
STANDARDS COMMITTEE, 6/11/23

Present:-

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

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

1. APOLOGIES

Apologies were received from Councillor Dewi Owen.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous committee meeting held on 26 June 2023 as a true record.

5. LOCAL RESOLUTION PROCEDURE

Submitted – the report of the Monitoring Officer inviting the committee:-

- To accept the proposed changes to the Local Resolution Procedure (as highlighted in Appendix 1 of the report) to reflect the introduction of the new statutory duties for Group Leaders and recommend them to the Full Council.
- To support his proposal to require the use of a complaints form (Appendix 2) as part of the Local Resolution procedure.

Observations / questions were invited from the members.

It was noted that a decision had to be made at some point on whether a complaint was suitable for a local resolution, or whether it should be referred to the Ombudsman, and it was enquired whether this step should have been included somewhere in the process.

It was enquired whether it was Cyngor Gwynedd's policy that every complaint by the public must be referred to the Ombudsman, because it could be argued that it would be better to deal with some minor low level public complaints through the Local Resolution Procedure. In response, the Monitoring Officer noted:-

- Although data could not be given on this, there was a general tendency to send public complaints to the Ombudsman for two reasons, i.e it was not always easy to identify the nature of the concern and that resources were needed to investigate those complaints.
- The current arrangement had not been designed to deal with public complaints, and although there would be qualities of going down that road, a process that worked and the public felt confident about would have to be ensured.

It was recommended that complaints forms should ask the complainant to state which output he/she was seeking as a result of the complaint. It may be that the complainant was only seeking an apology, or hoping that those they were complaining about would see the situation from his/her perspective. It was believed that asking the question would be beneficial in terms of deciding how to deal with complaints as it would highlight that not every public complaint was heavy on resources and it was possible to have a quick and simple solution for members of the public in some cases.

It was noted that paragraph 3 of Appendix 1 of the report's English version had errors and the Monitoring Officer confirmed that he would check it and make amendments to ensure that the wording read correctly.

RESOLVED

1. **To accept the proposed changes to the Local Resolution Procedure to reflect the introduction of the new statutory duties for Group Leaders and recommend to the Full Council.**
2. **To support the Monitoring Officer's intention to require the use of a complaints form as part of the Local Resolution procedure, as contained in Appendix 2 of the report, with the addition that the form requires the complainant to state which output that he/she seeks as a result of the complaint.**

6. HEARINGS PROCEDURE TO THE STANDARDS COMMITTEE

Submitted - the Propriety and Elections Manager inviting the committee to approve the amendments to the Standards Committee's Hearing Procedure as well as the associated information sheet, as a result of experiences at recent hearings.

The Monitoring Officer thanked the Propriety and Elections Manager for his work, stating that he welcomed and recommended that the Committee supported the amendments.

The Chair thanked the Propriety and Elections Manager for presenting a very professional piece of work.

RESOLVED to approve the amendments to the Standards Committee's Hearings Procedure together with the associated information sheet.

7. GIFTS AND HOSPITALITY REGISTER

Submitted - the Propriety and Elections Manager's report that detailed the Gifts and Hospitality Register and invited observations from the committee as part of his work to monitor standards within the Council.

Referring to the statements on the existing register, the Propriety and Elections Manager emphasised that the two members in question were not members of the Planning Committee, rather they were local members that had been offered a gift after the decisions had been made.

The Monitoring Officer noted that the report reflected that it was not always easy to deal with situations like this. He also noted that the refusing statement was encouraging as it was important that any gift offered, whether it was accepted or not, was recorded.

In response to a question from a member, it was explained that hospitality provided to members when serving external bodies was a gift from third parties, e.g. Council representatives on the National Park Authority or Adra directors, and that those bodies had their own Code of Conduct and specific arrangements. Nevertheless, he advised that any members uncertain of their situation should register regardless.

RESOLVED to note and accept the contents of the reports.

