welcomed.

The Chair shared the slides '*Standards – a view from Gwynedd*' that he had presented at the recent All Wales Standards Conference.

It was noted that the reference in the slides to framing the work of the standards committee in the context of Well-being, and in particular the five sustainable methods of working, was an extremely important point, as the standards were cross-cutting and were central to everything. It was also noted that conduct, and complaints about conduct, affected the victims' health and well-being, and also the individual who was the subject of the complaint.

The Monitoring Officer thanked the Task Group and the Propriety and Elections Manager for their work, and noted:-

- He wished to present a work programme to the next committee meeting based on the Task Group's report, with practical steps for implementing those steps.
- In the meantime, he would discuss the report with the Council's Governance Group, for instance, and would highlight some of the points that had arisen from the discussion, in order to feed into the corporate work related to risk registers etc., and return to committee with a joint report with the Propriety and Elections Manager.
- Some of the matters would become actions, and others would be matters that would be incorporated into usual arrangements in relation to engagement etc. and would all be combined with the work of preparing the protocol on the relationship between the Standards Committee and the Leaders of Political Groups.

In response to a suggestion, it was agreed that the Monitoring Officer and the Propriety and Elections Manager would collaborate with the Task Group to produce the work programme prior to the next committee, as a means of ensuring that the outputs would reflect the vision that derived from the work.

A discussion was held on how best to act on the Task Group's suggestion that the Chair and Community Committee Member produce a piece of work with community and town council clerks in order to better understand their needs.

The Monitoring Officer explained that due to the Elections, the Service would be unable to provide a resource to undertake any significant work to support the process at this point in time.

It was agreed that the Chair and Community Committee Member hold initial discussions with a sample of community and town council clerks, in order to begin to understand the needs within the county.

It was suggested that a cross-section of clerks should be included for this exercise, e.g. a group based on a secondary school catchment area, an experienced clerk and a less experienced clerk, Partneriaeth Ogwen (that offered support to clerks), and Penllyn area councils (that shared a clerk). The Monitoring Officer suggested that the list of councils prepared for the training pilot could be used initially as a starting point, to be built upon.

## **RESOLVED**

- (a) To ask the Monitoring Officer to come back with a report to the Committee, in consultation with the Task and Finish Group, on actions in response to the Richard Penn Report.**

**(b) That the Chair and Community Committee Member hold initial discussions with a sample of community and town council clerks, in order to begin to understand the needs within the county.**

## **6. REPORT ON THE OUTCOME OF THE INVESTIGATION OF A COMPLAINT AGAINST COUNCILLOR MICHAEL STEVENS OF TYWYN TOWN COUNCIL**

Submitted – the report of the Propriety and Elections Manager detailing the outcome of the investigation of a complaint against Councillor Michael Stevens of Tywyn Town Council, in accordance with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

The officers were thanked for their thorough work and support to members during the whole process of arranging and holding the hearing.

It was noted that the decision made by the President of the Adjudication Panel for Wales to reject Councillor Michael Stevens' application for approval to appeal against the decision of the Standards Committee reflected the fact that the committee had reached a reasonable decision, which had been carefully and effectively worded, on the matter.

The Chair echoed this observation, and noted that she had been extremely pleased with the Adjudication Panel's response, and she thanked everyone for the support.

**RESOLVED to approve the report on the outcome of the investigation of a complaint against Councillor Michael Stevens of Tywyn Town Council, to be submitted to the Monitoring Officer, Public Services Ombudsman for Wales, Councillor Stevens and the complainant in accordance with the requirements of the Regulations.**

## **7 ALLEGATIONS AGAINST MEMBERS**

Submitted – the report of the Propriety and Elections Manager presenting information about the Ombudsman's decisions on formal complaints against members.

The Chair referred to the request made by the Task Group that had been established to discuss the Ethical Standards Framework, for more details about allegations while those cases were in progress.

In response to a question, the Monitoring Officer explained that Councillor Roy Owen had been suspended until the election in May, and as he had not been disqualified as a member, he had the right to stand again as a candidate. Similarly, as Councillor Michael Stevens had not been disqualified from being a member of any council, he could stand again as a candidate for Tywyn Town Council.

The Chair suggested that this is where people viewed the system as being weak.

