

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

**2014 - 2015**

## **FOREWORD BY THE CHAIR**

[to follow]

**Gwilym Ellis Evans**  
**Chair of the Standards Committee**

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## **FOREWORD BY THE MONITORING OFFICER**

[to follow]

**Iwan Evans  
Monitoring Officer  
Gwynedd Council**

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## 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**

*[biographical details and photos to be included here]*

**Gwilym Ellis Evans (member 2005 - 2015)**

**Samindre (Sam) W. Soysa (member 2005 – 2015)**

**Linda Byrne (member since 2012)**

**Margaret E Jones (member since 2012)**

**Einir Young (member since 2012)**

**Jacqueline Hughes (member since 2015)**

**David Wareing (member since 2015)**

### **Community Committee Member**

**Councillor David Clay (member since 2008)**

### **Gwynedd Council Members**

**Councillor Eryl Jones-Williams (member since 2011)**

**Councillor Michael Sol Owen (member since 2012)**

**Councillor Lesley Day (member since 2014)**

**Councillor Charles Wyn Jones (member 2012-2014)**

## **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 2014-2015

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

### Cases which appeared before the Standards Committee

Hearings were held to consider three complaints of elected members breaching the Code of Conduct.

#### Councillor Christopher O'Neal, Gwynedd Council

Censure for breaching paragraph 4(b) of the Code of Conduct (showing respect to others and consideration of others)

Suspension for a period of two months for breaching paragraph 6(1)(a) of the Code of Conduct (not to behave in a way which brings a member's office or the authority into disrepute)

#### Councillor Nancy Clarke, Arthog Community Council

Suspension for three months for breaching paragraphs:

14 – not to participate or influence a decision when the member has a prejudicial interest

7 (a) – not to use a position inappropriately to give or secure advantage or disadvantage to the member or to others

8(a) – address any relevant advice provided by authority officers

6(1)(a) - not to behave in a manner which would bring the member's office or the Council into disrepute

The Committee is also informed of the Ombudsman's decisions on complaints made against county and community councillors in Gwynedd. 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. Two were allowed in part (permission to speak but not to vote). It was determined that a prejudicial interest did not exist in the third case and, therefore, a dispensation was not required.

## **Training on the Code of Conduct**

The Committee decided that training should be arranged on the Code of Conduct for members and clerks of the county's community and town councils. These sessions will be held during 2015-2016.

Members of the Committee attended training on the procedure of webcasting the meetings of the Council's committees.

## **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 Vic—chair of the Committee attend the meetings.

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## **THE STANDARDS COMMITTEE'S WORK PROGRAMME 2014-15**

### **7 July 2014**

- Meeting with the Chair of Gwynedd Council's Democratic Services Committee
- Reviewing the dispensations procedure
- Self-Assessment
- Creating a Work Programme for 2014-15

### **12 June 2014**

- Hearing – determining two complaints against an elected member

### **30 June 2014**

- Reviewing the procedure for holding hearings
- Consider the Ombudsman's Case Register
- Accept the minutes of the North Wales Standards Committee Forum

### **29 July 2014**

- Hearing – determining a complaint against an elected member

### **29 September 2014**

- Determining an application for dispensation
- Consider the Annual Report of the Public Services Ombudsman for Wales
- Accept the report of the Head of Democratic Services on the webcasting procedure

### **26 January 2015**

- Determining applications for dispensation
- Discussing training for community councils

## Appendix 2

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that members had breached the Code of Conduct:

Allegation	Decision
Complaint by a fellow- member that a town councillor had been persistently negatively critical of the clerk's performance.	No investigation. The member was entitled to complain if he believed that the performance of an employee fell below the required standard.
<p>Bringing his office as councillor or the authority into disrepute</p> <p>Conflict between the councillor's business interests and his role as councillor and misuse of his position as councillor</p> <p>Attending a meeting where a conflict of interests could arise ,contrary to the Monitoring Officer's advice</p> <p>Behaviour towards member of the public contrary to Code of Conduct</p> <p>Failure to update registration of personal interests</p>	Investigation discontinued as the evidence was not sufficiently conclusive to enable the Ombudsman to reach a firm view on the breaches of the code.
Complaint by member of the public that a county councillor had denied using certain words in a conversation.	No investigation – member not acting as a councillor at the time.
Complaint by member of the public that a town councillor had behaved in an offensive manner.	No investigation. The alleged comments were not offensive in the Ombudsman's view and would not, if proven, be serious enough to constitute a breach of the code.
Complaint regarding a town councillor's conduct.	No investigation – insufficient information submitted.

<p>Complaint by member of the public that a councillor had breached a number of the code's principles in dealing with a local matter.</p>	<p>No investigation. Although a member should respond fully and promptly to correspondence, failure to do so was not serious enough to be a breach of the code. No evidence that the member had refused to discuss the matter with the complainant or that she had tried to cause him a disadvantage.</p>
<p>Failure to declare an interest.</p>	<p>No evidence of failure to comply with the code – the members may have had a personal interest and they had declared that interest in the meeting. However the interest was not a prejudicial one.</p>
<p>Complaint by a town councillor that a fellow member had behaved in an inappropriate manner.</p>	<p>No investigation. No evidence to support the allegation. Did not appear that behaviour would have been a breach even if proved.</p>
<p>Complaint by a fellow member that town council member, in his role as Chair, had behaved unfairly towards him.</p>	<p>No investigation. No evidence that the behaviour was rude or offensive or that it constituted harassment under the code.</p>