



Complete Agenda

Democracy Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

10.30 am, MONDAY, 26TH JUNE, 2023

Location

Virtual Meeting - Zoom

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

Contact Point

Eirian Roberts

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(DISTRIBUTED 19/6/23)

STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Anne Lloyd-Jones
Beth Lawton
Dewi Owen

Independent Members (with a vote) (5)

Aled Jones
David Wareing
Hywel Eifion Jones
Mark Jones
[vacant seat]

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 Chair for consideration.

4. MINUTES

5 - 15

The Chair shall propose that the minutes of the meetings of this committee held on the following dates be signed as true records:-

- 13th February, 2023;
- 18th April, 2023 (Special Meeting).

5. REPORT ON THE OUTCOME OF THE INVESTIGATION OF A COMPLAINT AGAINST COUNCILLOR LOUISE HUGHES OF CYNGOR GWYNEDD

16 - 22

To submit the report of the Propriety and Elections Manager.

6. REVIEW OF THE ETHICAL STANDARDS FRAMEWORK FOR WALES - WELSH GOVERNMENT CONSULTATION

23 - 69

To submit the report of the Monitoring Officer.

7. SELF-ASSESSMENT AND WORK PROGRAMME

70 - 76

To submit the report of the Monitoring Officer.

8. THE STANDARDS COMMITTEE'S ANNUAL REPORT 2022-23

77 - 96

To submit the report of the Propriety and Elections Manager.

9. ALLEGATIONS AGAINST MEMBERS

97 - 98

To submit the report of the Propriety and Elections Manager.

STANDARDS COMMITTEE 13/02/23

Present:-

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

Independent Members: Mr Aled Jones, Mr Hywel Eifion Jones (Chair) and Mr Dave Wareing.

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).

Since four elected members and three independent members were present at the beginning of the meeting, Councillor Dewi Owen agreed to observe only, in order to ensure a quorum.

1. ELECTION OF CHAIR

RESOLVED to elect Mr Hywel Eifion Jones as chair of this Committee.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Mr Aled Jones as vice-chair of this Committee.

3. APOLOGIES

An apology was received from Mr Mark Jones.

The Chair asked what the current situation was in terms of the vacant seat on the committee. In response, the Monitoring Officer explained that they had advertised many times for an applicant, and there was an intention to review the situation. He also noted that he appealed to the members to present the names of any individuals that might have an interest in the role.

4. DECLARATION OF PERSONAL INTEREST

The Chair questioned if he should declare an interest on Item 10 as he was a member of the Adjudication Panel for Wales. In response, the Monitoring Officer noted that there was no interest in this case, as it was the annual report before the committee, and since the Panel was another public body in any case.

5. URGENT ITEMS

None to note.

6. MINUTES

The Chair signed the minutes of the previous committee meeting held on 21 November, 2022, as a true record.

7. ACTION PLAN BASED ON THE STANDARDS COMMITTEE'S CONSULTATION WITH A SELECTION OF TOWN AND COMMUNITY COUNCIL CLERKS

Submitted – the report of the Propriety and Elections Manager inviting the committee to approve the action plan to meet the matters raised in the Report of the Chair and the Community Committee Member following their consultation with a selection of clerks regarding the ethical framework.

The Chair thanked the former Chair, and the Community Committee Member for all the work that was happening in the background.

The Community Committee Member was invited to present his observations on the action plan. He noted:-

- That he welcomed the report, and that there was an understanding of the duties of the County Council and the Standards Committee, and that the duty of the committee was to look after, and try and raise the standards of the community councils.
- That he agreed with the recommendations in the report, but wished to add that a letter was being sent to all the town and community councils noting the decision of the committee so the clerks and chairs were aware that it was possible for them to contact the Council's Legal Department for advice on specific matters.
- That the virtual training session in a 'webinar' style would protect us if people claimed that they hadn't had the opportunity to attend training. Bearing this in mind, it was very important that this training was offered.
- That the other matters raised were administrative issues for the County Council to consider and were totally separate to the work of the Standards Committee.

In response to the Community Committee Members observations, the Monitoring Officer noted:-

- That the clerks had previously contacted the Legal Department for advice on specific matters.
- He had passed the report for the attention of the Corporate Services so that there was an awareness of the matters raised regarding how the Council generally responds to enquiries.

During the ensuing discussion, the following matters were raised:-

- It was suggested, once the virtual training session was available on the Council website, that Unllais Cymru could ask every town and community council to include it as an item in their next annual meetings, so everyone could see this. It was also suggested that around 20 minutes of training would be sufficient. In response, the Monitoring Officer noted that the training would be around an hour long, and would portray the main points in terms of the Code of Conduct. He also noted, once the training was on the website, that it would be possible for councils to use it, whether this was before, or during the meeting of the Council when everyone was together.
- It was suggested that there would be no need for the town and community councils to include the training annually and that maybe once following every election would be sufficient, unless new members join the council. In terms of getting the message across to the chairs and clerks, it was suggested that this was included in the letter that would be sent out, at the request of the Community Committee Member, noting the decision of this committee.
- It was noted that the biggest problem was declaring an interest, and that people did not understand that they needed to leave the meeting when discussing the matter they had declared an interest in. In response, the Monitoring Officer noted that the declaring an interest arrangement was complicated as it was trying to prepare for every possibility. Generally, the main matters that they came across when declaring

an interest were comparatively simple, and there was a short leaflet available to guide members through the process step by step. Sometimes it was a matter of equipping the clerk to be more robust. The more ambiguous interests were at a town and community council level, and maybe the challenge in terms of the training was removing the complexity and keep it fairly simple. More complicated matters did not crop up very often in the system, and it was important to get the basics correct, and worry less about the more esoteric ones.

- It was noted that the idea of presenting the training as an item in the council's annual meetings was agreed, but it was suggested that an hour-long presentation was too long, and that messages would be lost. Rather, a 15–20-minute video would be sufficient, with around an hour of more detailed training tailored for clerks. It was also suggested that it would be beneficial to include 3-4 case studies as a way of highlighting the principles behind declaring an interest and to support people to concentrate the mind, but those cases should be very simple ones where the situations are obvious and clear. In response, the Monitoring Officer noted that he fully understood the observation in terms of watching an hour-long video, but that compacting training on the Code of Conduct to an hour, including case studies, was quite a challenge in itself. He explained, that if there is a complaint to the Ombudsman, the member is asked if he/she has received training, and that it would be hard to leave that down to the Clerks, as there was a variety of clerks in terms of experience across the county. It was agreed that there was a need to include the interactive element to keep the training alive and interesting, and it was proposed to look at the format, with the possibility of running a pilot before the committee if time and the work programme of the committee allowed.

RESOLVED

To approve the Action Plan, which includes the three following elements of support that could be offered to community council members and clerks on matters related to the Code of Conduct:-

1. **Advice on specific matters** - Continue to contact the Monitoring Officer or the Deputy Monitoring Officer.
2. **Cyngor Gwynedd Website** - Standards Committee page to include information and guidelines along with links to other useful websites.
3. **Training** - Hold a virtual training session in a 'webinar' style.

8. GIFTS AND HOSPITALITY REGISTER

Submitted – the report of the Monitoring Officer highlighting discussions regarding harmonising the threshold for registering gifts and hospitality between authorities on a national level, and he the committee's observations on the content of the report were invited.

During the discussion, the following matters were raised:-

- It was suggested that it could be timely to re-consider the previous decision to not try and publish the Gifts and Hospitality Register on the Council Website. In response, the Monitoring Officer noted that this could be considered, and whatever the result of the discussions regarding harmonising the threshold nationally, it was believed that this was an opportunity as part of the work programme of this committee to review and update the policy.
- It was suggested that the threshold of £25 for registering gifts continues to be reasonable, and it was noted that councillors were way more likely to receive messages of thanks anyway. The Monitoring Officer agreed with the observation

noting that experience suggests, on the basis of declaring, that not much matters such as this raise anyway. He suggested that it was suitable that they were part of the discussion to see if it would be possible to harmonise the threshold, bringing a recommendation back to this committee, and consult with the Chair s the discussion develops. He explained that it was not a requirement to harmonise between authorities, but if it was possible to do this, it would be in accordance to an extent with the Richard Penn report from the perspective of having a more consistent system across Wales.

RESOLVED to note and accept the contents of the report and await a further report on the results of discussions regarding harmonising the threshold for registering gifts and hospitality between authorities on a national level.

9. STANDARDS COMMITTEE NATIONAL FORUM

The report of the Chair of the Standards Committee was presented on the matters raised in the first meeting of the Standards Committee National Forum on 27 January, 2023.

The Chair noted that he welcomed establishing the new Forum and that it would develop over time to be an important medium to adopt best practice across Wales. He then highlighted some matters raised, namely:-

- That a 12-week consultation would be starting shortly on the recommendations in the Penn report, and the hope was that every standards committee would have the opportunity to consider those and provide feedback.
- In terms of the new responsibility on the political group leaders regarding the behaviour of their members, that Flintshire County Council Monitoring Officer had prepared an example template that the leaders could use to complete the annual report that would feed into the annual report of the Standards Committee, and asked for the opinion of the Monitoring Officer on the template. In response, the Monitoring Officer noted that he supported the idea of a template and was happy to look at the document, but as we were in the first year of this new responsibility, it was possible that there would be a need to divert from any template and build the report from learning from this year's experience.
- It was questioned if it would be possible to adapt the template by June when the Standards Committee receive an update on the implementation of the Protocol Responsibility for Political Group Leaders and the Standards Committee. In response, the Monitoring Officer noted that the implementation of the responsibility would be part of the committee's annual report, and it was proposed to hold discussions with the leaders in the next weeks and months to see how the work was developing. As it would be mandatory for the leaders to report to the Standards Committee, the next task would be to get the form of the report ready for the annual report, and that in a way that supports the protocol and the principles in it, and also allowed to Standards Committee to evaluate the work.

RESOLVED to note the information.

10. ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2021-22

Submitted – the report of the Monitoring Officer appending a copy of the 2021-22 Annual Report of the Adjudication Panel for Wales for the attention of the Committee.

The Monitoring Officer highlighted some matters in the report:-

- The reference of the President of the Panel in the introduction of the report to the expectation that matters would improve as a result of presenting the new responsibility on political group leaders on standards in public life.
- The extraordinary case on page 33 of the pack (Caerphilly County Borough Council) that highlights that the risk areas for local authorities were much more technical and commercial these days with much more public money being sourced through the councils.
- The case on page 37 of the pack (Wrexham Council) that was an example of a standards committee refusing the decision of the Tribunal on an appeal against their decision, and using their right to adhere to their original decision regarding the case.

