

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

2015 - 2016

FOREWORD BY THE CHAIR

During the preparation of the Standards Committee's report for the past year, we had a constitutional earthquake of which has not been seen for decades, if ever before. This came about as a result of the brutal referendum campaign from both sides - campaigning to leave or remain within the European Union. There was not much to celebrate in terms of standards of conduct in public life. In the next months and years, as the implications of the decisions will become evident, it will be more important than ever to ensure that the principles of public life (Nolan principles) are maintained. It is worthwhile to briefly summarise them here:

Selflessness. Ensure public well-being at all counts, not profiting themselves in any way.

Integrity. Avoid being in a situation whereby individuals or external institutions may try inappropriately to influence decisions made as part of their work.

Objectivity. In all things, ensure that decisions are made based on merit and not funding

Accountability. Willing to be accountable to the public and open to the scrutiny process.

Openness. Be as open as possible regarding the reasons for making decisions

Honesty. Declare personal and prejudicial interests

Leadership. Promote and support these principles and lead by example. This is the measure of the standard expected.

Fortunately for us, as a Standards Committee in Gwynedd, this report is not long and it is a credit to the county that so few cases come before us. However, there is always room for improvement. The system of local government increases responsibilities and committee members continue to learn more about the challenges by attending committee and council meetings and by supporting the Monitoring Officer and his team as they offer training. I would like to encourage everyone to take advantage of the help and support available from the Council in order to ensure that the standards of public life in Gwynedd are maintained at all times but particularly during the possible political excitement that may be on the horizon.

Dr Einir Young
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

I am pleased to note that the report conveys a positive message about the Council. This is also reflected across the great majority of the County's community councils. Communication and ensuring constructive awareness is a very important medium to maintain these standards and there is no room to be complacent. I am therefore glad that it was possible to conduct training on the Code of Conduct for members of this Council together with a series of seminars for town and community council members.

In his address at the Wales Standards Conference in October 2015 the Ombudsman, Nick Bennett, referred to the Nolan principles published in 1995. In looking at the seven principles and their relevance for the next twenty years he drew specific attention to the principle of leadership and its importance by maintaining high standards of behaviour within any organisation. One of his main messages was that everyone has a responsibility to show leadership to maintain high standards of conduct and that it is not a responsibility that may be attributed solely to the standards system. This is undoubtedly a timely and relevant message.

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

Linda Byrne (member from 2012 - 2015)

Linda has lived in north Wales for ten years and now works at the Citizens Advice Bureau in Caernarfon as a volunteer. Her husband is Welsh and 3 of her grandchildren are Welsh speaking. She has lectured in colleges of further education in the north east of England and in Wales, before becoming a Student Disability Adviser at Durham University and subsequently Bangor University. She served as a Town Councillor for six years and a Borough Councillor for eight years in Sedgfield, Co. Durham. Unfortunately, Linda had to give up her seat on the committee during the year due to illness.

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 David Clay (member since 2008)

David has been an elected member of Barmouth Town Council for 29 years and has held the position of Chair on 4 separate occasions. He is past Chair of the Meirionnydd Area Committee of One Voice Wales. Now retired, he was an hotelier in Barmouth for 30 years and was an active member of Mid Wales Tourism Council and in later years a Director of Mid Wales Tourism Partnership.

Gwynedd Council Members

Councillor Eryl Jones-Williams (member since 2011)

Eryl is a semi-retired freelance journalist who has represented Dyffryn Ardudwy and Talybont on Gwynedd Council since 2008. He is also a long-standing town and community councillor and has served as both Mayor and Chairman. He takes an active part in disability rights and is vice-chairman of the Meirionnydd Access Group as well as a member of the South Snowdonia Access Forum and the Betsi Cadwaladr University NHS Community Health Council. He is currently chairman of the Gwynedd Licensing Committee, where is able to draw on his experience as a former licensee. He is also the Carers' Champion for Gwynedd. A former Welsh Football referee his hobbies includes golf at Royal St David's Harlech and Dolgellau.

Councillor Michael Sol Owen (member since 2012)

Michael lives in Pwllheli and has represented North Pwllheli on Gwynedd Council since May 2012. He holds a degree in Physics and Material Science and was managing director of a company in Pwllheli and also worked as a business consultant for the Assembly. He has been a member of Pwllheli Town Council for over 30 years and is chairman of the Pwllheli Youth Project charity. He is a former Chair of Gwynedd Council's Planning Committee and also serves on the Management Board of Cartrefi Cymunedol Gwynedd.

Councillor Lesley Day (member since 2014)

Les has been a Gwynedd Councillor since May 2012 and is a former Chair of the Democratic Services Committee. She has been a Bangor City Councillor since 1991 and is a past mayor, representing the Garth Ward in Bangor. She is a former member of Arfon Borough Council. Les' qualifications, career and hobby are all local government. She gained her local government public admin qualifications whilst working for Surrey County Council. Upon returning to her home town of Bangor she gained her local government financial qualifications whilst working for Gwynedd County Council. Les transferred to Conwy County Borough Council on reorganisation in 1996. Les is the Chairman of Garth Community Centre and a governor of Ysgol Hirael.

