
STANDARDS COMMITTEE 15 May 2009

PRESENT: ELECTED MEMBERS: Councillors Margaret Griffith, Steven Churchman and Keith Greenly Jones.

INDEPENDENT MEMBERS: Mr John Pollard (Chairman), Mr Gwilym Ellis-Evans, Mr Malcolm Jones and Mr Sam Soysa.

COMMUNITY COMMITTEE MEMBER: Mr A.M.D.Clay

ALSO PRESENT: Dilys Phillips (Monitoring Officer), Siôn Huws (Propriety Officer) and Ioan Hughes, (Committee Officer).

1. DECLARATION OF PERSONAL INTEREST

Mr A.M.D. Clay declared an interest in item 8 on the agenda (Allegations Against Members – no 200801843) since he had personal information about the allegations made.

Since no discussion was raised on the matter the member did not withdraw from the room.

2. MINUTES

The Chairman signed the minutes of the previous committee meeting held on 11 February, 2009 as a true record.

3. APPLICATIONS FOR DISPENSATION

Submitted – the report of the Monitoring Officer noting that three councillors had applied for dispensation in relation to primary schools' organisation, namely:

- Councillor Gethin Glyn Williams, on grounds that his child was a pupil in a primary school and his partner worked in the kitchen of a primary school.
- Councillor Dyfrig Lewis Siencyn, on grounds that his son was a pupil in a primary school and his daughter a supply teacher in primary schools.
- Councillor Alun Wyn Evans, on grounds that his wife taught in a primary school.

The Monitoring Officer referred to guidelines set out by this committee in a meeting in June 2008.

At the time, the following decision was made:

that a husband or wife, children, brother or sister would amount to too close a connection to allow dispensation in terms of a specific school since it would be difficult for the public to gain confidence in the way a decision would be reached.

The officer further referred to the developments thus far and explained that the Council had adopted a strategy for the reorganisation of the county's primary schools. The basis of the strategy was to review the future of primary schools within specific catchment areas.

The process of reviewing catchment areas would work by creating a Catchment Area Review Panel. It was intended for the membership of the panel to include each local elected member, school head teachers and chairs of governors, church representatives and the Portfolio Leader – Education.

As a second step of the process, the Portfolio Leader would draw up proposals for each catchment area. She would be supported in this work by a county advisory panel, namely six members of the Children and Young People Scrutiny Committee.

It was noted that Councillor Dyfrig Lewis Siencyn had expertise in the field as he was the Chairman of the Children and Young People Scrutiny Committee and had chaired the Primary Schools Reorganisation Working Group.

The first catchment areas to be reviewed would be Tywyn, y Berwyn and y Gader.

Members of the Committee had received copies of the applications beforehand and it was noted that each one was an application for General Dispensation for the right to speak and vote.

The Monitoring Officer outlined the matters for consideration, and reported that the members had three options, namely:

- To refuse the applications entirely
- To allow the applications in full to discuss and vote in meetings of the Catchment Area Review Panel, Council committees and the full Council even if the discussion or vote would affect the school with which the councillors had declared a direct connection.
- To allow partial dispensation. The Monitoring Officer suggested various ways of implementing this.

The applications were considered, and it became clear at the start of the discussion that the majority of members did not want to refuse the applications entirely. They were of the opinion that it would be a disadvantage for the Catchment Area Review Panel should the local councillors not be able to submit information to it.

Despite this, some members drew attention to the guidelines set out by this committee, and bearing these in mind, they were of the opinion that the

applications should be refused.

There was agreement that the applications should not be allowed in full since this would be entirely contrary to the guidelines set out by the Standards Committee. It was further emphasised that it would be difficult for the councillors' vote to be impartial should their connection with a school be a close one.

When discussing the possibility of granting partial dispensation, various routes which could be followed were considered. It was noted that the Catchment Area Review Panel would discuss the catchment area as a whole rather than from the viewpoint of individual schools.

The Monitoring Officer noted that the Panel would not be making any decision, and consequently, it would be unlikely for them to be required to formally vote on any matter.

RESOLVED:

- i) To allow dispensation to the three members to participate in the discussions held by the Catchment Area Review Panel but to refuse dispensation for them to vote should a situation of taking a vote arise.**
- ii) That the three members state the dispensation to the Catchment Area Review Panel.**
- iii) To refuse dispensation to the three members to participate in discussions or to vote on the matter in any of the Council's committees or the full Council.**
- iv) That the Monitoring Officer will write to all members of the Council to inform them of the Standards Committee's decision as guidance for times when they may make similar applications.**

4. PROTOCOL FOR MEMBER-OFFICER CONNECTION

Submitted – the report of the Monitoring Officer referring the Protocol for Member-Officer Connection which had existed in the Council's Constitution for a number of years.

The officer added that a change had been undertaken recently in the relationship between some members and some officers. This was highlighted by the fact that the Monitoring Officer had received a number of complaints by officers who felt that some members did not treat them with the respect that they would expect.

She added that there had only been a few complaints against members in the past and that it had been possible to deal with these through discussions. However, following recent changes the officer felt that a more formal procedure of dealing with members who were in breach of the Protocol, yet not in breach of the Code of Conduct, was needed.

