

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

2017 - 2018

FOREWORD BY THE CHAIR

[TO FOLLOW]

Dr Einir Young
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

[TO FOLLOW]

**Iwan Evans
Monitoring Officer
Gwynedd Council**

INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does so in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensations to allow them to participate in discussions despite them having a prejudicial interest under the Code
- Considering complaints referred to it under Gwynedd Council's local resolution procedure.
- Overseeing the Gwynedd Council Members Gifts and Hospitality Policy

COMMITTEE MEMBERS

Though the Standards Committee is one of the committees of Gwynedd Council, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

Independent Members

Margaret E Jones (member since 2012)

Originally from Llandrillo yn Rhos, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as headmistress. She is a deacon in Eglwys yr Annibynwyr Siloh, Chwilog, was Chairman of the Council of the Union of Welsh Independents for 3 years and is also a former President of the Union. She was a member of Gwynedd Community Health Council and Vice Chairman until the reorganisation in 2010. She is also Chairman of the Chwilog Eisteddfod.

Dr Einir Young (member since 2012)

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has been living in Gwynedd for almost thirty years. She lived in California for a while and has travelled extensively in Africa mainly, working with marginal communities in semi-arid regions. Wales is her current priority but the challenges faced by communities are similar. We need a long term vision and plan, to ensure that the actions we take are for good or prevent things from getting worse. Integration and collaboration is critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and as Bangor University's Director of Sustainability Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

Amongst her many interests Einir is a passionate walker and she and her dog are currently walking the Wales Coastal Path with her sister.

Jacqueline Hughes (member since 2015)

Jackie lives in Nantlle with her husband Ian, 3 daughters, grand daughter and a very lively dog. Originally from the Wirral, she qualified as a diagnostic radiographer in 1987 after studying at Guys Hospital School of Radiography. After settling in North Wales with her young family, she joined the staff at Ysbyty Gwynedd. Jackie's career in Bangor has advanced both as a radiographer and as an industrial relations representative. She is currently the Staff Side Chair for the Betsi Cadwaladr Health Board as well as being the local society representative for most of the radiographers in North Wales. She has been President of the Society and College of Radiographers and was instrumental in developing the response to the Francis Report, and subsequently a new code of conduct for radiographers. She believes that any one working in public life must maintain a high level of personal standards in order to be credible to the public.

David Wareing (member since 2015)

In 2014 David relocated from Lancashire to Groeslon following his retirement from Merseyside Police. He served for 26 years in a variety of roles with his last posting being to the Force Operations Department at HQ. This position involved the planning and delivery of large-scale public events, public safety during major Police operations and the reduction of police support to outside agencies through greater partnership working. David specialised in risk assessment and ensuring compliance of relevant Health and Safety legislation working within the legal framework. David represented Merseyside Police on all five Safety Advisory Groups that covered the Force Area. He firmly believes that the actions of those in public office must be both transparent and accountable.

Aled Jones (member since 2016)

Aled is originally from Lampeter, Ceredigion. He read Welsh and Geography at Aberystwyth University. Having graduated in 1999, he moved to Caernarfon to work for Cymen translation company. He became a joint-owner of the company in 2007 and now heads a team of 20 members of staff and employs over 15 other freelance translators. He lives in Bangor with Tegwen, and their two children Cai and Beca. He has a keen interest in sport and can often be seen on the touchline supporting Bethesda Rugby Club and Bangor City Football Club. As a result of his work as a simultaneous translator he is privy to observe conduct and standards at all levels of governance and to identify best practice.

Community Committee Member

Councillor Richard Parry Hughes (member since 2017)

[TO FOLLOW]

Gwynedd Council Members

Councillor Dewi Roberts (member since 2017)

[TO FOLLOW]

Councillor Beth Lawton (member since 2017)

[TO FOLLOW]

Councillor Anne Lloyd-Jones (member since 2017)

[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, Senior Solicitor (Corporate).
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE'S WORK DURING 2016-2017

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

Cases heard by the Standards Committee

No complaints that elected members had breached the Code of Conduct were referred to the Committee during the year

Other Complaints

The Committee is also informed of those complaints not referred to it for decision. Summaries can be found in **Appendix 2**.

Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a 'prejudicial interest'. However, a member has a right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered three applications for dispensation during this period from members of Gwynedd Council. All three were granted.

Training on the Code of Conduct

The Committee considered whether there were alternative methods of providing training for town and community councils. It decided to pilot a scheme that would mean offering to provide a trainer to hold a session on the Code of Conduct locally to councils, rather than centralise sessions at the main centres only.