**RESOLVED to note the information.**

## **8. ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2019-20 AND 2020-21**

Submitted – the report of the Monitoring Officer appending a copy of the 2019/20 and 2020-21 Annual Report of the Adjudication Panel for Wales.

The fact that the reports now included summaries of cases was welcomed.

**RESOLVED to note the reports for information.**



The Chair thanked the elected members for their service, and wished them well for the Elections in May.

The meeting commenced at 10.30 am and concluded at 11.50 am

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**CHAIR**

# Agenda Item 7

<b>Committee</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>11 July 2022</b>
<b>Title</b>	<b>The Standards Committee's Annual Report 2021-22</b>
<b>Author</b>	<b>Propriety and Elections Manager</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 2021 to 31 March 2022.
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**

**2021 - 2022**

## **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 this 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 dispensation to allow them to participate in discussions despite them having a prejudicial interest under the Code
- Considering matters referred to it under the Gwynedd Council local complaints resolution procedure
- Overseeing the Gwynedd Council Members' Gifts and Hospitality Policy.

## COMMITTEE MEMBERS

Though the Standards Committee is a Gwynedd Council committee, 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 Rhos-on-sea, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as the headteacher. She is a deacon at Siloh Welsh Independent Chapel, Chwilog, and was Chair of the Union of Wales Independents for three years and is also the former President of the Union. She has been a member of the North Gwynedd Community Health Council and was Vice-chair until the reorganisation in 2010. She is an active member of the Chwilog Eisteddfod Committee and is responsible for the Charing Ceremony.

#### **Dr Einir Young (member since 2012)**

Born in Rhondda and brought up in Llanelli and Cwmtwrch, Einir has made Gwynedd her home for over thirty years. She lived in California for a period of time and has travelled the world extensively and in particular Africa where she worked with marginalised communities. Wales was the focus of her work for the last fifteen years of her career but she notes that one of the challenges Wales faces - is the need for a long-term vision, to ensure that decisions are made to improve or prevent things from deteriorating, integration across communities, collaboration and most importantly to include everyone. These are the exact same principles as those included in the Well-being of Future Generations Act and she is passionate about promoting ways of working that are encouraged by the act within the Council and beyond. Maintaining standards is as important to sustainability as is recycling and saving energy and she is glad of the opportunity to be part of the Gwynedd Council Standards Committee and to chair it. Einir retired from her role as Bangor University Sustainability Director at the end of December 2020 but continues to work on a part-time basis on the Pen Llŷn Ecomuseum project. She is a Director of Ynni Llŷn and Community Energy Wales and is one of the vice-chairs of Academi Heddwch. In her leisure time, Einir enjoys walking long routes with her sister and the dog such as the Wales Coast Path, Pilgrims' Way and Snowdonia Slate Trail.

### **David Wareing (member since 2015)**

David moved from Lancashire to Groeslon in 2014 following his retirement from the Merseyside Police. He served for 26 years in a variety of roles, more recently within the Operations Department in the Police Headquarters. In this role, he planned for large public events, public safety during Police operations and reducing police assistance for external agencies through increased partnership working. He specialised in risk assessment and securing compliance with health and safety legislation. David represented the Merseyside Police on each of the five Safety Advisory Groups within that area. He strongly believes that the actions of those in public roles must be transparent and accountable.

### **Aled Jones (member since 2016)**

Aled is originally from Llanbedr Pont Steffan, Ceredigion. He studied a degree in Welsh and Geography at Aberystwyth University. After graduating in 1999, he moved to Caernarfon to work with the Cymen translation company and became a joint owner of the company in 2007. He now employs a team of 20 staff members and another 15 freelance translators. He lives in Bangor with Tegwen and their children, Cai and Beca. He enjoys all types of sports and is often seen supporting Bethesda Rugby Club and Bangor City Football Club. In light of his job as a simultaneous translator he has vast experience of attending meetings at all levels of governance and is therefore in a good position to observe conduct and standards and identify best practice.

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

Born and educated in Dyffryn Clwyd, Eifion was a senior manager with Barclays Bank and served for 34 years in a number of branches across North and Mid Wales. He has undertaken many public services roles including a County Councillor with Isle of Anglesey County Council and a member of the North Wales Police Authority. Currently, he is a Magistrate on the North West Wales bench and is a member of the Gwynedd, Betsi Cadwaladr and Adra Pensions Board. He is also a member of the Adjudication Panel for Wales which determines allegations of County and Community elected members breaching the code of conduct.

