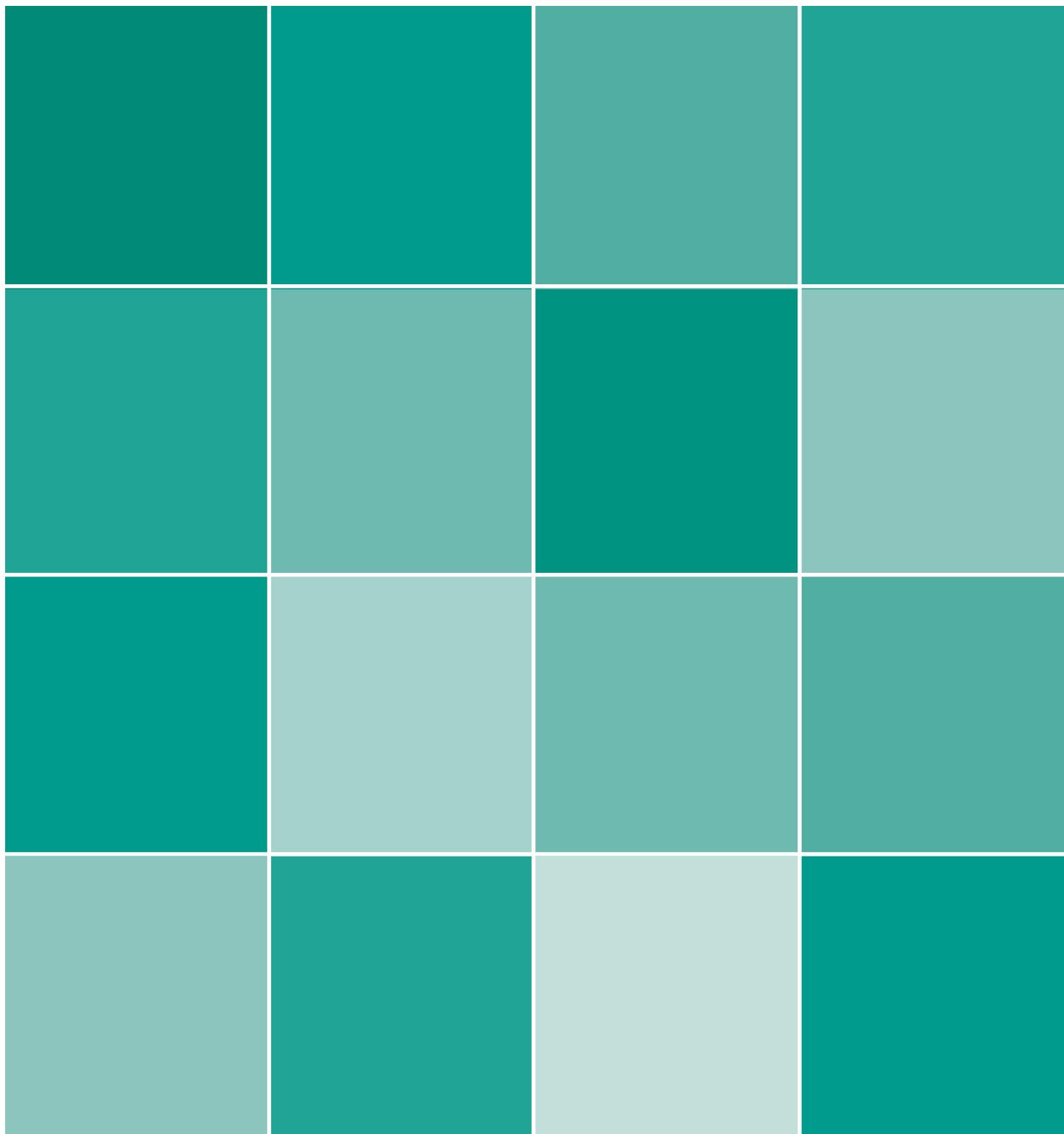


ANNUAL REPORT OF THE GWYNEDD COUNCIL STANDARDS COMMITTEE 2018 - 2019



FOREWORD BY THE CHAIR

Much to everyone's disappointment, the uncertainty surrounding 'Brexit' continues three years after the referendum to leave the European Union. We remain in the dark as to whether our departure from the EU will be 'hard' or 'soft' or whether it will be with or without an agreement or not. The views on both sides of the debate remain polarized and the general increase in the incidence of racial hatred and lack of respect for differing points of view is a cause for concern.