RESOLVED to note the report.

11. THE OMBUDSMAN'S ANNUAL REPORT 2021-22

Submitted – the report of the Propriety and Elections Manager appending a copy of the Ombudsman's Annual Report 2021-22.

The Propriety and Elections Manager highlighted some matters in the report:-

- The message on page 79 of the pack that fewer complaints had been received in 2021-22 than in 2020-21, but that the number in 2020-21 had been unusually high, and that the trend was generally on the rise.
- That a higher number of complaints were received about town and community councillors, but that there were much more town and community councillors than county councillors. The level of support available for town and community councillors could also vary, and therefore it cannot be concluded that the behaviour was worse in these councils.
- That around half of the complaints related to promoting equality and respect, with the complaints regarding respect more low-level matters and the equality complaints, where there was an element of differentiation, were more serious matters. Therefore, it was possible that this highlighted where there were problems, and where to focus attention.
- That an increase was seen in the number of referrals from the Ombudsman to the standards committees and the Adjudication Panel for Wales, and it was strongly believed that the way of overturning this trend was by providing Code of Conduct training for councillors.
- That there were quite significant obligations in terms of a local solution, and that the emphasis in terms of what we could do would fall on the training.

RESOLVED to note the report.

12 ALLEGATIONS AGAINST MEMBERS

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

RESOLVED to note the information.

13. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item due to the likely disclosure of exempt information as defined in paragraph 18C, Part 4, Appendix 12A, The Local Government Act 1972. This paragraph applied because it concerned the deliberations of the Standards

Committee in reaching a decision on a matter referred to it by the Public Standards Ombudsman for Wales. It was believed that the information should not be disclosed so that the councillor was not prejudiced by any possible publicity of the case before any hearing. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Monitoring Officer noted that he was removing himself from this matter as he had been part of the discussions with the members linked to the case. Therefore, he withdrew from the meeting during the discussion on the item.

14. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON AN INVESTIGATION INTO COMPLAINTS AGAINST A COUNCILLOR

Submitted – the report of the Propriety and Elections Manager inviting the committee 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.

RESOLVED

- 1. To invite the person who is the subject of the investigation to submit observations, either orally or in writing, in relation to the conclusions of the investigation and any allegation that he / she has failed to comply with the relevant authority's code of conduct.**
- 2. To convene a special meeting of the Standards Committee to consider and decide on the matter.**
- 3. To invite the Ombudsman to the hearing to present the report and/or explain any matters in it.**
- 4. That officers, in consultation with the Chairman, would arrange a date (and two in reserve) for conducting the hearing.**

The meeting commenced at 10.30 am and concluded at 12.15 pm

CHAIR

SPECIAL MEETING OF THE STANDARDS COMMITTEE 18/04/23

Present:

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

Independent Members: Mr Aled Jones, Mr Hywel Eifion Jones (Chair), Mr Mark Jones and Mr Dave Wareing

Community Committee Member: Mr Richard Parry Hughes

Also in attendance: On behalf of the Public Services Ombudsman for Wales – Katrin Shaw (Chief Legal Adviser & Director of Investigations) and Sarah Jones (Investigating Officer); Cyngor Gwynedd Officers - Sion Huws (Propriety and Elections Manager / Deputy Monitoring Officer) and Eirian Roberts (Democratic Services Officer).

The Member: Councillor Louise Hughes

The Complainant: Howard Huws (as a witness)

1. APOLOGIES

No apologies for absence were received.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

3. ALLEGATION OF A BREACH OF THE CODE OF CONDUCT REFERRED TO THE STANDARDS COMMITTEE BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Chair welcomed everyone to the hearing and the Ombudsman's officers introduced themselves to members.

The Chair then explained the nature / format of the hearing.

Background

1. The Committee considered a report from the Public Services Ombudsman for Wales ("the Ombudsman") into a complaint from Mr Howard Huws ("the Complainant") that Councillor Louise Hughes ("the Member") had failed to observe Cyngor Gwynedd's Code of Conduct for Members.

2. It was alleged that the Member had behaved inappropriately by responding in German to two e-mails sent to her in Welsh by the Complainant.

3. The Ombudsman determined that the Member may have breached the Council's Code of Conduct, in particular, paragraphs 4(a), 4(b), which provide:

"4. *You must —*

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others; ”

The Ombudsman also found that the Member's actions could reasonably be regarded as behaviour which might have breached paragraph 6(1)(a) of the Code of Conduct:

6.—(1) *You must:*

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

4. The Ombudsman referred his investigation report to the Monitoring Officer of Cyngor Gwynedd for consideration by its Standards Committee.

The Hearing

5. The Propriety and Elections Manager (Cyngor Gwynedd's Deputy Monitoring Officer) who was advising the Committee presented his report at the commencement of the hearing.

6. The Committee considered the Ombudsman's written report, the further documents submitted by the Member and the Ombudsman in accordance with the Committee's pre-hearing procedure, and the authority's evidence confirming the translation provision available at the time the e-mails were received by the Member. The Committee also considered the oral submissions from Katrin Shaw, Chief Legal Adviser and Director of Investigations of the Public Services Ombudsman for Wales, the Complainant as a witness and the Member herself, who were present at the hearing. The Member had previously indicated that she would not be attending, having said what she had wanted to say in her written submissions to the investigation. However she decided to attend, despite the anxiety and distress the matter was causing her, to assure the Committee that she took the matter very seriously.

The Decision

7. The Committee first considered any finding of fact that it needed to make. There were no disputed facts in this case. The complaint resulted from two e-mails sent by the Member on 4/12/21 and 21/2/22. Copies of both were included in the written evidence before the Committee and there was no doubt therefore as to what the member had said.

8. The Committee proceeded to consider the Member's conduct, and after careful consideration of all the evidence presented, the Committee determined that the Member had failed to comply with the Code of Conduct as follows:

9. The Committee found that the Member had breached paragraph 4 (a) of the Code of Conduct for the following reasons:

9.1 By responding to e-mails from the Complainant in German the Member had denied the Complainant the opportunity of being able to contact an elected member of the Council in his chosen language of Welsh. The Committee believed that everyone should have the right to contact a member of the authority and receive the same level of service regardless of the language in which the contact was made. The member had however treated the Complainant differently because he wrote to her in Welsh. The Welsh language was an integral and fundamental part of the Complainant's cultural identity and treating him

differently on this basis was in the Committee's view discriminatory. Although the responses were ostensibly requesting a translation, the fact that she chose to write in German, which is not an official language in Wales, on two occasions shows in the Committee's view that this was not in fact the intention.

10. The Committee found that the Member had breached paragraph 4 (b) of the Code of Conduct for the following reasons:

10.1 It was not reasonable in the Committee's opinion to interpret the Member's messages as a sincere attempt to understand the Complainant's emails, or as an attempt to convey the feeling of receiving a message in a language that you could not understand. Furthermore, the Complainant was contacting her in his official capacity as a representative of Cylch yr Iaith, an organisation specifically concerned with for the promotion the Welsh Language. The member was aware of this and of the importance of the Welsh language to the Complainant.

10.2 The Complainant had interpreted the member's response as derogatory, mocking and sarcastic and believed that this was the only reasonable interpretation. The Member, whilst admitting that her reply was a 'puerile' attempt at humour, denied however that she was in any way contemptuous of the Welsh language. While noting what the Member said as to her intention, the Committee's view was that it should have been clear to her that her replies would not be interpreted as humorous but as a sarcastic and disparaging of the Complainant's choice of language. The Committee concluded that not only did she show disrespect towards the complainant as an individual who wished to write to her in Welsh but also towards the organisation that he represented. The fact that she did this twice, approximately 3 months apart, reinforced the perception that this was a deliberate act rather than a rash mistake.

10.3 Regardless of the lack of translation support from the Council it was noted that the Member made no effort to get help from others to understand the content of the Complainant's emails. If her wish was to understand the content of the emails, she could have asked for assistance.

11. The Committee found that the Member had breached paragraph 6 (1) (a) of the Code of Conduct for the following reasons:

11.1 Looking at the Member's behaviour as a whole, the Committee was of the opinion that it was sufficiently serious in nature that it brought her office and her authority into disrepute. The committee agreed with the Ombudsman's view that his behaviour showed disregard for the Complainant's right to contact an elected member through the medium of Welsh and showed that failure to communicate in English would lead to a lower quality service from an elected member. The Committee also took into account the impact this would have on Cyngor Gwynedd, especially considering the importance and central position of the Welsh language in all aspects of its activities.

Sanction

12. The Committee considered that this a serious breach of a code of conduct. In considering what sanction was appropriate, it took into account what the Ombudsman's representative and the Member had to say at the hearing and also the provisions of the Sanctions Guidance issued by the Adjudication Panel for Wales ("the Guidance").

13. The Committee considered the seriousness of the conduct and particularly the fact that the conduct had brought the member's office and authority into disrepute. It also took into account a purpose of imposing a penalty, which is the need to build public confidence in local democracy and that it is therefore necessary to reflect the seriousness of the matter.

The Committee was of the opinion therefore that a sanction which included a suspension was appropriate in the circumstances. The Committee proceeded to consider those mitigating and aggravating factors listed in the Guidelines (at paragraph 42):

14. With regard to mitigating factors the Committee found that the following were relevant in this case:

- a previous record of good service (especially if over a long period of time)
- recognition and regret as to the misconduct and any consequences;
- an apology, especially an early apology, to any affected persons - in this context the committee understood and accepted the Member's explanation as to why she did not apologise earlier which was the warning from the Ombudsman during the investigation not to discuss the matter with anyone else.
- co-operation with the investigation officer and the standards committee;
- acceptance of the need to modify behaviour in the future;
- compliance with the Code since the events giving rise to the adjudication.
- In addition to the specific matters set out in the Guidance the Committee also took into account the letters presented by the Member attesting to her character

The Committee considered whether the lack of translation facilities was a mitigating factor in this instance, but concluded that it was not, for the reasons set out in paragraph 10.3 above.

15. Turning to the consideration of aggravating factors, the Committee found that a number of these were present in the conduct leading up to the complaint and during the course of the investigation:

- long experience, seniority and/or position of responsibility;
- action(s) that has/have brought the relevant authority and/or public service into disrepute – whilst present as a factor in this case, the Committee had already taken it into account when deciding on the seriousness of the breach and was not therefore considered as a further aggravating factor

16. After weighing up the seriousness of the behaviour in question and after considering the relevant mitigating and aggravating factors the Committee decided that the Member should be suspended from being a member of Gwynedd Council for a period of 1 month

The Committee also decided:

17. That it expects the Member to take advantage of any training opportunities offered by the Council in the future, which relate to the conduct of members.