## **Community Committee Member**

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

Richard was brought up on a farm in Llanaelhaearn and attended Pwllheli Grammar School, Glynllifon Agriculture College and Seale Hayne College (Plymouth University). He has a post-graduate degree in Farm Management. He worked for a veterinary



partnership in Chwilog for three years and as a part-time lecturer in Coleg Glynllifon before purchasing Penfras Uchaf farm in Llwyndyrys where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. The former leader of Gwynedd Council, he continues to farm. He has extensive experience of committees and has held roles such as the chairman of the Wales Federation of Young Farmers' Clubs before being elected as member of public bodies. He was a member of Gwynedd County Council from 1992 to 1996 and a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was also a spokesperson for the Wales Local Government Association on the Environment and Planning during this time. He is a keen member of Cwmni Drama Llwyndyrys and supports many other local organisations such as Antur Aelhaearn and Friends of Carnguwch Church. He volunteers as a case worker for the Farm Community Network. He has been 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 five children who are now all adults. He was an engineer and a lecturer of engineering at Bangor Technical College before joining North Wales Police. He was a Detective working locally, regionally and nationally before retiring after 29 years of service.

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

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

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

Beth lives in Brynchrug and is the owner of a local factory. She is a County Councillor for the Brynchrug/Llanfihangel area which includes the villages of Brynchrug and Abergynolwyn. She is also a Community Councillor and the chair of the Ysgol Craig y Deryn Governing Body. She is active on several committees in the community including Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal

Committee and many others. She is the Vice-chair of the Gwynedd Council Care Scrutiny Committee and is director of the new leisure company.

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

Anne lives and runs a farm tourism business in Tywyn, and she has represented Tywyn on Gwynedd Council since 1995 and was previously a member of the Meirionnydd District Council for eight years. She was first elected member of Tywyn Town Council in 1985 and she was the first Mayoress in 1991, and again in 2004, and she was also Chair of Gwynedd Council in 2009. She is a former chair of the Gwynedd Council Planning Committee and one of the original members of the Cartrefi Cymunedol Gwynedd Management Board. She was a member of the Meirionnydd Community Health Council and is currently Chair of the Tywyn and District Hospital Appeal Fund.

She is a member and a former chair of Ysgol Penybryn Governing Body and is also a member of the Governing Body of Ysgol Uwchradd Tywyn.

Anne was the Chair of Mid Wales Tourism between 2001 and 2016, a founding member and former president and treasurer for the Tywyn Inner Wheel Club and she was also the Treasurer of the local NSPCC branch 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.  
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- Sion Huws, Propriety and Elections Manager and Deputy Monitoring Officer.  
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## THE COMMITTEE'S WORK DURING 2021 - 2022

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

### Cases which appeared before the Standards Committee

One complaint of breaching the Code of Conduct was referred to the Committee for a decision during the year.

- Following a hearing on 8 December 2022 the Committee concluded that the member, Councillor Mike Stevens, Tywyn Town Council, failed to comply with Tywyn Town Council's Code of Conduct in the following way as he breached the following provisions:
  - 4(a) You must carry out your duties with due regard to the principle that there should be equality of opportunity for all people regardless of gender, race, disability, sexual orientation, age or religion.
  - 4(b) Treat others with respect and consideration.
  - 4(c) You must not bully or harass anyone, including other members, council officers or members of the public.
  - The Committee also concluded that the conduct was serious enough to breach Paragraph 6(1)(A) of the code, namely that no-one should behave in a way that could reasonably be regarded as bringing the office or the Authority into disrepute.

The Committee resolved that the Member should be censured, as this was the biggest penalty the Committee could issue following his resignation from the Council, but noted that if it were not for his resignation from the Council, it is likely that he would have been suspended, for the maximum term possible.

### Other complaints

The Committee is also notified of the Ombudsman's decisions on complaints that were not referred to the Committee for a decision, and a summary of these is provided 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 the right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

- No applications for dispensation were submitted to the Committee during the year.

## **North Wales Standards Committee Forum**

The North Wales Standards Committee Forum gives the representatives of all north Wales authorities' standards committees the opportunity to convene. 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. The Ceredigion and Powys Standards Committees have now joined the Forum.