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.

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THE COMMITTEE'S WORK DURING 2015-2016

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

Hearings were held to consider one complaint that elected members had breached the Code of Conduct.

Councillor Julian Kirkham, Arthog Community Council

Censure 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)

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 two applications for dispensation during this period. Both applications were turned down.

Training on the Code of Conduct

The Committee decided that training on the Code of Conduct should be offered to members and clerks of the county's community and town councils. Four sessions were held in October 2015, in Pwllheli, Caernarfon, Dolgellau and Bala. The training was given by the Monitoring Officer and the Senior Solicitor (Corporate) and representatives from 30 of the 64 town and community councils attended. A session was also held for members of Gwynedd Council.

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.

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2016-16

13 April 2015

- Hearing to decide on a complaint against an elected member

20 April 2015

- Undertaking Self-Assessment
- Considering the Annual Report of the Wales Adjudication Panel
- Receiving the minutes of the North Wales Standards Committee Forum

29 September 2015

- Approving the Standards Committee's Annual Report for 2014/15
- Considering the amended Ombudsman's Guidance on the Code of Conduct
- Drawing up a Work Programme for the year

5 October 2015

- Deciding on two applications for dispensations
- Receiving a report from the Council's Senior Manager - Revenue & Risk, on the Council's Governance Framework
- Considering the Annual Report of the Ombudsman

25 January 2016

- Considering the Local Government (Wales) Bill and submitting observations to be considered as part of the Council's corporate response to the Welsh Government's consultation
- Receiving a report on the Standards Conference 2015
- Consideration of members of the Committee observing meetings of the Council's committee meetings and those of community and town councils

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
Complaint that a community councillor failed to declare an interest.	No investigation. No evidence that councillor was acting in his capacity as a councillor at the time.
That a councillor had failed to fulfil the financial obligations of a contract and was abusive to the complainant. That he impersonated another person and improperly traded his contracts through another person.	No investigation. Insufficient evidence provided to substantiate the councillor's involvement. The Ombudsman will not investigate unless there is reasonably strong evidence to suggest a member had breached the code.
That a councillor had sent an e-mail referring to members of the public present at a Planning Committee containing language that was racist and offensive.	No investigation. He did not believe the words used to be racist considering the context in which they were used. However it was likely that their use could be a breach of the code in that the councillor appears not to have shown respect and consideration for others as required under para. 4(b) of the code. However even if proven, the Ombudsman did not believe that it would lead to a sanction being imposed.
That a councillor had sent an e-mail agreeing with the contents of the e-mail referred to in para 2.7 above and had therefore acted in an abusive and racist manner himself.	No investigation. The councillor was expressing an opinion, and the way in which he did so did not breach any part of the code.
That a councillor had trespassed on the complainant's property and argued with him and took hold of his finger and bent it back. The Police attended.	No investigation. No evidence that the councillor was acting in his capacity as a councillor. Ombudsman also noted that the police had been called.

<p>Complaint that a town councillor had taken part in a discussion on a matter in which she had a prejudicial interest.</p>	<p>No further steps to be taken. Although there was evidence to suggest that a breach of the code had taken place, the Ombudsman was not persuaded that the Standards Committee would impose a sanction in the circumstances.</p>
<p>Member had sent an e-mail to a local organisation, purporting to express the community council's views, without its authorisation.</p>	<p>Standards Committee concluded that there had been a breach of the code and imposed a censure.</p>
<p>A complaint against a county councillor by a member of the public that he had mounted a local campaign in relation to a particular issue and had misled council officers in relation to local circumstances.</p>	<p>No investigation – the complainant had not provided sufficient evidence to substantiate the complaint.</p>
<p>Complaints by four individuals arising from the same incident. Complaints that a county councillor had made serious and false allegations about individuals who had been taking part in a protest.</p>	<p>No investigation – the member had the right to freedom of expression and that right was enhanced when the comments made are political in nature. As an elected member he was entitled to the freedom to share his political views relating to the event in question.</p>
<p>The councillor had terminated a telephone call made to the complainant in relation to an incident where damage was caused to the complainant's property.</p>	<p>No investigation. Insufficient information provided to substantiate the complaint and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest a breach of the code.</p>
<p>That the councillor's behaviour had been discriminatory and aggressive towards a local group during a meeting of the town council while discussing an application for funding for that group.</p>	<p>No investigation. From the evidence available it did not appear that the matters alleged constituted a breach of the code. The councillor was entitled to ask questions and request verification of details for applicants for funding from the council as part of his duties as an elected member.</p>

<p>A complaint, by a fellow town councillor, that the councillor had used his camera to bully and harass him on two separate occasions and that he had abused him verbally on several occasions.</p>	<p>No investigation.</p> <p>At the time of some of the alleged conduct, the individual was not acting as a councillor but as a private individual. The Code of Conduct only applies when a councillor is acting as a private individual in very specific circumstances, which did not appear to apply in this case. The complainant was unable to provide supporting evidence in respect of the other aspects of the complaint.</p>
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