8. ALLEGATIONS AGAINST MEMBERS

Submitted – the report of the Propriety and Elections Manager presenting information about the Ombudsman's decisions on formal complaints against members. The report also asked the Committee to consider whether they wished for these matters to be treated as exempt items in the future, so that the extensive information provided by the Ombudsman could be presented to allow the Committee to discuss in more detail the implications of the decisions from the standpoint of interpreting the Code of Conduct.

The Monitoring Officer noted that:-

- There was an option to be closed, but he was uncertain about what value it would add to the Committee from having the details regarding the identity of the individuals and councils in question, etc.
- The officers were aware of the original report where problems have arisen, and if there was a need to contact, e.g. to discuss a councillor's situation, that could be done.
- If a pattern arose, e.g. in a specific council, that he would be careful bringing that to the Committee regardless, because a case relating to that council could appear before a Standards Committee hearing in due course.

Observations / questions were invited from the members.

It was noted that the wording in cases 202303259 and 202303399 were ambiguous because the councillor was referred to as '*him*' in the first sentence, but as '*her*' in the following sentence.

It was recommended that the training had not improved the situation at all in Tywyn Town Council, where minor cases arise often. In response, the Monitoring Officer noted:-

- That these were complaints that do not proceed to an investigation, and this may suggest that the training does work.
- That it was not possible to completely avoid complaints and, possibly, that the existence of these complaints in the report did not create such a bleak picture.

It was noted that it was not understood why the Ombudsman, after discovering that a member had broken the Code of Conduct, had decided not to take any further steps in relation to the matters investigated. There was concern that this could lead to a worse situation in the future, and it was suggested that any case, regardless of how minor it was, should be investigated if the councillor in question had previously broken the Code. In response, the Monitoring Officer noted:-

- That he did not disagree with the comment, but that advising on complaints was hard on those occasions where the councillor had clearly broken the Code, but where there may not be public interest in taking steps relating to the matters investigated.
- That the Ombudsman and its officers also faced a hard task evaluating the complaints and reaching a conclusion regarding which ones that merited an investigation.
- That the Ombudsman's Annual Report highlighted that there was an emphasis on respect and equality, and possibly that those were the cases that the Ombudsman was most likely to investigate, and also most likely to take steps in the public interest.

Referring to the 202201791 case, it was noted that there was a suggestion by the Ombudsman that the advice given by the Clerk was not as clear as it could have been, and it was enquired whether the officers had noted that training needed to be provided to the Clerk regarding that. In response, the Propriety and Elections Manager confirmed that had been noted. He also noted that such cases could be useful to the officers in terms of preparing training as it highlighted what happens on the ground and where the weaknesses were.

It was noted that research completed last year with a selection of town and community council clerks in relation to the Ethical Standards Framework had highlighted that only a small amount of them had a specific qualification to be able to advise. In response, the Monitoring Officer noted that the clerk's role equated to the Chief Executive in terms of the range of duties, if not their size, and that challenges could arise regarding the post.

RESOLVED to note the information and continue to present the information to the Standards Committee in the form of summaries without specific details.

9. ANNUAL REPORT OF THE OMBUDSMAN

Submitted - the Monitoring Officer's report appending the Ombudsman's 2022-23 annual report.

The Monitoring Officer noted that:-

- A decrease was seen in the number of Code of Conduct matters, but that the Ombudsman's main concern related to respect and equality matters, with around 67% of the complaints received relating to this aspect.
- It was hard to take away any specific messages from the report, but it was understood from discussions with the Ombudsman's officers, that they were looking at the patterns of complaints deriving from the Annual Report, and possibly, further information would be available that would help frame the training, but also the discussion with Political Groups Leaders.

Referring to the Key Performance Indicators (page 124 of the report / page 177 of the agenda), the Chair noted that the performance in terms of cases closed within 12 months had slightly slipped from 67% in 2021/22 to 66% in 2022/23, compared to their target of 90%, and it was enquired whether an observation should be sent to the Ombudsman stating the Committee's concern at this decrease. In response, the Monitoring Officer noted that it was not clear what had caused this, but he could contact the Ombudsman's officers to obtain an explanation regarding the factors that had led to the situation, and report back to the Committee.

RESOLVED to note the report.

The meeting commenced at 10.00am and concluded at 10:50am.