## **Review of the Ethical Framework**

The Committee established a Task and Finish Group to discuss the findings of the Independent Review of the Ethical Standards Framework in Wales, paying particular attention to the following matters, and to report back to the Committee:-

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

## THE STANDARDS COMMITTEE'S WORK PROGRAMME 2021-2022

### 14 JUNE 2021

- Approve the Standards Committee's Annual Report 2020/21
- Receive a report on changes to the Ethical Framework in light of the Local Government and Elections (Wales) Act 2021
- Consider the Ombudsman's Case Register
- Receive a report on allegations against members

### 7 JULY 2021

- Extraordinary Meeting to consider the Ombudsman's report regarding an investigation into a complaint against a councillor, and reaching a decision in accordance with the requirements of the relevant regulations.

### 26 OCTOBER 2021

- Extraordinary Meeting to consider and determine an application under the Council's Indemnity Policy from a member who was facing a hearing.

### 8 NOVEMBER 2021

- Discussion on the Review of the Ethical Standards Framework for Wales
- Consider the Ombudsman's Annual Report 2020-21
- Receive a report on allegations against members

## **8 DECEMBER 2021**

- Extraordinary Meeting to hold a hearing and decide on a complaint of breaching the Code of Conduct referred to the Committee by the Public Services Ombudsman.

## **14 FEBRUARY 2022**

- Consider a report detailing the findings and recommendations of the Task Group established by the committee to discuss the findings of the Review of the Ethical Standards Framework for Wales.
- Approve the report on the outcome of the investigation into the complaint against Councillor Michael Stevens of Tywyn Town Council.
- Receive a report on allegations against members
- Consider the 2019-20 and 2020-21 Annual Reports of the Adjudication Panel for Wales.

The Committee was notified of the following decisions made by the Ombudsman on allegations of breaching the code of conduct made against Gwynedd county councillors and town and community councillors:

Allegation of breaching the Code of Conduct	The Ombudsman's decision
<p><b>Complaint number 202100258</b></p> <p>A complaint by a town councillor that a fellow councillor, as Chair of the Council's Personnel Committee, had failed to treat him with respect and consideration in connection to a complaint submitted by him</p>	<p>No Investigation.</p> <p>No evidence that the complainant was treated differently to any other complainant. The decision to recommend moving the complainant from one of the Council's committees was one the Personnel Committee had the right to take.</p> <p>No evidence that the councillor has an inappropriate, financial or personal interest in the outcome of the meetings as alleged.</p>
<p><b>Complaint number 202101077</b></p> <p>A complaint by a member of the public that a community councillor had tweeted his support of extreme political views.</p>	<p>No Investigation.</p> <p>No evidence - the content of the tweet was different to the allegation made against him.</p>

<p><b>Complaint number 202101165</b></p> <p>Complaint from a member of the public that a community councillor had posted four tweets which were in breach of the Council's Social Media Policy by discriminating against women, failing to show respect and consideration and bringing the Council into disrepute.</p>	<p>No Investigation</p> <p>It could be reasonable to say that the tweets referred to in the complaint come under what is considered as political comments. The Ombudsman was not persuaded that the content was so bad that it would equate to breaching the Code. Additionally, even if the breach was substantiated, he was not persuaded that any penalty that could be issued would be an intervention that was proportionate to the Councillor's ECHR / HRA rights. Therefore, the investigation would not be in the public interest.</p>
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**Complaint number 202002960**

The complaint related to comments on Facebook. The complainant believed that they were homophobic with the aim of bullying one of his employees.

Having undertaken an investigation the Ombudsman decided there was no need to take further steps.

As the member was not operating as a councillor at the time in the Ombudsman's opinion, he could only consider an allegation of bringing his post or authority into disrepute.

The member denied that the observations were homophobic and the Ombudsman accepted that they could be interpreted in a different way. The member said that he did not intend or expect to cause any hurt, that he regretted his actions and was willing to apologise.

As there was an insufficient connection between the comments and his role as a councillor, and in light of the member's explanation for the comments and his recognition that he should not have made the comments, it was not in the public interest to take any further steps.