18. That the Member should write to the Complainant within 3 weeks (from the date of receipt of this notice) to apologise for her behaviour (with a copy sent to the Monitoring officer).

19. To recommend to Cyngor Gwynedd that it should consider whether support could be provided to members in relation to correspondence they receive in a language they do not understand, either internally or by referring members to other appropriate sources.

Appeal

20. The Member may seek permission to appeal against the Committee's determination to an appeals tribunal drawn from the Adjudication Panel for Wales by giving notice in writing **within 21 days of receiving the notification of determination** to the president of the Adjudication Panel for Wales. The notice seeking permission to appeal must specify the grounds of appeal and whether or not permission to appeal is granted, she consents to the appeal being conducted by written representations. (Further details can be found on the Adjudication Panel's website www.adjudicationpanel.gov.wales)

Coming into force of any suspension

21. In accordance with the Regulations (r.8(6)), any period of suspension or partial suspension shall commence on the day after:

(a) the expiry of the time allowed to lodge a notice of appeal
or, if an appeal is lodged:

(b) receipt of notification of the conclusion of any appeal, or

(c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal,

whichever occurs last.

Notification of decision

22. In accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) ("the Regulations") the Member, the Complainant and the Public Services Ombudsman for Wales are notified of the Committee's decision by Notice of Determination.

The meeting commenced at 10.00 am and concluded at 2.50 pm

CHAIR

Agenda Item 5

Committee	Standards Committee
Date	26 June 2023
Title	Report on the outcome of the investigation of a complaint against Councillor Louise Hughes of Cyngor Gwynedd
Author	Propriety and Elections Manager
Action	To approve the report on the outcome of the investigation

Background

1. Under the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) ("the Regulations"), the Committee is required to produce a report on the outcome of the above investigation .

2. This must be done either

- (i) after the expiry of the time allowed for lodging an appeal,
- (ii) upon receipt of notice of the conclusion of any appeal, or
- (iii) following a further determination by the Standards Committee where an appeals tribunal has referred the matter back to the Committee,

whichever occurs last

3. No application for leave to appeal against the decision of the Standards Committee has been received.

Recommendation

4. The Committee is therefore asked to approve the attached report for submission to the Monitoring Officer, Public Services Ombudsman for Wales, Cllr. Hughes and the complainant in accordance with the requirements of the Regulations

Gwynedd Council Standards Committee

Report on the outcome of a complaint made against Councillor Louise Hughes, Cyngor Gwynedd

- 1 This report is produced in accordance with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) (“the Regulations”).

2. Following an investigation by the Public Services Ombudsman for Wales into a complaint against Cllr. Hughes, the matter was referred to the Standards Committee for consideration. The Committee’s decision and the reasons for coming to that decision are set out in full in the **Notification of Decision** attached as an **Appendix** to this report.

3. In accordance with the Regulations, copies of this report will be sent to:
 - The Public Services Ombudsman for Wales
 - Gwynedd Council’s Monitoring Officer
 - Cllr Hughes
 - The person who made the allegation

4. Following receipt of this report, the Monitoring Officer must:
 - publish the report on the relevant authority’s website and make copies available for inspection without charge at all reasonable hours at one or more of the authority’s offices, where any person shall be entitled to take copies of, or extracts from the report.
 - supply a copy of the report to any person on request
 - not later than 7 days after the report is received give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate that copies of the report will be available as provided for above

GWYNEDD COUNCIL

NOTICE OF DETERMINATION OF THE STANDARDS COMMITTEE

Member	Councillor Louise Hughes
Relevant Authority	Cyngor Gwynedd
Date and Location of Hearing	18 April 2023 Conducted via Zoom
Complainant	Mr Howard Huws
Public Services Ombudsman Reference No.	202107843

Background

1. Gwynedd Council's Standards Committee considered a report from the Public Services Ombudsman for Wales ("the Ombudsman") into a complaint from Mr Howard Huws ("the Complainant") that Councillor Louise Hughes ("the Member") had failed to observe the Code of Conduct for Members of Cyngor Gwynedd ("the Council").

2. It was alleged that the Member had behaved inappropriately by responding in German to two e-mails sent to her in Welsh by the Complainant.

3. The Ombudsman determined that the Member may have breached the Council's Code of Conduct, in particular, paragraphs 4(a), 4(b), which provide:

"4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others; "

The Ombudsman also found that the Member's actions could reasonably be regarded as behaviour which might have breached paragraph 6(1)(a) of the Code of Conduct:

6.—(1) You must — (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

4. The Ombudsman referred his investigation report to the Monitoring Officer of Cyngor Gwynedd for consideration by its Standards Committee.

The Hearing

5. The Propriety and Elections Manager (Cyngor Gwynedd's Deputy Monitoring Officer) who was advising the Committee presented his report at the commencement of the hearing.

6. The Committee considered the Ombudsman's written report, the further documents submitted by the Member and the Ombudsman in accordance with the Committee's pre-hearing procedure, and the authority's evidence confirming the translation provision available at the time the e-mails were received by the Member. The Committee also considered the oral submissions from Katrin Shaw, Chief Legal Adviser and Director of Investigations of the Public Services Ombudsman for Wales, the Complainant as a witness and the Member herself, who were present at the hearing. The Member had previously indicated that she would not be attending, having said what she had wanted to say in her written submissions to the investigation. However she decided to attend, despite the anxiety and distress the matter was causing her, to assure the Committee that she took the matter very seriously.

The Decision

7. The Committee first considered any finding of fact that it needed to make. There were no disputed facts in this case. The complaint resulted from two e-mails sent by the Member on 4/12/21 and 21/2/22. Copies of both were included in the written evidence before the Committee and there was no doubt therefore as to what the member had said.

8. The Committee proceeded to consider the Member's conduct, and after careful consideration of all the evidence presented, the Committee determined that the Member had failed to comply with the Code of Conduct as follows:

9. The Committee found that the Member had breached paragraph 4 (a) of the Code of Conduct for the following reasons:

9.1 By responding to e-mails from the Complainant in German the Member had denied the Complainant the opportunity of being able to contact an elected member of the Council in his chosen language of Welsh. The Committee believed that everyone should have the right to contact a member of the authority and receive the same level of service regardless of the language in which the contact was made. The member had however treated the Complainant differently because he wrote to her in Welsh. The Welsh language was an integral and fundamental part of the Complainant's cultural identity and treating him differently on this basis was in the Committee's view discriminatory. Although the responses were ostensibly requesting a translation, the fact that she chose to write in German, which is not an official language in Wales, on two occasions shows in the Committee's view that this was not in fact the intention.

10. The Committee found that the Member had breached paragraph 4 (b) of the Code of Conduct for the following reasons:

10.1 It was not reasonable in the Committee's opinion to interpret the Member's messages as a sincere attempt to understand the Complainant's emails, or as an attempt to convey the feeling of receiving a message in a language that you could not understand. Furthermore, the Complainant was contacting her in his official capacity as a representative of Cylch yr Iaith, an organisation specifically concerned with for the promotion the Welsh Language. The member was aware of this and of the importance of the Welsh language to the Complainant.

10.2 The Complainant had interpreted the member's response as derogatory, mocking and sarcastic and believed that this was the only reasonable interpretation. The Member, whilst admitting that her reply was a 'puerile' attempt at humour, denied however that she was in any way contemptuous of the Welsh language. While noting what the Member said as to her intention, the Committee's view was that it should have been clear to her that her replies would not be interpreted as humorous but as a sarcastic and disparaging of the Complainant's choice of language. The Committee concluded that not only did she show disrespect towards the complainant as an individual who wished to write to her in Welsh but also towards the organisation that he represented. The fact that she did this twice, approximately 3 months apart, reinforced the perception that this was a deliberate act rather than a rash mistake.

10.3 Regardless of the lack of translation support from the Council it was noted that the Member made no effort to get help from others to understand the content of the Complainant's emails. If her wish was to understand the content of the emails, she could have asked for assistance.

11. The Committee found that the Member had breached paragraph 6 (1) (a) of the Code of Conduct for the following reasons:

11.1 Looking at the Member's behaviour as a whole, the Committee was of the opinion that it was sufficiently serious in nature that it brought her office and her authority into disrepute. The committee agreed with the Ombudsman's view that his behaviour showed disregard for the Complainant's right to contact an elected member through the medium of Welsh and showed that failure to communicate in English would lead to a lower quality service from an elected member. The Committee also took into account the impact this would have on Cyngor Gwynedd, especially considering the importance and central position of the Welsh language in all aspects of its activities.

Sanction

12. The Committee considered that this a serious breach of a code of conduct. In considering what sanction was appropriate, it took into account what the Ombudsman's representative and the Member had to say at the hearing and also the provisions of the Sanctions Guidance issued by the Adjudication Panel for Wales ("the Guidance").

13. The Committee considered the seriousness of the conduct and particularly the fact that the conduct had brought the member's office and authority into disrepute. It also took into account a purpose of imposing a penalty, which is the need to build public confidence in local democracy and that it is therefore necessary to reflect the seriousness of the matter. The Committee was of the opinion therefore that a sanction which included a suspension was appropriate in the circumstances. The Committee proceeded to consider those mitigating and aggravating factors listed in the Guidelines (at paragraph 42):

14. With regard to mitigating factors the Committee found that the following were relevant in this case:

- a previous record of good service (especially if over a long period of time)
- recognition and regret as to the misconduct and any consequences;

- an apology, especially an early apology, to any affected persons - in this context the committee understood and accepted the Member's explanation as to why she did not apologise earlier which was the warning from the Ombudsman during the investigation not to discuss the matter with anyone else.
- co-operation with the investigation officer and the standards committee;
- acceptance of the need to modify behaviour in the future;
- compliance with the Code since the events giving rise to the adjudication.
- In addition to the specific matters set out in the Guidance the Committee also took into account the letters presented by the Member attesting to her character

The Committee considered whether the lack of translation facilities was a mitigating factor in this instance, but concluded that it was not, for the reasons set out in paragraph 10.3 above.

15. Turning to the consideration of aggravating factors, the Committee found that a number of these were present in the conduct leading up to the complaint and during the course of the investigation:

- long experience, seniority and/or position of responsibility;
- action(s) that has/have brought the relevant authority and/or public service into disrepute – whilst present as a factor in this case, the Committee had already taken it into account when deciding on the seriousness of the breach and was not therefore considered as a further aggravating factor

16. After weighing up the seriousness of the behaviour in question and after considering the relevant mitigating and aggravating factors the Committee decided that the Member should be suspended from being a member of Gwynedd Council for a period of 1 month

The Committee also decided:

17. That it expects the Member to take advantage of any training opportunities offered by the Council in the future, which relate to the conduct of members.