In the midst of all this uncertainty, the residents of Gwynedd, the councillors and the Local Authority must continue to operate as normally as possible.

As you can see, this year's report, like the last is short. No incidents of breaching the Code of Conduct were passed on to the Committee. Some cases were referred to the Ombudsman with evidence that the Code had been breached in one instance. No further action was required, however, and no hearings were held. It is worth noting that the Town and Community Councils pose the greatest challenge and the Committee will consider how to assist these councils. This is not, however, unique to Gwynedd - it is a Wales-wide challenge.

In short, the general message to Elected Members is that care needs to be taken, that there is a need to take advantage of the training offered by the Monitoring Officer and his team and to seek advice if any doubt arises that anyone could interpret behaviour as a breach of the code.

The Committee looks forward as usual to a full programme of work over the coming year and looks forward to working more closely with the North / Mid Wales Standards Forum.

It is not possible to conclude without thanks again to the Monitoring Officer and his team for giving us guidance and for their consistent and ongoing work with the County Council and the Town & Community Councils.

*Dr Einir Young
Chair of the Standards Committee*

FOREWORD BY THE MONITORING OFFICER

Once again this year, a general message of a high standard of conduct is conveyed in Gwynedd. There is no room to become complacent because, as noted in the report, there are exceptions but overall, pride can be taken in a picture of a culture of propriety that is common across the County councils. The report of the Committee on Standards in Public Life in January 2019, in regards to the standards system in England, highlighted a relevant message to everyone in relation to the importance of appropriate leadership and culture in maintaining conduct standards. This is a responsibility not only for Standards Committees and Monitoring Officers, but also to everyone who commits to the Code or is involved with the procedure. The Ombudsman's threshold for investigating has risen. However, the Code of Conduct is adopted as a statement to the public of the high standard of conduct the Council maintains for its members. It is an important element of a governance system, which maintains public confidence in the democratic process, and this is the message I will be conveying when advising and providing training over the coming year.

*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.

MEMBERS OF THE COMMITTEE

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

Independent Members

Margaret E Jones (member since 2012)



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

Dr Einir Young (member since 2012)



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

Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

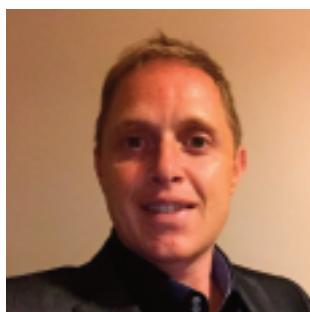
Amongst her many interests Einir is a passionate walker and she, her sister and her dog are currently walking the Wales Coastal Path and has reached Aber Llydan in Pembrokeshire. They are also walking the Snowdonia Slate Trail.

David Wareing (member since 2015)



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

Aled Jones (member since 2016)



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

Community Committee Member

Councillor Richard Parry Hughes (member since 2017)



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

Gwynedd Council Members

Councillor Dewi Roberts (member since 2017)



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

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

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

Councillor Beth Lawton (member since 2017)



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

Councillor Anne Lloyd-Jones (member since 2017)



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

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

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

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

The Monitoring Officer

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work. The Monitoring Officer has a statutory role to ensure that the Council, its members and its officers act appropriately and lawfully.

Contact Details

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THE COMMITTEE'S WORK DURING 2018-2019

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.

No applications for dispensation were considered during this period.