<p><b>Complaint number 202102802</b></p> <p>Complaint from a clerk about correspondence from a member relating to the arrangements of a council meeting.</p>	<p>No Investigation.</p> <p>The members' comments about holding meetings and the council's complaints processes are of a political nature and is therefore unlikely to breach the code.</p> <p>It did not appear to the Ombudsman that the member was attempting to bully the complainant.</p> <p>The content of a specific e-mail was not discourteous or a breach of the Code, but contacting the complainant given his situation at the time was unwise and he would remind the member that members had some responsibility for the health and well-being of Council employees.</p>
<p><b>Complaint Number 202002215 &amp; 202002555</b></p>	<p>Following an investigation the Ombudsman referred complaints against Councillor Roy Owen to the Adjudication Panel for Wales.</p> <p>The Tribunal decided that the councillor should be suspended from being a member of Gwynedd Council and Caernarfon Royal Town Council for nine months, or until the end of his term in post, if that is a shorter period.</p> <p>The Panel's full decision can be seen on the website (<a href="http://www.paneldyfarnu.llyw.cymru">www.paneldyfarnu.llyw.cymru</a>) or by following this link:</p> <p><a href="#">Decisions   The Adjudication Panel for Wales (llyw.cymru)</a></p>

<b>Complaint Number</b> <b>201906873</b>	<p>Following an investigation the Ombudsman referred complaints against Councillor Mike Stevens, Tywyn Town Council to the Standards Committee.</p> <p>The Committee decided that the member should be censured. This was the greatest censure available to the Committee following the resignation of the Town Council member. Further details are available in a separate report to the Committee.</p>
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<b>Member who is subject of the complaint</b>	
Member of community council	5
Member of Gwynedd Council	1
Member of Gwynedd Council and community council	1
<b>Nature of the complainant</b>	
Councillor	3
Member of the public	3
Officer	1
<b>Nature of the allegation</b>	
Overall conduct	7
Declaration of Interest	
General Conduct and Declaration of Interest	
<b>Outcome</b>	
No Investigation	4

Investigation – No evidence of breaching the Code of Conduct	0
Investigation - no further action	1
Investigation - Referral to the Standards Committee	1
Investigation - referral to the Adjudication Panel for Wales	1

# Agenda Item 8

<b>MEEETING</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>11 July 2022</b>
<b>TITLE</b>	<b>Self Assessment and Work Programme</b>
<b>AUTHOR</b>	<b>Monitoring Officer.</b>

1. There are two aims in this report namely undertake a assessment of the work and outcomes of the Committee for 2021-22 and consider a draft work programme for 2022 -23.
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. The action points from the working Group are also included for consideration by the Committee as possible inclusions in the work plan (Appendix 3) . Members need to be aware that some action points would need specific additional resourcing.

### **Appendices**

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

In Appendix 2 a draft work programme for 2022-23

Appendix 3 Update Community Councils Working Group

### **RECOMMENDATION**

**The Committee is asked to undertake a self assessment of its performance in 2021-22 and approve the work programme for 2022-23**

## APPENDIX 1

### SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2021-2022

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		<p>The Chair and Vice Chair have attended the North and Mid Wales Standards Forum to share experiences with other standards committees.</p> <p>Presentation of the Annual Report to the Full Council.</p> <p>Presentation of a Report on the Local Government and Elections (Wales) Act 2021</p>	Continue to attend and support
Assist the members to keep to the Code of Conduct		<p>The Monitoring Officer and his team provide advice and guidance in meetings and on a one to one basis.</p> <p>Induction Training for Gwynedd Council Members arranged in preparation for the Local Elections</p>	Resume training when resources allow
Advise the Council regarding adopting or amending the Code of Conduct		There were no instances where a need to amend the code arose.	
Monitor the operation of the Code of Conduct		Receive regular reports on allegations against members	<p>Continue to monitor.</p> <p>Receive regular reports on the</p>

		<p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p> <p>The Committee resolved to initiate work in relation to the duties placed on Political Group Leaders in relation to the conduct of their members.</p> <p>The Monitoring Officer contacted group Leaders prior to the election to highlight the duty and the consultation on the draft Guidance.</p> <p>.</p>	<p>Ombudsman's Code of Conduct Casebook.</p> <p>Receive annual reports on the declaration of interests register.</p> <p>Following the election steps will now be taken to work with Group Leaders to establish the operational arrangements for the new provisions</p>
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 for Council Members.
Grant dispensations to members			
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman		The Committee dealt with one allegation of breach of the Code of Conduct referred to it by the Ombudsman.	
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 Monitoring Officer and his team provide advice and guidance to councils, members and clerks.	Pilot course held with Tywyn Town Council with positive feedback.