18. That the Member should write to the Complainant within 3 weeks (from the date of receipt of this notice) to apologise for her behaviour (with a copy sent to the Monitoring officer).

19. To recommend to Cyngor Gwynedd that it should consider whether support could be provided to members in relation to correspondence they receive in a language they do not understand, either internally or by referring members to other appropriate sources.

Appeal

20. The Member may seek permission to appeal against the Committee's determination to an appeals tribunal drawn from the Adjudication Panel for Wales by giving notice in writing **within 21 days of receiving this notification of determination** to the president of the Adjudication Panel for Wales. The notice seeking permission to appeal must specify the grounds of appeal and whether or not permission to appeal is granted, she consents to the appeal being conducted by written representations. (Further details can be found on the Adjudication Panel's website www.adjudicationpanel.gov.wales)

Coming into force of any suspension

21. In accordance with the Regulations (r.8(6)), any period of suspension or partial suspension shall commence on the day after:

(a) the expiry of the time allowed to lodge a notice of appeal

or, if an appeal is lodged:

(b) receipt of notification of the conclusion of any appeal, or

(c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal,

whichever occurs last.

Notification of decision

22. In accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) ("the Regulations") the Member, the Complainant and the Public Services Ombudsman for Wales are notified of the Committee's decision by this Notice of Determination.

Signed

Hywel Eifion Jones, Chair, on behalf of the Standards Committee

Dated 25.04.2023

Agenda Item 6

MEETING	Standards Committee
DATE	26 June 2023
TITLE	Review of the Ethical Standards Framework for Wales
AUTHOR	Monitoring Officer

1. The current Ethical Standards Framework was created by the Local Government Act 2000. The initial Model Code was substantially reviewed in 2008 into it's current form but there has been no significant review of the Welsh framework in total since its original Inception. Welsh Government appointed Richard Penn to review the entire framework and make recommendations.
2. The results of this work were reported to the Standards Committee in November 2021 (link below) and it was noted that the Government would be responding to the report in due course. A consultation on possible proposals for responding has now been published.
3. A copy of the consultation document , Appendix 1 and recommendations for responding , Appendix 2 are appended.

Appendix 1 - Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report)

Appendix 2 – Draft response.

Recommendation

That the Committee considers the Appendices and comes to a view on the response to the consultation to be presented to Welsh Government

[Framework \(llyw.cymru\)](#)



Llywodraeth Cymru
Welsh Government

PUBLICATION

Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report)

We are seeking your views on our response to the review of the Local Government Ethical Standards Framework.

First published: 24 March 2023

Last updated: 24 March 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/consultation-recommendations-independent-review-ethical-standards-framework-richard-penn-report> for the latest version.

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Introduction

In March 2021, the then Minister for Housing and Local Government commissioned an independent Review of the Ethical Standards Framework (“the Framework”) for local government in Wales established by the Local Government Act 2000 (“the 2000 Act”). An overview of the Framework is included at annex 2. The Framework extends to county and county borough councils, corporate joint committees, national park authorities, fire and rescue authorities and community and town councils. Where the term council(s) is/are used throughout this document this also extends to all member(s) of the above-named bodies.

The Framework has remained largely unchanged over the last 20 years, so an independent review was felt important to maintain confidence in the system and ensure developments in the way councillors and their public lives are reflected in its operation.

An effective ethical framework is essential to ensure people and councillors from all backgrounds have confidence to engage with local democracy or stand for elected office. It is part of making Wales a diverse and inclusive nation and its review is an action in our Anti-racist Wales Action Plan.

In addition, it is essential the Framework reflects significant legislation made since its establishment, in particular the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”). This document contains links to the original legislation. In some cases, the legislation has since been amended and links to the amended legislation are contained in the bibliography at the end of this document.

The 2021 Act introduced several measures intended to complement the existing Framework. Firstly, it placed a new duty on leaders of political groups to take

reasonable steps to promote and maintain high standards of conduct by the members of their group. In doing so, a group leader must co-operate with the council's standards committee in the exercise of its functions to promote and maintain high standards of conduct. In turn, a standards committee has new functions under the above 2021 Act to ensure group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties.

Secondly, after the end of each financial year, standards committees will be required to make an annual report to the council describing how the committee's functions have been discharged and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations within 3 months of receipt.

Terms of reference for the review

The independent review ("the Review") was undertaken by Richard Penn, a former local authority chief executive and former chair of the Independent Remuneration Panel for Wales.

The terms of the Review were as follows:

- an audit of the codes of conduct adopted by all the required authorities against the Model Code of Conduct to identify any local variances
- an analysis of the effectiveness of the Framework in fostering high standards of conduct in local government in Wales and public confidence in those arrangements
- consideration of whether the Framework is still 'fit for purpose', including whether the 10 principles of conduct are still relevant and whether the Model Code of Conduct needs updating. This included identification of areas where improvements could/should be made to the current arrangements
- consideration of the role of standards committees, including their role in

relation to community councils and whether the establishment of sub-committees has any impact on the process of supporting community councils and dealing with complaints

- an analysis of the arrangements and protocols in place within authorities to support members and staff in preventing the need for issues to a) arise in the first place, and b) be escalated beyond local resolution. This included areas such as clear communication and signposting, training and awareness and the authorities' approach to addressing concerns
- consideration of the current sanctions and whether they are still appropriate

Conclusions of the Independent Review of the Ethical Standards Framework

The **review** concluded the current Framework is 'fit for purpose' and works well in practice. It suggested a few amendments could lead to a greater emphasis in the Framework on prevention of complaints, improve the handling of complaints and result in already high ethical standards being further enhanced.

Development of this consultation paper

Since the publication of the Review, we have engaged with stakeholders including monitoring officers, the Public Services Ombudsman for Wales (PSOW) and her office, the Welsh Local Government Association (WLGA) and One Voice Wales. We also listened carefully to the discussion on the Review's recommendations at the All-Wales Standards Conference in February 2022. In addition, we are grateful to the standards committees which have written to us with their views. This consultation paper builds on the Review's recommendations taking these discussions and other communications into account.

Consideration of the recommendations of the Review

Recommendation 1

The Code does not specify any threshold for declarations of any gift, hospitality, material benefit or advantage. The threshold should be specified in the Code to ensure consistency across Wales.

Consideration of recommendation 1

The Review notes the Model Code of Conduct (“the Model Code”) does not include a threshold for the declaration of gifts, hospitality, material benefit or advantage. As a result, where councils have decided to include a threshold in their own codes, a wide variation has occurred ranging from £21 to £100. The Model Code of Conduct is annexed to the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended.

Further exploration with stakeholders suggests this is because different councils are of different sizes and constitution. Also, local circumstances impact on whether councils have decided to include a threshold in their own code or not and, if so, what the threshold is. A threshold of £100 or £150 for example may not be appropriate for some councils, as for some it may be too high and for others it may be too low.

We do not propose to amend the Model Code but recognising that approaches to the management and monitoring of gifts and hospitality are often sensitive matters we have recommended in our Statutory and Non Statutory Guidance for Principal Councils in Wales supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local

Government and Elections (Wales) Act 2021 that the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee's annual report. This will assist in terms of transparency of the arrangements.

As part of the guidance, we have also suggested this is a matter that should be routinely discussed by the monitoring officers and chairs of standards committees' groups.

Recommendation 2

The 2000 Act requires members to include their home address in their Council's Register of Interests. There is agreement that the Code should not require Councillors to disclose their home address and that the Code should be amended appropriately.

Consideration of recommendation 2

The Model Code as set out in the regulations does not specifically require the disclosure of the detail of the councillor's home address when an interest is declared in terms of their home.

However, in view of the requirements in the Code of Conduct for members to be open and transparent in their handling of matters relating to their personal interests, including the property they own and live in, guidance provided by the PSOW's office advised councillors to include the address. Following discussions with stakeholders, it was agreed that councillors are required to declare the interest but the PSOW's guidance has since been updated '[The Code of Conduct for members of local authorities in Wales](#)' advising members that it is sufficient to provide only the street name or postcode of the property. These

changes relate to practical matters in respect of the publication of a councillor's home address only. It remains an obligation on councillors to ensure they declare personal and prejudicial interests in matters relating to any Council business which affects property they own or reside in.

In addition, the local authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 Amendment to the Local Government Act 1972, which apply in relation to Wales, amend the Local Government Act 1972 ("the 1972 Act") and the local authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 ("the 2001 Regulations") removing the requirement for county councils in Wales to publish details of councillors' personal home addresses.

In view of the above the issue has now been resolved and we therefore propose no further action is required in respect of this recommendation.

Recommendation 3

A 'person' is not defined either in the 2000 Act or in the Model Code. It is recommended that a clear definition of what is meant by a 'person' on the face of the legislation or in the Model Code would be beneficial.

Consideration of recommendation 3

The Legislation (Wales) Act 2019 (and the Interpretation Act 1978) provide effectively identical definitions of a 'person'. This approach to a single definition of commonly used terms in the drafting of legislation is important to ensure primary and secondary legislation is not littered with conflicting, contradictory, or unnecessarily lengthy definitions of commonly used terms.

Whilst we sympathise with the example set out in the Review, we do not

propose to take any action on this recommendation.

Recommendation 4

Paragraph 4a of the Code which requires that a member must: 'carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion' does not include all protected characteristics. The provision in the Code should be extended to include all nine protected characteristics under the Equality Act 2010.

Consideration of recommendation 4

Section 4 of the Equality Act 2010 ('the 2010 Act') provides for the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The drafting of the Model Code pre-dates these provisions and, whilst the principles set out in the Model Code are in the spirit of the 2010 Act, discussions with stakeholders confirmed an alignment of the Model Code with the protected characteristics in the 2010 Act would not only provide clarity but also importantly send a strong message that councillors are expected to promote and maintain

the highest standards of conduct.

We therefore propose to amend the definition in paragraph 4a of the Model Code of Conduct ([the Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)) to align with the definition of protected characteristics in section 4 of the Equality Act 2010.

We will also amend the definition of equality and respect in section 7 of [The Conduct of Members \(Principles\) \(Wales\) Order 2001](#).

Recommendation 5

The potential for breaches of the Code as a result of the extensive and increasing use of social media is a matter of concern. The helpful guidance by the WLGA and the Public Services Ombudsman should be formalised by appropriate amendments to the Code.

Consideration of recommendation 5

Discussions with stakeholders have included consideration as to how training, both induction training and on-going training, is being provided to elected members on the Model Code, including its application in the case of social media.