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 2018-19

9 July 2018

- Approving the Committee's Annual Report
- Undertaking a Self Assessment and producing a Work Program for the coming year
- Considering amendments to Gwynedd Council's Protocol on Member and Officer Relations
- Considering and approving Declaration of Interest Guidance and Guidelines on Members' Dealings with the Council as an Individual

1 October 2018

- Undertaking a review of the procedure for dispensation applications
- Consider the Standards Committee's presence on the Council's Website
- Consideration of the Ombudsman's Annual Report 2017-18
- Receiving the report of the Monitoring Officer on the Wales Standards Conference

21 January 2019

- Consideration of the frequency and number of meetings of the Standards Committee
- Consideration of the Adjudication Panel for Wales' Annual Report
- Consideration of the Register of Members' Interests

18 March 2019

- Consideration of the Ombudsman's consultation on his Draft Corporate Plan.

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
A complaint that a member of a town council failed to declare an interest in a council meeting, and that she should have withdrawn from the meeting.	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none">• The member had declared an interest but was of the opinion that it was not a prejudicial interest. Due to the nature of the subsequent discussion, the Ombudsman was not persuaded that it was a prejudicial interest that meant that she should have withdrawn from the meeting.
A complaint by a member of the public that a town councillor had failed to declare an interest relating to a person that was one of his customers.	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none">• As an individual that ran a local business it was obvious that the councillor would know a number of other individuals living in the area. The subject in question was not one where an independent person would consider that he or she would benefit from personally, or be able to influence a decision that would create a negative situation for the complainant.
A complaint by a member of the public about the manner in which a town councillor spoke to her on three occasions about a specific matter.	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none">• Without further evidence, it was not possible to reconcile the complainant's description of the incidents with the member's description. Both versions of the incidents were credible and he was not persuaded that he could give credence to one version over the other.

Allegation

A complaint by a member of the public that a councillor had refused to communicate with him on matters relating to his property and a dispute with the Council.

Decision

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It was a matter for a councillor to decide whether to meet or correspond with members of the public. Members' main duty was to represent residents within their constituencies, and they were not obliged to deal with each individual matter reported to them.

Complaint from a member of the public that a member of Gwynedd Council had not asked another elected member to speak on a planning application at the Planning Committee, having declared a prejudicial interest in the matter.

The Ombudsman decided not to investigate the complaint for the following reasons:

- He did not consider this to breach the Code. The member was not obliged to choose another member to speak at such in such a situation.

A member of the public complained that a county councillor had not considered a planning application objectively when sitting on the Planning Committee.

The Ombudsman decided not to investigate the complaint for the following reasons:

- There was no evidence to support the allegation that the member failed to consider the advice of officers and failed to consider the matter objectively.

A complaint from a member of the public that a member of a community council failed to declare a personal interest when considering an application to divert a public right of way and had come to a decision on the issue before the meeting as he had submitted a form supporting the change in 2014.

The Ombudsman decided not to investigate the following reasons:

- Although support for the proposed change could be an interest, the Ombudsman did not consider that, given all the circumstances, there would be a public interest in further investigation even if that interest were to be definitively proved. Among the factors taken into consideration were the time that had passed since the submission of the form, that it had been submitted in a personal capacity and the limited nature of the councillor's influence on the final decision.