## ATODIAD 2/ APPENDIX 2

<b>Gwaith Pwyllgor Safonau 2020-21</b>	<b>Standards Committee Work 2020 - 21</b>
<p><b>11 Gorffennaf 2022</b></p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Llyfr Achosion yr Ombwdsman</p> <p>Deddf Llywodraeth Leol ac Etholiadau ( Cymru) 2021</p>	<p><b>11 Gorffennaf 2022</b></p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Ombudsmans Code of Conduct Casebook</p> <p>Local Government and Elections Act ( Wales) 2021</p>
<p><b>21 Tachwedd 2022</b></p> <p>Cofrestr Rhoddion a Lletygarwch</p> <p>Cofrestr Datgan Buddiant</p> <p>Adroddiad Blynyddol yr Ombwdsman</p> <p>Honiadau yn erbyn Aelodau</p> <p>Mabwysiadu Protocol Arweinyddion grwpiau Gwleidyddol</p>	<p><b>21 November 2022</b></p> <p>Gifts and Hospitality Register</p> <p>Declaration of Interest Registers</p> <p>Ombudsman’s Annual Report</p> <p>Allegations Against Members</p> <p>Adopt Political Group Leaders Protocol</p>
<p><b>13 Chwefror 2022</b></p> <p>Adroddiad Blynyddol y Panel Dyfarnu</p> <p>Honiadau yn erbyn aelodau</p> <p>Hunan Asesiad a Rhaglen Waith</p>	<p><b>13 February 2022</b></p> <p>Annual Report of Adjudication Panel</p> <p>Allegations against members</p> <p>Self-Assessment and Work Programme</p> <p>Annual Report of the Committee</p>

Adroddiad Blynyddol y Pwyllgor	
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### Appendix 3

#### Task and Finish Group – The Ethical Framework - 20/1/22

#### Action Points

Action	Monitoring Officer Comment
<ul style="list-style-type: none"> <li>• An overview of the clerks is needed. Secure and understanding of they are paid and create a “heat map” to understand where most problems arise.</li> <li>• Prepare a further summary of the set of circumstance which the Deputy monitoring Officer referred to understand whether there are a particular set of circumstances related to the “heat” in Councils where there are issues.</li> </ul>	<ul style="list-style-type: none"> <li>• An assessment of where the need for Ethical Framework support arises would allow for prioritisation of e.g. training. Support.</li> <li>• Undertake research work to identify the factors which contribute to the existence of or create member conduct problems.</li> <li>• Although it may be possible to secure salary data from e.g. OneVoice Wales individual pay information would constitute personal data.</li> </ul>
<ul style="list-style-type: none"> <li>• Consider whether there is a need to re-consider declarations of interests. People are afraid of not declaring an interest but perhaps there needs to be more clarity on where the threshold lies. Does every Monitoring Officer interpret declarations of interest in the same way? Consistency is required across Wales as to what is a declaration of interest as it is possible that some people interpret it differently to others. Ask the Ombudsman to prepare simple guidance.</li> </ul>	<ul style="list-style-type: none"> <li>• Providing advice on declarations of interest is a regular part of the Monitoring Officers role and his team. The Ombudsman’s Guidance provides a comparatively easy read of the Code. There is no specific evidence that interpretation varies in any material degree and advice is very fact sensitive</li> </ul>

