
STANDARDS COMMITTEE, 5 JULY 2010

PRESENT:

ELECTED MEMBERS: Councillors Margaret Griffith and Keith Greenly-Jones.

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

COMMUNITY COMMITTEE MEMBER: Mr David Clay

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

OTHERS INVITED TO THE MEETING: Leaders/representatives of the political groups.

APOLOGIES: Councillor Stephen Churchman.

1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

2. MINUTES

The Chairman signed the minutes of the previous meeting of this Committee held on 9 February 2010 as a true record.

3. LEADERS OF POLITICAL GROUPS

The Chairman extended a warm welcome to the leaders/representatives of the political groups who were present to discuss the work which could be undertaken in relation to maintaining standards of conduct.

The members present to discuss the matter with members of the Committee were Councillors: Dyfed Edwards, J.R. Jones, Aeron M. Jones and Roy Owen.

During the discussion, reference was made to a tradition of collaboration within Gwynedd Council and it was noted that this continued to be promoted. However, it was agreed that some problems had become apparent and the need to protect the Council's reputation was emphasised.

Reference was made to the role of the Standards Committee in dealing with matters internally as well as the way that political leaders could hold discussions with their fellow members and officers in order to deal with any dispute. The Council Leader, Councillor Dyfed Edwards, emphasised that disputes should be dealt with in a professional and courteous way.

It was suggested that discussions and arguments should be kept within the walls of the Council Chamber and avoid the possibility of creating public arguments. However, one councillor emphasised that giving information to the public was an

important part of democracy. In general, it was accepted that councillors could make press releases, but the need to do so without bringing the Council, Council officers or fellow members into disrepute was noted.

In terms of methods of voting in meetings, one of the leaders was eager for everyone to realise that it was Gwynedd Council in its entirety which made decisions and that decisions should not be linked with political divisions. He added that the 'registered vote' system existed should an individual member wish to use it in order to underline his/her opinion.

The Monitoring Officer welcomed the way in which members took advantage of the opportunity to voice their opinions and she believed that the discussion had been beneficial as a basis for the subsequent item on the agenda, namely the **Local Protocol**.

4. LOCAL PROTOCOL

In response to a request made by members of the Committee at their meeting on 9 February 2010, a report was submitted by the Monitoring Officer regarding the local protocol which would be a way of resolving complaints of misconduct by a member against another member through a local procedure avoiding the step of taking the complaint to the Ombudsman.

Members of the Committee were of the opinion that it would be beneficial to have a local procedure to resolve some less serious complaints quickly and effectively.

The first draft of the 'Gwynedd Standard' document was presented by the Monitoring Officer and it was emphasised that it was not intended to replace the Code of Conduct. Rather, the intention was for it to work side by side with the Code of Conduct.

Should 'Gwynedd Standard' be adopted, the intention would be for any offence to be dealt with in the same way as the local procedure for resolving complaints between members and officers.

Members were reminded of that procedure, which follows three steps, namely:

1. Advice from the Monitoring Officer or her staff
2. Informal meeting between the members
3. Formal hearing before the Standards Committee.

The punishment that the Standards Committee could give would be a reprimand.

The Monitoring Officer emphasised that what was presented was the first draft of 'Gwynedd Standard' and further consultation would be needed before it could be submitted for formal adoption by the full Council.

The 'Gwynedd Standard' document explained the standard of conduct expected from Gwynedd Council councillors in dealing with one and other. It was noted that it should be read in conjunction with the Code of Conduct and the Member-Officer Protocol.

Within the document, attention was drawn to:

- Public conduct
- Conduct in meetings

- Confidentiality
- Local Members

An opportunity was given to members to express their opinion and to ask questions regarding the document.

The Council Leader believed that the Protocol was brief and clear and an important development.

In relation to 'confidentiality', a member of the Committee suggested that a part should be added to the Protocol for the clause to read as follows: *Members of Gwynedd Council are expected not to release confidential information to the press or public or use the information to other ends.*

In reference to the part dealing with 'public conduct' a member suggested that a clause could be included noting the need to *'show commitment to the principles of equality and diversity.'* It was agreed that this would be acceptable.

In the draft submitted, reference was made to the need to return confidential papers or to destroy them. Members expressed some concern in relation to destroying the confidential papers and it was suggested that it would be better for all to be returned.

Reference was made in the draft document to the need for members to collaborate with members of neighbouring wards in the interests of the neighbourhood. Support was given to this and it was noted that this would be a matter of formalising what already happened.

Attention was given to the fact that a reprimand would be the punishment that the Standards Committee could use. A question was raised as to whether that was adequate, but the majority believed that being given an official reprimand before their fellow members would be a significant punishment for anyone. It was further noted that the matter could be transferred to the Ombudsman, should that be the wish of the Standards Committee. In addition, it was agreed that matters should be referred to the Ombudsman should a member contravene the requirements of the Code of Conduct more than twice.

Although not disagreeing with the Local Protocol, concern was expressed by the Leader of the Independent Party, Councillor Roy Owen, as he believed that too much pressure was being placed on councillors. He believed that a situation would be created whereby young people would not have any interest in becoming a member of Gwynedd Council. Rather than considering rules and punishments, he believed that work should be undertaken to resolve the problems which existed.

RESOLVED:

- (i) **To approve the draft of the 'Gwynedd Standard' document and to adjust it in accordance with the observations made by the members of the Standards Committee, namely:**
 - **That the part dealing with public conduct includes the clause 'members of Gwynedd Council are expected to show commitment to the principles of equality and diversity.'**
 - **That an addition be made to the section on confidentiality so as to read as follows: Members of Gwynedd Council are expected**

not to release confidential information to the press or public or use the information to other ends.