Allegation	Decision
<p>A complaint from a member of the public that a member of a community council failed to declare a personal interest when considering an application to divert a public right of way and had come to a decision on the issue before the meeting as he had submitted a form supporting the change in 2014.</p>	<p>The Ombudsman decided not to investigate the following reasons:</p> <ul style="list-style-type: none"> Although support for the proposed change could be an interest, the Ombudsman did not consider that, given all the circumstances, there would be a public interest in further investigation even if that interest were to be definitively proved. Among the factors taken into consideration were the time that had passed since the submission of the form, that it had been submitted in a personal capacity and the limited nature of the councillor's influence on the final decision.
<p>Complaint by a fellow member, that a member of a town council failed to declare a prejudicial personal interest in a matter discussed by the council, as a trustee and a member of the management committee of the property in question.</p>	<p>The Ombudsman decided not to investigate the following reasons:</p> <ul style="list-style-type: none"> The member did not appear to have breached the Code as the item was in relation to a request to the county council for information. There was no discussion or vote that could have resulted in any personal gain to the member or the management committee.
<p>Complaint by a fellow member that a member of a town council had acted unacceptably by:</p> <ul style="list-style-type: none"> Sending emails that constituted bullying or harassment Refusing to accept the decision of the town council on a specific issue Refusing to condemn comments made by others on Facebook that the complainant considered to be threats aimed at him. 	<p>The Ombudsman decided not to investigate the following reasons:</p> <ul style="list-style-type: none"> Copies of emails had not been provided by the complainant, but on the basis of what he was saying, it was unlikely that the Ombudsman would have investigated, as they appeared to be political in nature and were not highly offensive or outrageous. There was no evidence that the member had tried to force officers to do anything that would prejudice officers' professional integrity. There was no evidence that the councillor had contributed to the comments on Facebook and the member was not obliged to criticise those comments.

Allegation

A complaint that a County Councillor had failed to register land ownership as an interest and had failed to declare this when discussing a planning application with officers.

Decision

The Ombudsman investigated the complaint and reached the following conclusion:

- It appears that the member was in breach of the code by failing to register the interest and by failing to declare this when e-mailing planning officers.
- The content of the e-mail blurred the line between the member's role as an individual and his role as a member of the Council.
- Despite the Member's arguments to the contrary, the Ombudsman was of the opinion that had received sufficient training on the Code of Conduct and if unclear about any aspect, it was his responsibility to seek further advice from the Monitoring Officer.
- Having considered the public interest test, it was decided that no further action was necessary in this instance as the individual was a new member at the time, that this was the first time his conduct had been brought to the Ombudsman's attention, and that he had since completed the registration of interest correctly.
- He would write to the member to emphasise the importance of keeping separate his private and public roles and that he should seek advice from the Monitoring Officer if he needs more training on the Code of Conduct.

Allegation	Decision
<p>Complaint by a member of the public that a member of the Community Council had:</p> <ul style="list-style-type: none"> • made a false statement in order to undermine support for a local campaign led by the complainant • used her influence on a committee of the local hall to prevent the complainant from hiring the hall. 	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • The complainant had not submitted sufficient evidence to support the complaint, but even had she done so, the Ombudsman was not of the opinion that the Code of Conduct would have been breached • It was unclear whether the Member was, at the time, acting as a Member. Even if she were doing so, the Ombudsman was not satisfied that she had prevented the complainant from hiring the hall.
<p>Complaint by a member of a community council that a fellow member had:</p> <ul style="list-style-type: none"> • Compromised the impartiality of the Clerk of the council, and had conducted a bullying campaign against him with the assistance of the Clerk • Failed to declare a prejudicial interest and predetermined the outcome of the Council's Personnel Committee meeting, where a complaint made against the Clerk by the complainant was considered 	<p>The Ombudsman decided not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • No evidence submitted to support the complainant's version of events of a campaign of bullying • No evidence submitted of a connection between the member and the clerk (other than the relationship that all members have)

Breakdown of the Complaints Against Members

Member against whom complaint was made

Member of community council	9
Member of Gwynedd Council	4
Member of Gwynedd Council and community council	0

Nature of complainant

Councillor	4
Member of public	8
Officer	1

Nature of allegation

General behaviour	6
Declaration of interests	6
General behaviour & Declaration of interests	1

Result

No investigation	12
Investigation – no evidence of breach of code	0
Investigation – evidence of breach but no further steps	1
Investigation - reference to Standards Committee	0
Investigation - reference to Adjudication Panel for Wales	0