<ul style="list-style-type: none"> <li>• How much information should we as a Standards Committee receive? E.g the report on Allegations Against Members Should we receive more information?</li> </ul>	<ul style="list-style-type: none"> <li>• It is possible to review this situation. However, there are certain confidentiality requirements and natural justice constraints which must be taken onto account.</li> </ul>
<ul style="list-style-type: none"> <li>• There is a need to look at the local resolution process in relation to the Committee's role – e.g the concept of working with other councils.</li> </ul>	<ul style="list-style-type: none"> <li>• The position will need to be reviewed as the provisions of the Penn report are considered by the Government. However, there is a need to be clearly sighted on the resource challenge such an arrangement could create for Monitoring Officers.</li> </ul>
<ul style="list-style-type: none"> <li>• Consider utilising wider Council resource e.g. Human Resources, equalities etc to provide training on less legal and more behavioural matters,</li> </ul>	<ul style="list-style-type: none"> <li>• An extensive programme of training is provided to Council members which includes areas such as equalities. It would be possible to arrange a presentation to eth Committee on the training provision which is available.</li> <li>•</li> </ul>
<ul style="list-style-type: none"> <li>• That the Chair and the Community Council member undertake work with community council clerks to ascertain which they could find useful. This could be done by working with clerks of some leading councils to have that initial discussion. Also create a facility for clerks to feedback regularly.</li> </ul>	<ul style="list-style-type: none"> <li>• This can be established and it would be a vehicle not only to develop services but also create a live with the Town and Community Councils. It would have to be resourced.</li> </ul>
<ul style="list-style-type: none"> <li>• We have 2 challenges form a legal /technical / statutory perspective – the</li> </ul>	<ul style="list-style-type: none"> <li>• There are a number of concepts at work in this recommendation</li> </ul>

<p>declarations of interests etc and also the aspects which are more open to interpretation , respect but also the elements allied to respect which are also statutory and which are attached to the Wellbeing of Future Generations( Wales) Act 2015 the challenges of collaborating across the Council drawing other people in who can assist with themes with the subject “respect” ( the human) and the interest (statutory) considering how we communicate this to the people who need to know namely members and also the clerks and the people who administer the town and community councils as that is where the greatest challenges lie.</p>	<p>and more work is needed to understand the underlying action.</p>
<ul style="list-style-type: none"> <li>• Hold discussion with the Chief Executive and Group Leaders in order to ensure that higher standards are in their minds i.e. that standards are not matters which lie solely with the Standards Committee and the Monitoring Officer.</li> </ul>	<ul style="list-style-type: none"> <li>• This is work which is being undertaken pursuant to the Local Authorities and Election (Wales) ACT 2021 and the new duties placed on Political Group Leaders.</li> </ul>
<ul style="list-style-type: none"> <li>• Accepting that electoral candidate remain responsible for their conduct outside our remit this is something to be raised with political groups</li> </ul>	<p>A Fair Campaign Pledge was agreed and promoted through the WLGA . It was shared with member both in Gwynedd and nationally prior to the election.</p>

<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>11 July 2022</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Siôn Huws, Propriety and Elections Manager</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.

<b>Complaint</b>	<b>Decision</b>
<p><b>Complaint No. 202005528</b></p> <p><b>That a town councillor had breached the Code:</b></p> <ul style="list-style-type: none"> <li>• in making false allegations of unauthorised spending and misappropriation of funds by the Former Clerk.</li> <li>• had undermined and disparaged the Former Clerk at meetings, accused other members of lying and colluding with the Former Clerk in illegal activity, and targeted any member supporting the Former Clerk in an attempt to intimidate them and discredit the Former Clerk.</li> </ul>	<p>Investigation discontinued</p> <p>An investigation was started because the complaint met both stages of the 2-stage test on the basis of the information provided in the complaint.</p> <p>As the Complainant had not returned his witness statement, and the councillor was no longer a member the Ombudsman did not consider it to be in the public interest for resources to be used to continue and conclude the investigation.</p>

<p><b>Complaint No. 202004473</b></p> <p>That a county councillor had breached the Code of Conduct when he shared material on his Facebook account which cast doubt on the existence of COVID-19 and about the vaccine, and when he appeared on a television show to discuss his views on COVID-19 and the vaccine.</p>	<p>The Ombudsman found that the Member was entitled to freedom of expression under Article 10 of the European Convention on Human Rights</p> <p>Evidence suggested that the Member was not representing the 'Council's position'. The Member did not issue directions to members of the public in contravention of the public health measures in place at the time. Therefore, the Ombudsman did not consider there to be evidence that the Member breached the Code of Conduct.</p>
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### 3. Analysis of the Complaints

Below is an analysis of this year's complaints (2022/23) where a decision has been received:

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

### 4. Open Cases

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

- **Ombudsman considering whether to investigate** 3
- **Ombudsman investigating** 0
- **Referred to Standards Committee** 0
- **Referred to Adjudication Panel for Wales** 0

## **5. Recommendation**

5.1 The Committee is asked to note the information.