The discussions on take up of training after the May 2022 elections have been positive and we believe training and take up of training will be more effective in addressing this issue than amendment of the Model Code. The Model Code applies to a councillor's behaviour in a myriad of circumstances, and we feel it is therefore not appropriate to carve out one context as opposed to others in the Model Code itself.

We therefore do not propose to amend the Model Code but will continue to work with the WLGA, One Voice Wales, the PSOW and monitoring officers to promote training as the most appropriate way of preventing inappropriate behaviour through the medium of social media.

In addition, we have also included specific reference to Model Code training and the application of the Code in the context of social media in our revised statutory guidance on member training and development issued under section 7 of the Local Government (Wales) Measure 2011 and in the guidance on the training plans town and community councils are required to prepare under the 2021 Act.

Recommendation 6

6 (1)(b) of the Code of Conduct places the obligation on elected members to report the criminal behaviour of others but not of themselves. The Code should be appropriately amended to make this an obligation of the member to themselves report on their own criminal conduct.

Consideration of recommendation 6

The area of criminal behaviour is a legally complex one. Firstly, there is the issue of when should the member 'self-report' their own criminal behaviour. Should reporting happen when the member is charged or when the member is alerted to a criminal investigation taking place. How would this impact on the basic principles of natural justice and the possibility of the member prejudicing cases or investigations against themselves.

Should reporting be required when a conviction has been made, even though an appeal may be underway or when all avenues of appeal have been exhausted. Either way the recommendation as made would set a higher bar for self-reporting than for reporting another member where 'reasonably believes' is set

as the bar.

A further question is how this approach would interface with the disqualification regime for local authority membership. Currently, members are not disqualified until such time as all appeals are exhausted or they have not attended a local authority meeting for more than 6 months, whichever occurs first.

Also, we believe that the principles set out in The Conduct of Members (Principles) (Wales) Order 2001 are strong enough to rely upon a member self-reporting any action they may have taken which is potentially in breach of the principles and the related Code.

We therefore propose to take no further action in relation to this recommendation.

Recommendation 7

Mandatory training on the Code of Conduct for all members of principal councils and community councils. Include a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004.

Consideration of recommendation 7

High quality, easily accessible training and its take-up has been a recurring theme in our discussions with stakeholders. One Voice Wales and the WLGA have focussed on this in the run up to and post the May 2022 elections. Monitoring officers have also been prioritising code of conduct training for newly elected and returning members.

Training is one of the areas we will be requiring standards committees to report on. Also, standards committees are required to work with political group leaders to support the delivery of their statutory duty to promote high standards of conduct amongst the members of their political groups in statutory guidance issued under the 2021 Act.

The requirement for and the provision of mandatory training on the code of conduct has wide ranging implications for prospective members, members and councils in terms of time commitment and cost. It would also potentially require primary legislation. We have therefore explored this issue further as part of the recent [consultation on electoral administration and reform](#). This consultation closed on 10 January. The responses received are currently being considered and will inform future policy on this matter.

The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004 has not been revoked or amended since it was made in 2004. The declaration of office is included in Schedule 1 as follows:

- I [(1)] having been elected to the office of [(2)] of [(3)] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.
- I undertake to observe the code for the time being as to the conduct which is expected of members of [(4)] and which may be revised from time to time.
- Signed Date
- This declaration was made and signed before me.
- Signed

Proper officer of the Council (5)

(1) Insert the name of the person making the declaration.

(2) Insert 'member' or Mayor as appropriate.

(3) and (4) Insert the name of the authority of which the person making the declaration is a member or mayor.

(5) Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

Arguably, including a reference to training in the declaration of office in effect makes training mandatory and so we do not propose to make any amendments to it at this time.

We will however:

- continue to work with councils, the WLGA and One Voice Wales to promote the importance of training and its take-up amongst councillors
- continue to support the development of easily accessible resources to enable training including on-line
- consider how this training is identified as part of the training and development assessment undertaken by heads of democratic services and democratic services committees in principal councils under the Local Government (Wales) Measure 2011 and as part of training plans produced under the 2021 Act in town and community councils

We will also:

- engage with the PSOW and her office to assess the level and nature of complaints being received and whether non-attendance at training has been a contributory factor to the reported poor behaviour and the extent to which training is recommended as part of the remedy
- require standards committees to monitor and report on whether councillors who have been the subject of a complaint which has been upheld have or have not attended a training session on the code of conduct. We have included this requirement in statutory guidance to standards committees issued under section 63 of the 2021 Act

Recommendation 8

Increased use of local resolution of complaints, the Model Code of Conduct should be appropriately amended to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman.

Consideration of recommendation 8

Local resolution protocols are intended to deal with what are sometimes called 'lower level' complaints made under the code of conduct by 1 member about another member, and sometimes, if appropriate, similar complaints made by officers or members of the public. These are usually complaints about failure to show respect and consideration to others.

Firstly, we do not believe it is appropriate that any complaint made under the code of conduct should firstly be dealt with through local resolution. We do not believe it was the intention of the recommendation in any case that all complaints would first be the subject of local resolution.

Secondly, we suggest that the Model Code is just that, a Model Code which sets out the minimum legal requirement for inclusion in the code of conduct a council adopts. It would, in Welsh Government's view, be perfectly feasible for councils to include the requirement to have a local resolution protocol in their codes as adopted.

However, we believe visibility of the process to the public, officers and members is important and we have therefore included a requirement in our statutory guidance to standards committees on their annual reports to consider the operation of the local protocol and an assessment of its impact. Where no local protocol has been adopted, we will require standards committees to consider

whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct.

Recommendation 9

Extended powers for the Public Services Ombudsman for Wales Greater use of the Ombudsman's discretion for referral would be welcomed by Monitoring Officers and Chairs of Standards Committees. The extension of his power to refer complaints back for local resolution would be a beneficial change to the current framework.

Consideration of recommendation 9

The Report identified that poor conduct (even if it does not meet the PSOW's threshold for full investigation) has an adverse impact on public and elected member confidence in the system. This view was again expressed in the context of 'low level' complaints which do not meet the bar for full investigation by the PSOW.

We agree with the conclusions that action being seen to be taken and being taken to address this kind of behaviour is essential to maintain confidence in the system. However, we do not believe a change in the law is required.

When a case meets PSOW's threshold for investigation and the PSOW starts an investigation, section 70(4) of the 2000 Act states that where the PSOW ceases an investigation under section 69 before its completion, the PSOW may refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned. Even when cases are not investigated, PSOW's approach is to share all cases with the monitoring officers. This, when taken with the changes to the 2000 Act inserted by the 2021 Act, enhancing the role of political group leaders and standards committees to promote and maintain high

standards of conduct amongst members, enables this issue to be addressed through discussions between the PSOW, monitoring officers and standards committees.

The PSOW has agreed to explore how she may support monitoring officers and standards committees with their enhanced role, and we do not therefore intend to take any further action.

Recommendation 10

Changes to the powers and processes of the Adjudication Panel for Wales (APW).

Consideration of recommendation 10

The Report's recommendation included several proposals for changes to the procedures of the APW as follows.

Restricted reporting orders

The APW cannot control the reporting by the press about any case. The APW President considers that the powers such as those available to an Employment Tribunal, to impose a restricted reporting order either until the end of proceedings or an extended restricted reporting order, would be appropriate for all APW Tribunals where the fairness of the tribunal or the safety of witnesses, panel members or staff are potentially compromised.

We are therefore seeking your views on whether we should make legislative provision to enable the APW to issue restricted reporting orders, and a question on this is included in the consultation questions below.

Anonymity of witnesses

The President can issue guidance to ensure consistency and transparency, but the APW believes an express power to anonymise, used proportionately to ensure witness safety, would be appropriate for both case and appeal tribunals.

We are therefore seeking your views as to whether there should be express legal provision for the APW to protect the anonymity of witnesses and a question on this is included in the consultation questions below.

Disclosure

An issue related to the disclosure of the unused material held by the PSOW and monitoring officers was identified in the Report. It has been agreed to amend the PSOW's own process in this regard, with Presidential Guidance / Practice Direction on both disclosure and the role of the monitoring officer generally.

This issue has now been resolved through a change to Presidential Guidance and therefore no further action is required.

Appeal Tribunal procedure

The APW President believes there should be amendments to the Appeal Tribunal procedure to include an express power to summon witnesses to an Appeal Tribunal.

Also, regulation 9(2) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the 2001 Regulations") requires the standards committee to consider a recommendation from the APW decision that a different penalty should be

imposed to the original decision. Some stakeholders do not support this process whilst the APW President does support it as the standards committee remains responsible and can reflect its response to the Panel decision in the sanction it decides to impose.

The current arrangements in relation to appeals are set out in the 2001 Regulations and in Presidential Guidance. There is also a APW Practice Direction which sets out relevant information about the APW's procedures in response to a reference from the PSOW. The Guidance and Practice Directions are available on the [APW website](#). Also see the [APW's Presidential Guidance and Practice Directions](#).

We are therefore interested in your views as to whether an express power to summon witnesses to appeal tribunals should be provided for, and whether there should be any changes in the procedure referring appeal decisions back to standards committees. A question on this is included in the consultation questions below.

Case Tribunal procedure

The APW President considers that the regulations are outdated and has proposed a number of amendments to make the case tribunal procedure more efficient and fairer to witnesses.

These proposals relate to:

- providing express provision for part public and part private hearings
- whether the requirement to provide 7 days' notice of postponement of a hearing to the accused member should be reconsidered
- the process for seeking permission to appeal

The current process for seeking permission to appeal is set out in the Local

Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended by The Local Government (Standards Committee, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.

It requires the President, or their nominee, to make a decision within 21 days of receipt of a request to appeal. If the President requests further information the applicant has 14 days to respond, and then the President has 14 days from the receipt of the further information to make a decision. However, there is potential for different interpretations of the impact of a request for additional information on the timetable as it is potentially unclear whether the 'clock' on the 21 days stops while the additional information is being sought.

In addition, the regulations do not give the PSOW any opportunity to make submissions and a preliminary hearing to decide whether to grant permission to appeal is possible if there are 'special circumstances', but there is no extension of time provided for in the regulations to allow for this.

The President has therefore proposed an alternative approach as follows:

- Councillor sends in appeal; no deadline is set for an APW decision
- President/Registrar checks the appeal has attached the decision of the standards committee and if not, gives the councillor 7 days to provide it (and has the power to ask the monitoring officer if they so wish for the decision and any other information)
- the appeal is sent to the PSOW who is given 14 days to comment
- the appeal, decision of the standards committee and any comments from the PSOW are put before the President (or their nominee) for a decision on the papers; again, no deadline would be set for a decision
- the President or their nominee can direct a preliminary hearing takes place if they consider it is in the 'interests of justice' to do so as opposed to 'special circumstances'

We would welcome your views on these proposed changes to the permission to appeal procedure. Similarly, on whether there should be an express provision to enable part or all of a hearing to be held in private, and also whether the requirement to provide not less than 7 days' notice of the postponement of a hearing should be retained.