The Committee also decided that a handout could be included in the induction pack provided for new town / community council members to summarise the main points of the Code of Conduct

North Wales Standards Committee Forum

The North Wales Standards Committee Forum gives representatives of all north Wales authorities' standards committees the opportunity to meet. The purpose of the forum is to enable the area's standards committees to discuss and share ideas, good practices and resources and also provide a joint opinion on a national level. The Chair and Vice—chair of the Committee attend the meetings.

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

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2017-18

10 July 2017

- **Undertaking Self-Assessment and formulating a Work Programme for the upcoming year**
- **Consideration of One Voice Wales'local dispute resolution procedure for community councils**
- **Consideration of the Annual Report of the Adjudication Panel for Wales**

2 October 2017

- **Consideration of Gwynedd Council's Protocol for Member / Officer Relations**
- **Consideration of Gwynedd Council's Gifts and Hospitality Protocol for Members**
- **Deciding on applications for dispensations**
- **Consideration of the Annual Report of the Ombudsman**

12 March 2018

- **Consideration of the arrangements for the provision of training to community councils**
- **Overview of the role and functions of the Standards Committee**

Appendix 2

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that county and community and town councillors had breached the Code of Conduct:

Allegation	Decision
That a community councillor had brought his position or the authority into disrepute and had used his position improperly whilst serving on a local committee.	No investigation. The member served on the committee in a personal and private capacity and not as an elected councillor.
That a councillor had made comments on his Facebook page that were defamatory and brought his office and authority into disrepute,	No investigation. It was unclear whether the comments were wholly public and if he had made them as an elected member. The Ombudsman however intended to write to the member to remind him that the provisions of paragraph 6(1)(a) (disrepute) applied at all times and in any capacity. An allegation of libel was a legal matter that should be resolved through the courts.
Complaints against four community councillors in connection with non-declaration of interests.	No investigation in three cases. Investigation into two complaints against the same councillor. Whilst the conclusion was that there had been a breach, no further action required..

<p>A complaint by a town councillor that a fellow councillor had failed to disclose a close personal connection with a person who was in dispute with the council; that said connection formed a prejudicial interest; that she had concealed the fact in order to gain financial advantage. It was also alleged that the member had instructed the Clerk not to record and/or circulate minutes regarding the matter.</p>	<p>The Ombudsman investigated the complaint and reached the following conclusions:</p> <ul style="list-style-type: none"> • There was no evidence that a close personal connection existed • There was no evidence that the member had sought to conceal interest or gain personal advantage • While there had been problems with the council's minutes in the past, there was no evidence that the member had instructed the Clerk not to prepare minutes and circulate them
<p>A complaint by a member of the public that a town councillor, by virtue of his position as chair of a local organisation, had made threatening comments towards him in relation to provision for disabled visitors to the organisation.</p>	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • It appeared that the councillor was acting as a private individual at the time not as a councillor. The circumstances of the case meant that the Code of Conduct was not relevant to the member's conduct as an individual.

<p>A complaint by a member of the public that a town councillor had made sexist and misogynistic comments on his Facebook page.</p>	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • It appeared that the councillor was using a personal Facebook account at the time. The Ombudsman did not see any reference to his status as a councillor or suggestion that he was acting as one at the time. • Article 10 of the European Convention on Human Rights protected people's right to say some things despite the fact that they could be unacceptable to others. • No individual or company was named in the comments • The Ombudsman did not condone the comments and it could be said that they did bring him as an individual into disrepute • Nevertheless, in the absence of a reference to a specific individual, the comments were not sufficiently offensive so as to bring the council or the role of councillor into disrepute
<p>Complaint by a member of the public that a member had been part of a decision to release confidential information</p>	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • There was insufficient evidence that the member was implicated in releasing the information

<p>Complaint by a member of a town council that a fellow member had made a vexatious complaint against her to the Ombudsman</p>	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • The Ombudsman had accepted the complaint for investigation and could not conclude that the complaint was vexatious
<p>A complaint that a member had used his position as an elected member in relation to a complaint of harassment.</p>	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • The member was not acting as an elected member at the time but as a private individual. • The comments made by the member did not damage the reputation of the Council.
<p>Complaint by a member of the public that a councillor had refused to engage with him in relation to issues relating to his property and to a dispute with the council.</p>	<ul style="list-style-type: none"> • It is a matter for a councillor to decide whether to meet or correspond with a member of the public. The principal duty of members is to represent residents in their constituencies, but there is no obligation to deal with each individual matter reported to them.

Member against whom complaint was made	
Member of community council	9
Member of Gwynedd Council	3
Member of Gwynedd Council and community council	3
Nature of complainant	
Councillor	9
Member of public	6
Officer	0
Natur of allegation	
General behaviour	9
Declaration of interests	6
Result	
No investigation	11
Investigation	4
Reference to Standards Committee	0
Reference to Adjudication Panel for Wales	0