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| Meeting | Democratic Services Committee |
| Date | 24 November 2015 |
| Title | Standards Committee Annual Report 2014-15 |
| Purpose | To present the Standards Committee's Annual Report |
| Author | Dr Einir Young, Chair of the Standards Committee |
| Relevant Officer | Iwan Evans, Monitoring Officer |

Background

1. The Standards Committee is a statutory committee, which has been established to 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.

2. To this end the Committee has decided to publish an annual report in order to explain its purpose and promote its work. The Committee also decided that the report should be presented formally to the Committee. The Committee therefore presents this report for the Committee's attention. The report will also be circulated to all the community and town councils.

3. There have been developments in relation to the operation of the Code of Conduct which merit particular attention:

- The Ombudsman has adopted a new two-stage test to determine whether to investigate or to continue with an investigation of a breach of the Code to the stage of referring the matter to a Standards Committee or the Adjudication Panel for Wales. In the new two-stage test the first consideration will be whether there is any direct evidence of a breach. The level of proof required is on the balance of probability. If that evidential test is met the Ombudsman will then go on to consider whether an investigation or a referral to a Standards Committee or the Adjudication Panel for Wales is required in the public interest. The Ombudsman has outlined the public interest factors he will consider which include:-
 - Seriousness of breach.
 - Whether Members deliberately sought personal gain for themselves or another at public expense.
 - Was there a misuse of position of trust or authority and was harm caused to a person.
 - Was breach motivated by discrimination?

- Is there evidence of a previous similar behaviour by a Member?
 - Is investigation required to maintain public confidence in Elected Members?
 - Is investigation a proportionate response (likely to lead to sanction).
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- Relatively recent court decisions have also thrown further light on the boundaries of the Code when considering remarks by members. These matters are expressly referred to by the Ombudsman in his revised guidance in relation to paragraphs 6(1) (a) – disrepute and 4(b) – treating with respect and consideration. In particular Members are reminded that a Member needs a “thicker skin” and unless political comments are highly offensive or outrageous, he is unlikely to investigate complaints made by Members whether in the Council Chamber or elsewhere. Conversely making an unfair and inaccurate criticism of the Authority in a public arena or inappropriate e-mails or social media posts may be regarded as bringing the office of Member into disrepute which may merit investigation.

Recommendation

To accept the report.

Background Document

The Code of Conduct for members of local authorities in Wales Guidance from the Public Services Ombudsman for Wales March 2015