Questions on the above are included in the consultation questions below.

Sentencing powers

The powers available to the APW are limited and some stakeholders felt there should be an option to impose more varied sanctions as was the case with the former Adjudication Panel for England.

Where a case tribunal decides that a member has failed to comply with the code of conduct the sanctions it may impose are set out in section 79 of the 2000 Act. The tribunal may suspend a member for a period of up to 12 months or disqualify them for a period of up to 5 years.

We are interested in your views as to whether there should be a wider range of sanctions available to the APW and if so, what should these be? A question on this is included in the consultation questions below.

Interim Case Tribunals

The PSOW has the power to make interim referrals to the APW if it is in the public interest and where there is prima facie evidence that the person has failed to comply with the code of conduct, the nature of which is likely to lead to disqualification.

The threshold for meeting the legislative requirements for an interim referral is

considered by stakeholders to be too high, but any change to these powers would require primary legislation by the Welsh Government.

The proposal is that the whole process should be simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal. This would be a relatively minor amendment to the current public interest test but would make the approach to be adopted and the definition of public interest much clearer. It would require new legislation by the Welsh Government.

To date there have been no interim tribunals. Stakeholders have suggested that this is largely because the process is the same as for a full case tribunal. The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 are therefore perceived to be a barrier to their intended purpose.

Sections 76, 77 and 78 of the 2000 Act set out the membership of interim tribunals, the ability of the person who is the subject of the adjudication to have appropriate representation and the sanction which an interim tribunal can issue (a maximum of a one-off, 6 month suspension or partial suspension).

The process as currently set out therefore seems not to be fit for the purpose of balancing, and not prejudicing, an elected member's access to justice at a case tribunal with the public interest.

It has therefore been suggested the process is simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal Service ("MPTS"). The interim case tribunal would proceed with a legal member sitting alone, and considering the application on the papers only, but with the ability to invite oral submission from the parties if the member considered that to be in the interests of justice.

As now, the process would also enable the PSOW to submit a reference to the

President of the APW with a report setting out the background and why an interim suspension was sought.

At the most, only 6 months suspension (partial or full) would be possible and could be renewed up to 3 times in total (18 months in total). The accused member would be given an opportunity to submit why the interim suspension should not be made, but there would be no evidence called and the PSOW's report would be taken at face value, in the same way as the GMC's at the MPTS.

A possible approach to the public interest test is as follows. It would be appropriate to suspend or partially suspend a member where it appears to the interim case tribunal that:

- a case tribunal at a final hearing would be likely to make a finding that there has been a failure to comply with the code of conduct of the relevant authority concerned
- and the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b) of the 2000 Act
- and that it is in the public interest to suspend or partially suspend the accused member immediately for the protection of members of the public, to maintain public confidence in local government, to uphold proper standards of conduct and behaviour, or to enable the completion of the PSOW's investigation

To fully achieve this change would require amendment to the 2000 Act and The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001

We are therefore seeking your views on this proposal and a possible intermediate step of amending the regulations only to simplify the process for interim case tribunals until such time, if the proposal is supported, a change can be made to the primary legislation. Amendment to the regulations could include

a new schedule specifically for a shorter, more streamlined process for interim tribunals. A question on this is included in the consultation questions below.

Recommendation 11: the role of Standards Committees

Additional powers to require necessary training of members and the power to require a member to make an apology to the complainant.

Establish an all-Wales Forum for Independent Chairs of Standards Committees and the re-establishment of the annual Conference for Independent Chairs and Independent members of Standards Committees.

Consideration of recommendation 11

The recommendations relating to the powers of standards committees to require the necessary training of members and to require an apology to the complainant are related to the role the Review proposed for standards committees in addressing both complaints dealt with through the local resolution process and any referred back for local resolution after having been initially referred to the PSOW. We do not believe standards committees need further legal powers to exercise these functions. The functions conferred upon them in the 2000 Act already include promoting and maintaining high standards of conduct and assisting members and co-opted members to observe the code of conduct.

We therefore propose these are matters that could be incorporated into local codes and protocols without the need for further legislation. We have incorporated guidelines on these issues in the statutory guidance to standards committees in relation to the exercise of the new functions conferred upon them by the 2021 Act.

The WLGA has agreed to convene an all-Wales forum for independent chairs of

standards committees and the all-Wales standards conference has been re-established. These actions were not for the Welsh Government, but we support them and very much welcome the establishment of the network and the reconvening of the conference.

Recommendation 12

Accessibility of the ethical standards Framework. Make the framework process more accessible for the public.

Consideration of recommendation 12

We agree with the review that public confidence in the Framework is essential to our local democracy. One of the steps in ensuring confidence is that the process is accessible and consistently applied across Wales. We will therefore work with the PSOW, the WLGA, One Voice Wales and monitoring officers to raise public awareness of the Framework and what the public can expect if they engage with it.

We would welcome any views on how awareness raising might be taken forward so as to be inclusive of everyone across Wales. A question on this is included in the consultation questions below.

Other related matters raised in discussions with stakeholders post publication of the Penn Review Report

In addition to the recommendations raised in the review report stakeholders have raised a number of further issues with us and we are now also seeking

views on the following.

Advertising for independent members of standards committees

The regulations require advertisements for vacancies for independent members of standards committees to be placed in local newspapers. Some stakeholders have told us that this does not generate a field of candidates and is costly and time consuming. They have suggested that other methods of advertising and reaching out through council networks generates a larger field and reaches candidates from more diverse backgrounds. (See regulation 13 the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed. A question on this is included in the consultation questions below.

Former council employees sitting as independent members on standards committees

After a 12 month period of grace, former council employees can sit as independent members on standards committees of councils where that council was not 1 of their previous employers but not on the standards committee of the council which employed them, even if the council was not their most recent employer.

This means all former employees including those who may have worked part time for the council, perhaps when they were students or early on in their careers cannot sit as independent members on the same council's standards committee.

Stakeholders have suggested this is disproportionate and excludes a large number of potentially high-quality candidates from putting themselves forward as independent members or chairs. (See regulation 7 of the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed.

If so, what would be a suitable length for a period of grace between employment and appointment to a standards committee and should this be the same for all council employees, or longer for those who previously held statutory or politically restricted posts, as defined in the Local Government and Housing Act 1989, for example the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Service?

A question on this is included in the consultation questions below.

Former councillors sitting as independent members on Standards Committees

Also, after a 12 month grace period, former councillors may sit as independent members on standards committees of councils to which they were not elected. However, there is a lifelong ban on them serving as independent members on the standards committee of the council to which they were elected. (See regulation 6 of the Standards Committees (Wales) Regulations 2001).

There is no longer a period of grace for councillors being employed by the council to which they were formally elected and so we are also seeking views on whether the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed.

If you think it should, what do you think would be a suitable period of grace?

A question on this is included in the consultation questions below.

Standards committees' summoning witnesses and sanctions

The standards committee's role is to consider a report and recommendations from a monitoring officer or a report from the PSOW and, having heard representations from or on behalf of the person being investigated, determine whether there has been a breach of the authority's code of conduct or not and, if so, to decide the sanction. The standards committee may also request the monitoring officer or PSOW attend before it to, amongst other things explain their report. This is provided for in Regulation 8(3A) of the Local Government Investigations Regulations.

However, standards committees do not have the power under either the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 or the Standards Committees (Wales) Regulations 2001 to summon witnesses. There is a view that if the standards committee were to have the power to summon witnesses, it could be seen to be encroaching on the role of the investigators i.e., the monitoring officer and the PSOW and blurring its role of decision maker.

Some stakeholders have also suggested that the current sanctions available to standards committees in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are too inflexible and/or not a sufficiently strong disincentive. The current sanctions enable a standards committee to censure, suspend or partially suspend a member for a period of up to 6 months.

We are therefore seeking views on these issues, and a question on this is

included in the consultation questions below.

Consultation questions

Question 1

Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001?

Question 2

Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Question 3

Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Question 4

Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Question 5

Should there be an express power for the APW to summon witnesses to appeal tribunals?

Question 6

Should there be any changes in the procedure for referring appeals decisions back to standards committees?

Question 7

Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Question 8

Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Question 9

Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Question 10a

Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Question 10b

If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e. by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001? If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Question 11

Do you have any further views on the recommendations made in relation to the operation of the APW?

Question 12

Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Question 13

Advertising for independent members of standards committees: Do you agree

the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Question 14a

Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Question 14b

If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

Question 15

Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

Question 16

Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Question 17

Do you agree that the sanctions a standards committee can impose should be changed or added to? If yes, what sanctions would you suggest?

Question 18

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?

Question 19

How could positive effects be increased, or negative effects be mitigated?

Question 20

Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 21

Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

How to respond

Submit your comments by **23 June 2023**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email PennConsultationResponses@gov.wales
- download, complete our [response form](#) and post to:

Local Government Policy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing

- for (in certain circumstances) your data to be ‘erased’
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner’s Office

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Further information and related documents

Number: WG47012

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Consultation response form: WG47012

Your name: Iwan Evans – Head of Legal Services

Organisation (if applicable): Cyngor Gwynedd

email/telephone number: iwangdevans@gwynedd.llyw.cymru

Your address: Swyddfeydd y Cyngor. Stryd y Jel, Caernarfon, Gwynedd

Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

Recommendation 4

Q1. Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 (legislation.gov.uk)?

Yes

Comment: It is essential that the Framework is Up to Date

Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Yes

Comment: Any steps taken that might result in the removal of an elected councillor are of fundamental importance to the electorate and the greatest transparency should apply to such proceedings. Alleged breaches of the code can arise from a wide variety of factual situations and it is entirely possible that some of these would be circumstances where restrictions reporting might be desirable e.g. where a hearing involves minors. There is a sufficiently established body of jurisprudence on the importance of open reporting and when restrictions on reporting are appropriate for such a power to be used judiciously.

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Yes

Comment: Alleged breaches of the code can arise from a wide variety of factual situations. The case will be centred on elected members and their conduct as opposed to dealing with the rights or claims of others. It is entirely possible therefore that there would be circumstances where witnesses would be reluctant to give evidence in public because of impact e.g. on their private lives. Allowing witnesses where appropriate to testify anonymously would reduce that risk and thus increase the chance of their participation. To put it another way it could harm the administration of justice if witnesses were to refuse to testify due to the absence of the power to ensure their anonymity. It is of equal importance however to ensure that natural justice is followed and to ensure that the accused member is able to fully defend the case being brought against them, and this would include knowing the identity of their accuser.