The Monitoring Officer had already discussed the situation internally with the Leaders of all the Council's Political Groups, along with a Working Group of the Resources and Corporate Scrutiny Committee.

Subsequently, a request was made for the Standards Committee to be part of a regime within which it would be possible to submit complaints of being in breach of the Member-Officer Protocol and then to consider how to deal with the matter.

The officer explained that this would be within their duties since it was the responsibility of the Standards Committee to maintain the standard of conduct of councillors in Gwynedd.

The officer submitted information about the regime which was being recommended. She explained that the first step would be to provide general advice about the regime to the officer making the complaint in order to consider whether the matter was likely to be within the members' code of conduct or the protocol. It would also be possible for the officer to decide not to continue with the complaint.

Should the officer wish to proceed with the complaint, he/she would have two options. The first option would be to resolve the complaint informally with a meeting held between the officer, the member, the leader of the relevant political group and the Chief Executive. The Monitoring Officer would also be present to advise the meeting.

As a second option, and more formally, the officer would be able to submit the complaint for a hearing before the Standards Committee.

The Monitoring Officer suggested that the Standards Committee could ask the Council for the right to reprimand a member, should they believe that a member had been in breach of the protocol. This right did not currently exist.

Members expressed concern that this situation had arisen. A member emphasised that specific steps should be taken to discipline when necessary and he wanted the leaders of political groups to ensure that members conducted themselves appropriately.

Another member underlined the need to protect officers and specific guidance was called for in relation to the final line in terms of being in breach of the protocol. It was also noted that officers and members needed to be aware of the requirements of the protocol.

The regime suggested was welcomed, and a member felt that the change would create an opportunity to deal with the matter definitely rather than submitting a complaint to the Ombudsman who could refuse to take action.

An annual report was called for providing information about the number of complaints made and the steps taken to deal with them.

RESOLVED:

- i) to accept that a regime is required which allows an officer to make a complaint against a member and that the Standards Committee is part of the regime.
- ii) that the Monitoring Officer provides a report giving further details about the regime and strengthening the Member-Officer Protocol, bearing in mind the observations made by members of this committee.
- iii) that the report is submitted to the Standards Committee shortly in order to be able to submit a report on the regime to the full Council in July.
- iv) that reports are submitted annually providing information about the number of complaints received during the year and the steps taken to deal with each one.

4. APPOINTMENT OF A NEW INDEPENDENT MEMBER

Submitted – the report of the Monitoring Officer noting that members, at their meeting in February 2009, had decided to ask the Council to increase the number of independent members who served on the Standards Committee from four to five.

The Propriety Officer further noted that this would ensure that it would be easier to comply with the rules which existed in terms of achieving a quorum.

With this increase, the Committee would have nine members, being the maximum allowed under the regulations.

The Propriety Officer explained that the two matters to be considered would be the most effective method of advertising and establishing an Interview Panel. He added that the Interview Panel would have to include a community committee member and a lay member.

Particular reference was made to the decision of Snowdonia National Park to invite the Head of Coleg Meirion Dwyfor, Dr Ian Rees, to serve on the Panel as a lay member. It was noted that he had been part of two appointments and that this experience would be beneficial.

RESOLVED:

- i) that Dr Ian Rees is invited to be part of the interview panel as a lay member.
- ii) To appoint the Chairman of the Standards Committee, Mr John Pollard, along with Mr Sam Soysa, Mr A.M.D. Clay and Councillor Stephen Churchman as members of the Interview Panel.
- iii) To advertise for applicants in the Daily Post, Cambrian News and the Herald group newspapers with letters being sent to community papers in Gwynedd giving notice of the decision to appoint an additional member.

5. ALLEGATIONS MADE AGAINST COUNCILLORS

Submitted – the report of the Monitoring Officer notifying members of allegations received from the Ombudsman since a report was submitted in the February 2009 committee.

The Propriety Officer expanded on this and referred to a total of four allegations. The officer had already reported on three of these. With two of them, the Ombudsman had not decided whether or not he would investigate the complaint.

A third allegation dealt with a member of a community council alleged to have written a malicious, defamatory, prejudicial and factually incorrect letter to a minister of the Assembly Government.

Following investigation, the Ombudsman had decided that there was evidence of potential breaches of the code of conduct, of a serious nature. Consequently, he had referred the matter to the Adjudication Panel for Wales for decision.

The officer referred to the process of dealing with cases which were referred to the Adjudication Panel for Wales. It was noted that a tribunal would be held in the community council area. Usually, these hearings were public.

This was the first time for the Ombudsman to refer an allegation, within the authority of the Gwynedd Council Standards Committee, to the Adjudication Panel for Wales. It was confirmed that a report on the hearing would be submitted to the Standards Committee. Also, members of the committee would receive information about the date of the hearing in order to be able to attend if it was public and if they wished to attend.

Considering the fourth allegation, the Ombudsman had decided not to investigate the complaint. However, the officer noted that the Ombudsman accepted that the code of conduct could have been breached but he did not believe that the case was sufficiently serious to attract a sanction from Gwynedd's Standards Committee or the Adjudication Panel for Wales.

RESOLVED to accept the information.