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Yes

Comment: It seems appropriate that the Ombudsman should be able to comment on requests for permission to appeal and that the process should allow time to comment.

A specific requirement that the relevant Monitoring Officer is informed immediately that an appeal; has been submitted as the existence of an appeal is central to initiating a period of suspension

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes

Comment: It would clearly be contrary to the interests of justice if a witness were not to attend a hearing.

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees?

No

Comment: it is an established practice that appeals tribunals should remit cases back to the primary decision maker for reconsideration. Whilst it would be a "brave" Standards Committee that disagreed with the APW the proposed change would remove the right for them to choose to do so which would be a diminution of their freedom of action.

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Yes

Comment: See comments above in response to Question 3

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Yes/No: (delete as appropriate)

Comment: (Optional)

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Yes

Comment: There is an argument in favour of wider and more flexible range of sentencing powers along the lines of those previously available in England. There should be the power to order that training be undertaken or an apology issued in addition to existing powers. These should also be capable of being

conditionally suspended so that for example a councillor might be suspended unless s/he issues a suitable apology within 30 days. There was a view expressed that a forced apology, which might be “mealy mouthed”, could be a distraction from a strong, clearly worded censure issued by the Case Tribunal itself.

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Yes

Comment: It is presently too difficult to apply for an interim suspension order which creates a serious risk in a small number of cases. For example, where there is a safeguarding concern about a professional then under Part 5 of the Wales Safeguarding Procedures s/he could be put on administrative suspension pending an investigation in order to protect the vulnerable and the employing organisation. No such similar provision exists in relation to councillors/members. Likewise there might be examples of other serious misconduct such as extreme bullying or corruption where an interim suspension would help to protect witnesses and the public interest. The predominant view is that, in order to protect evidence, the status quo or the reputation of a council, there may be circumstances where an interim suspension might be appropriate.

The Interim Case Tribunal would, of course, need to be cognisant of the potential democratic impact of a suspension which might leave a single member ward unrepresented. Perhaps more importantly it might also impact on the political balance of a council, and so could cause political instability.

The ICT should therefore have the power to issue a partial suspension where that would be sufficient to protect the status quo e.g. suspending a councillor from the Planning Committee where s/he has been accused of taking bribes in relation to planning applications.

Assuming that interim suspension orders came to resemble the administrative suspension that might be applied to employees then any interim suspension order should not also suspend the councillor’s allowances.

Note there was also a view expressed that, whilst an administrative suspension might be a confidential matter for employees, it would be noticed if an elected representative were suspended even in the interim. This could have a negative electoral impact for a councillor who might subsequently be cleared of any wrong doing.

Q10b. If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e., by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001?

If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Yes

Comment: (Optional)

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

No

Comment: (Optional)

Recommendation 12

Q12. Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Comment: Anecdotally, it would seem that wide range of people do already know about the regime. However, it is clearly not possible to know if a potentially valid complaint has not been investigated because of a lack of awareness of the process. Publicity materials could be produced and distributed to bodies representing such groups and all councils will have a network of such local organisations. This is an area where co-ordinated central action would save duplication of time and effort. A single body should be commissioned to produce these materials in conjunction with the Ombudsman, WLGA and Lawyers in Local Government.

Other related matters outside of the Review Report

Q13. Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Yes

Comment: The costs of such adverts are high and anecdotal experience shows that most applicants come via other channels such as websites or existing networks of Independent Members. It is of more importance to ensure that able candidates from a wide range of backgrounds are attracted to the role and so WG should issue guidance on inclusive recruitment.

Q14a. Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

No. The strength of Standards Committees at present is that they must consist of a majority of Independent Members who can without doubt be said to be truly independent and politically impartial.

Q14b. If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

Politically restricted officers should not be able to serve as Independent Members. In respect of other officers the position is more nuanced but it is suggested that this should not be allowed. If, despite this view, WG wishes to permit them to be eligible then the period of grace for former employees therefore needs to be long to minimise the perception that the former employee is still affected by prior association with the council. The period of grace could be set to fixed period say 5 years or could be flexible based on (multiples of) length of service with or without a minimum.

Q15. Former councillors sitting as independent members on standards committees:

Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

No

Comment (Optional): The role of councillor, even those not in national political parties, is always a political one. The current make up of committees and structure on membership ensure that Independent Members are truly seen to be independent of local politics. Removing that prohibition risks weakening that safeguard.

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Yes

Comment: The same considerations apply here as to Question 5. Without its own powers of contempt the mechanism to issue a witness summons would need an enforcement route, perhaps the power to seek a warrant from the Magistrates.

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to?

Yes

If yes, what sanctions would you suggest? See response to Question 9. The same power to impose conditional sentences should apply to Standards Committees as should the powers to order an apology and/or training.

Welsh language

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q18. What effects do you think there would be?

None either negative or positive. These proposal would appear to be neutral in effect

Q19. How could positive effects be increased, or negative effects be mitigated?

Q20. Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q21. Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

Yes

Comment:

The local government sector has responded largely positively to the Penn Report. As the consultation recognises, we have taken responsibility for our regulation and have worked collectively since its publication to adopt a number of the recommendations where legislative change is not required. So far we have:

- i. held a further national standards conference (which had simply been delayed by the pandemic);
- ii. established a national forum for Standards Committee chairs to mirror, and replace, the forum that has existed for some time in North Wales (and which was latterly extended to include authorities from Mid Wales as well; and

- iii. we are currently working to harmonise the threshold for declaring gifts & hospitality at a proposed level of £25, and every authority in Wales with a different threshold has committed to take that change through its Standards Committee. As part of greater transparency it would be possible for councils to encourage all gifts to be declared.

There are 2 recommendations which require legislative change by Welsh Government for which there are currently no proposals for action. Gwynedd would wish to see legislative action to support the following recommendations:

- 1) Presently there is no proposal to make it mandatory for a councillor to report their own criminal behaviour, which seems illogical when there is an obligation on others to do so
- 2) A provision within the code that training is mandatory would lend strength in any attempt to persuade that councillor to attend. Furthermore, should attempts to persuade the councillor to attend prove to be unsuccessful then such a provision would at least provide a sound basis on which to tackle their recalcitrance.

The Council would therefore support the inclusion of an obligation to undertake training within the declaration of acceptance of office, which would seem a suitable mechanism. Equally, the model code could include an obligation to undertake training. That could either be to training on the code itself or to undertake such training as the council defines to be mandatory to allow for greater local discretion.

Note there was a view expressed that if a councillor were specifically elected on a platform that's/he would not undertake training then it would be wrong to impose any punishment for failing to attend.

Further, a comment was made that clerks are an important part of the governance structure for town and community councils. Whilst there has been a provision requiring training of councillors there is no, and should be a, similar obligation in respect of clerks.

- 3) An issue has recently arisen about the powers of the Ombudsman to make referrals where a councillor is also on another relevant authority (i.e. an authority with its own standards committee). Currently, there is no express power for the Ombudsman to refer cases to more than authority at a time. This may/may not be necessary depending on whether the finding of the standards committee in a principal authority would also be binding on a relevant authority such as a park or fire authority.

E.g., a councillor is suspended by a county council for actions in their private life which brings their office into disrepute. The councillor is also on a fire authority. Those actions might also bring their office on the fire authority into disrepute as well. Does the suspension from the county council also automatically suspend the councillor at the fire authority or would the fire authority's own standards committee need to hear the issue? The latter seems the more likely position.

If the FRA would need to hold its own hearing, then the PSOW might usefully be given the power to make a referral to several authorities at once (which might be implied using the statutory interpretation rules that the singular includes the plural). Conversely, if it is deemed that the ruling of the principal council's standards committee ruling does affect the fire authority then this could helpfully be defined in the legislation as to extent of a suspension and what the term "suspension" means as it is not technically defined in any piece of legislation.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick

here:

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.

Agenda Item 7

MEEETING	Standards Committee
DATE	26 June 2023
TITLE	Self Assessment and Work Programme
AUTHOR	Monitoring Officer.

1. There are two aims in this report namely undertake a assessment of the work and outcomes of the Committee for 2022-23 and consider a draft work programme for 2023-24

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;
 - (f) Exercise the relevant above functions in relation to community councils

and these specific functions—
 - (g) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1) Local Government Act 2000;
 - (h) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

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.

Appendices

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

In Appendix 2 a draft work programme for 2023-24

RECOMMENDATION

The Committee is asked to undertake a self assessment of its performance in 2022-23 and approve the work programme for 2023-24

APPENDIX 1

SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2022-23

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		<p>The Chair attended the 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		The Monitoring Officer and his team provide advice and guidance in meetings and on a one to one basis.	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		<p>Receive regular reports on allegations against members</p> <p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p> <p>The Committee resolved to initiate work in relation</p>	<p>Continue to monitor.</p> <p>Receive regular reports on the Ombudsman's Code of Conduct Casebook.</p> <p>Receive annual reports on the</p>

		to the duties placed on Political Group Leaders in relation to the conduct of their members.	declaration of interests register.
Advise, train or arrange training for members on matters relating to the Code of Conduct		Induction training was provided for all members of the Council following the election	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 hearing during the year in relation to a Town Council member referred to it by the Ombudsman	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation			
Monitoring compliance by leaders of political groups on the council with their duties under section 52A(1) Local Government Act 2000; Advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.		The Monitoring Officer contacted group Leaders prior to the election to highlight the duty and the consultation on the draft Guidance. The Leaders were provided with training on the new duty and the Committee adopted an agreed protocol in relation to the duty,	
Exercise the relevant 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

Gwaith Pwyllgor Safonau 2023/2024	Standards Committee Work –2023/24
<p>25 Mehefin 2023</p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Llyfr Achosion yr Ombwdsman</p> <p>Ymgynghoriad Llywodraeth Cymru ar ymateb i Adroddiad Penn</p>	<p>26 June 2023</p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Ombudsman’s Code of Conduct Casebook</p> <p>Consultation on the Welsh Government Response to the Penn Report.</p>
<p>6 Tachwedd 2023</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>Adolygu gweithrediad Protocol Arweinyddion Grwpiau Gwleidyddol</p> <p>Adolygu trefniadau datrysiad Mewnol</p> <p>Derbyn adroddiad o Fforwm Safonau Cymru</p> <p>Adroddiad ar y trefniadau ar gyfer delio gyda cyfathrebu wedi gwrandawiadau,</p>	<p>6 November 2023</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>Review the operation of the Group Leaders Protocol</p> <p>Review the internal resolution procedures</p> <p>Receive report from the Wales Standards Forum</p> <p>Report on the arrangements for dealing with communications post hearings</p>

<p>19 Chwefror 2024</p> <p>Adroddiad Blynyddol y Panel Dyfarnu</p> <p>Honiadau yn erbyn aelodau</p> <p>Hunan Asesiad a Rhaglen Waith</p> <p>Adroddiad Blynyddol y Pwyllgor</p> <p>.</p>	<p>19 February 2024</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>
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Agenda Item 8

Committee	Standards Committee
Date :	26 June 2023
Title	The Standards Committee's Annual Report 2022-23
Author	Propriety and Elections Manager
Action :	Suggestions and approval

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. The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e. the 12 month period ending on 31 March).

3. The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales
- Actions taken by the committee after it has considered such reports and recommendations;
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

4. The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

5. A draft Annual Report for the financial year 2022/23 is attached for the attention of the Committee.

Recommendations

6. To approve the Committee's Annual Report.

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

2022 - 2023

FOREWORD BY THE CHAIR

It was a great privilege for me to be elected Chair of the Standards Committee in February this year. First of all, I would like to take the opportunity to sincerely thank my predecessor in the Chair, Dr Einir Young for her service and leadership to the Committee over a period of 10 years. I would also like to thank Margaret Jones for her service over the last 10 years. While saying goodbye to them, it was also a pleasure to welcome a new member to the Committee, Mark Jones.

Standards in public life is a topic that is receiving a lot of attention at the moment, emphasising the importance of individuals' behaviour in maintaining public confidence in the manner in which decisions are made on their behalf by their elected representatives. I am confident that this committee can continue to provide support and guidance to the members of Gwynedd Council and the members of the community, town and city councils within the county.

Hywel Eifion Jones
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

In a local election year, the focus was training and raising awareness of the Code of Conduct and the expected standards of conduct. It is a positive indication that all members were able to take advantage of the Induction arrangements, and many attended the subsequent more detailed course. It is hoped that the coming year will allow resource and capacity to undertake further such events

The Local Government and Elections (Wales) Act 2021 has created new duties for Political Group Leaders to take an element of responsibility for promoting good conduct and co-operating with the Standards Committee. It is a positive opportunity to strengthen an important inter-relationship which focuses on promoting and supporting good conduct. Admittedly this is an initial year of the existence of the duty we need to develop this new aspect of the ethical framework. The Standards Committee has agreed a protocol to take forward with the Group Leaders and I am confident that a positive working relationship will develop,

Ultimately it is the consensus around the type of Council we wish to see and work in which represents the best foundation. Although the report includes cases where the Code was found to have been breached this has to be set in the context of the number of elected members whether county or community in Gwynedd. This supports focusing our work on interventions which develop and maintain the standards which are expected.

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.

The Annual Report

The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e. the 12 month period ending on 31 March).

The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales

- Actions taken by the committee after it has considered such reports and recommendations;
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

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 2012 - 2022)

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 Churning Ceremony.

Dr Einir Young (member 2012 - 2022)

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has lived in Gwynedd for more than thirty years. She lived in California for a while and has wide global experience in Africa mainly, working with marginal communities in semi-arid regions. Wales has been her focus for many years and she notes the challenges faced by communities world-wide 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 are critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and Einir is keen to see ways of working promoted in the Act being widely adopted. 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. She retired from her post as Director of Sustainability at Bangor University at the end of December 2020 but continues to work part-time on the Pen Llŷn Ecoamgueddfa project. She is a director of Community Energy Wales and is one of the deputy-chairs of Academi Heddwch (the Peace Academy). In her free time Einir enjoys walking long-distance paths such as the Wales Coastal Path, the Pilgrim's Way and the Eryri 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 Pensions Board, Gwynedd Council's Governance and Audit Committee and is the Chair of Adra . 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.

Mark Jones (member since December 2022)

Mark lives in Bangor and is a former police officer with 30 years experience in a variety of roles, including as Head of Professional Standards for North Wales Police. He served as a Community Governor and Vice Chair at Ysgol Glanadda for 20 years. He is also a former Chair of Adra, where he continues to serve as a Board member

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 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 was the Chair of Gwynedd Council's Education and Economy Scrutiny Committee during 2021-22 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 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 also the Treasurer of the local NSPCC branch since 1989.

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.

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

Councillor Dewi Owen (member since 2022)

[details to follow]

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 Tel: (01286) 679015
- Sion Huws, Propriety and Elections Manager and Deputy Monitoring Officer.
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE’S WORK DURING 2022 - 2023

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 but was not heard until April 2023.

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.

Forum of National Standards Committees for Wales

Richard Penn was commissioned by the Welsh Government to look into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour. He presented his report in November

2021, where he commented positively on the work of the forum for Chairs of Standards Committees in North and Mid Wales.

Although he recognised the place for local decision-making, he recommended the establishment of a National Forum along the same lines. The forum will

- a) give chairs the chance to share and agree to co-ordinate practice;
- b) act as a sounding board for ideas;
- c) create a support network for chairs and Committees.

The first meeting of the National Forum was held on 27 January 2023 via Zoom. The Chairs or Vice Chairs of all Welsh Standards Committees were present along with a number of Monitoring Officers, the Welsh Government (WG) and officers of the Welsh Local Government Association (WLGA).

Support for Community, Town and City Council Members

The committee carried out a process of consultation, through the Chairman and the Community Committee Member, with a selection of town and community council clerks. The intention was to gain an understanding of specific issues that could create problems in terms of members' behaviour so as to enable the Committee to make the best use of those resources available in the authority.

An Action Plan was decided upon, which includes the 3 elements of support that can be offered to members and clerks of community councils on matters relating to the Code of Conduct:

1. Advice on specific issues – to continue to contact the Monitoring Officer or the Deputy Monitoring Officer.
2. Gwynedd Council website - Standards Committee page to include more information and guidelines as well as links to other useful websites.
3. Training – to hold a virtual training session in the form of a webinar. This would create a resource that members could watch when it suits them rather than having to rely on sessions held in specific places and times.

The Duty of Political Group Leaders

A presentation and joint discussion on the new duty was provided by the Monitoring Officer together with each of the Political Group Leaders and the Chair and Vice Chair of the Standards Committee on the 18th October 2022. The presentation included an explanation of the new duty and a discussion on how it can be implemented and how to collaborate with the Standards Committee and the Monitoring Officer. Agreement was reached on a Draft Protocol to implement duty

in the future. At its meeting on 21 November the Protocol to support the duty was approved by the Standards Committee.

The Group leaders are aware of the duty imposed on them and have reported on the initial steps that have been taken to deal with the duty. A meeting was held between the Monitoring Officer and the Leaders to discuss the duty and a report from the leaders reflects these initial steps. The level of attendance at Code of Conduct Training induction events also reflects the commitment.

The Standards Committee is able to confirm that Group Leaders have been fulfilling their duty during 2022-2023.

Further work will be undertaken throughout 2023-2024 to further refine how Group Leaders are able to carry out their duties and how the Standards Committee can further support Leaders

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2022-2023

11 JULY 2022

- **Election of Chair and Vice-chair**
- **Approve the annual report to be presented to the full Council**
- **The committee's self assessment of its performance in 2021/22.**
- **Approve its Work Program for 2022/23**
- **Receive a regular report on allegations against members**

21 NOVEMBER 2022

- **National Forum of Standards Committees:**
 - **Agree on the draft Terms of Reference, including representation.**
 - **Approve the proposed arrangements to support the National Forum.**
- **Approve the Protocol of Duties of Leaders of Political Groups and the Standards Committee to be signed by the Chairman of the Committee and the Leaders of Political Groups.**
- **The Committee's consultation with a selection of town and community council clerks regarding the standards framework:**
 - **Receive the report and ask the Monitoring Officer and the Community Committee Member to prepare an action plan that reflects what is in the report**

- **Receive a regular report on allegations against members**

13 FEBRUARY 2023

- **Election of Chair and Vice-chair**
- **Approve an Action Plan on the support that can be offered to members and clerks of community councils on matters relating to the Code of Conduct**
- **Receive a report on the Gifts and Hospitality Register**
- **Receive a report on the National Forum of Standards Committees**
- **To consider the Annual Report of the Wales Adjudication Panel 2021/22**
- **To consider the Ombudsman's Annual Report 2021/22**
- **Receive a regular report on allegations against members**
- **Consider the Ombudsman's report on an investigation into a complaint against a councillor, and come to a decision if it was necessary to proceed to hold a full hearing.**

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>Complaint No. 202005528</p> <p>That a town councillor had breached the Code:</p> <ul style="list-style-type: none"> · in making false allegations of unauthorised spending and misappropriation of funds by the Former Clerk. · 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. 	<p>Investigation discontinued 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. 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>Complaint No. 202004473</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>
<p>Complaint No. 20200859</p> <p>Complaint that a town councillor had breached the Code:</p> <ol style="list-style-type: none"> 1. That the member may have committed electoral fraud as she had bragged about registering her son on the electoral roll when he was also registered in another area. 2. That the member was undignified in sitting on the polling station steps blocking people from entering without having to try and get past her. 3. That the member had used her Facebook page to mount a hate campaign against the complainant. 	<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>

<p>Complaint number 20220592</p> <p>It was alleged that the Member has undertaken a sustained Social Media hate campaign against the complainant since 2017.</p>	<p>The complainant said that the Member's brother had threatened him because he had written to the Council, and this has been addressed by the Police. The complainant says others have witnessed the behaviour, but he has not indicated what has been witnessed, nor provided statements. Therefore, I cannot consider whether, even if proven, it would amount to a breach of the Code of Conduct. It is also of note that the alleged witnesses are linked to the Council and are aware of the Code of Conduct process. It is open to them to make a complaint if they consider it appropriate to do so.</p>

Member who is subject of the complaint	
Member of community council	3
Member of Gwynedd Council	1
Member of Gwynedd Council and community council	
Nature of the complainant	
Councillor	1
Member of the public	2
Officer	1
Nature of the allegation	
Overall conduct	4

Declaration of Interest	
General Conduct and Declaration of Interest	
Outcome	
No Investigation	2
Investigation – No evidence of breaching the Code of Conduct	1
Investigation - no further action	
Investigation - Referral to the Standards Committee	1
Investigation - referral to the Adjudication Panel for Wales	

Committee:	The Standards Committee
Date:	26 June 2023
Title:	Allegations against members
Author:	Siôn Huws, Propriety and Elections Manager
Purpose:	For information

1. Background

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

2. Decisions

2.1 No decisions have been received from the Ombudsman since the last report.

2.2 The Standards Committee decided on one complaint referred to it since the last report. A separate report on the outcome of that complaint is before the Committee today.

3. Analysis of the Complaints

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

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

5. Recommendation

5.1 The Committee is asked to note the information.