- **To note that all confidential papers should be returned rather than allow Council members to destroy them themselves.**
 - **To note that cases where members contravene the Local Protocol more than twice are referred to the Ombudsman.**
- (ii) **That the Monitoring Officer takes appropriate steps to adopt the Local Protocol formally by consulting with the political groups and the Ombudsman's Office before submitting it to the full Council.**
- (iii) **That the document be considered further by the Standards Committee if needs be.**

5. ALLEGATIONS MADE AGAINST MEMBERS

Submitted – the report of the Monitoring Officer notifying the members of the latest developments in relation to allegations against members.

A complaint had been made against one councillor on the grounds that he should have declared an interest because a person who was involved with the matter before the committee was a member of the same chapel as him. With this case, the Ombudsman had decided not to investigate as the connection, in his opinion, was not close enough to be a '*close personal connection*' under the code. Consequently, the member need not have declared an interest.

It was noted that five other complaints were currently open. Investigations continued regarding four of these with the other one having been referred to the Adjudication Panel for Wales.

RESOLVED to accept the information.

6. THE OMBUDSMAN'S GUIDELINES ON THE CODE OF CONDUCT

Following the publication of the Ombudsman's Guidelines on the Code of Conduct the Monitoring Officer noted that training could be beneficial in order to be able to convey the guidelines in a simple way and to avoid confusion in interpreting the Code of Conduct.

She added that meetings could be held in order to discuss any difficulties. An opportunity was given to members of the Committee to express their opinion and to suggest which steps should be taken.

Calls were made for town and community councils as well as other bodies to have an opportunity to be part of the training. A member expressed concern since not all the town and community councils had received copies of the guidelines. It was confirmed that officers would investigate this matter.

The need to ensure that all Council members were aware of the Guidelines on the Code of Conduct was emphasised and that consideration should be given to the most effective ways of presenting the training.

Members believed that it would be beneficial for them, as members of the Standards Committee, to receive training first and it was suggested that the Council should work with other authorities in order to do this uniformly throughout North Wales.

RESOLVED that it would be beneficial to provide suitable training on the Ombudsman's Guidelines on the Code of Conduct and that investigations are undertaken to the possibility of working together to provide training for members of standards committees throughout North Wales.

7. ANNUAL REPORT OF THE OMBUDSMAN

Submitted – a report by the Propriety Officer. Particular attention was drawn to the increase of 24% in the number of complaints about the conduct of members of local authorities. The Ombudsman had noted in the report that this had been a cause of concern to him in a year where public confidence in elected representatives had been a constant theme.

The Propriety Officer reported further on the nature of the Code of Conduct complaints which had been received. Of the fields in the Code under which it had been alleged that members had contravened, 'promoting equality and respect' had been the most common one. This had accounted for 38% of the complaints, and it was noted that 34% was the corresponding figure in 2008/09.

In terms of Gwynedd, only one case had been referred to the Ombudsman and with this case it had been decided not to investigate. Members of the Standards Committee were of the opinion that this reflected the effective work of the officers and they were thanked for the effective way in which they dealt with each case.

In response, the Monitoring Officer noted that the standards within Gwynedd Council were very acceptable and that very little work had been presented before the Standards Committee.

As a possible step to be taken, the Monitoring Officer suggested that the possibility of holding a conference for Standards Committees at a comparatively local level, such as North Wales, could be considered. She added that such a meeting would be an opportunity for members to be able to share experiences and learn from each other.

A member referred to a clause within the Ombudsman's Report which referred to the intention of holding several seminars for Chairs of Standards Committees, Monitoring Officers and Community Council Clerks. He suggested that the Gwynedd Council Standards Committee could take advantage of the seminars.

The seminars would be dealing with guidelines developed for members of local authorities on the Model Code of Conduct published in 2008. The guidelines had been prepared following an initial consultation when local authorities had been given an opportunity to note on which aspects of the Code they would appreciate guidelines.

It was confirmed that further enquiries would be made into this matter.

RESOLVED to accept and note the report.

8. APPLICATIONS FOR DISPENSATION

(8a) Application for dispensation by Councillor Julian Kirkham – member of the Arthog Community Council.

Submitted – a report by the Propriety Officer explaining that Councillor Kirkham represented the Arthog Community Council on the Barmouth Harbour Consultative Committee which was one of the Gwynedd Council committees.

One of Gwynedd Council's statutory functions was to license boats that carried passengers. A 'Boatman's Licence' was granted for those who navigated such a boat and a 'Proprietor's Licence' to owners of boats.

At a meeting of the Consultative Committee in March this year, a report had been submitted by the Maritime Officer regarding the ferry licence requirements. In accordance with the request of the Consultative Committee, the Maritime Officer had submitted a report dealing with the suggestion that applicants for Boatman's Licences should have a Boat Master's Licence issued by the M.C.A. (Maritime and Coastguard Agency).

It had been noted that Councillor Kirkham was a Boatman's Licence and a Boat Master's Licence holder and, because of this, he had declared the interest and had withdrawn from the meeting during the discussion.

An application had been made by him to take a full part in the discussions and vote on licensing matters in the future on the basis that he had a specific expertise in the field.

Members expressed concern that Councillor Kirkham's interest could influence, or appear to influence the decisions even if he was only voicing an opinion. In response to observations made, the Monitoring Officer explained that matters from the Consultative Committee would not be submitted to the full Council. She added that the Consultative Committee had an influence although it had very little duty to report back.

Members referred to part of Councillor Kirkham's application where he had stated that he had been extremely concerned regarding the standard of boat navigation and safety matters in general during the 2009 season.

Members of the Standards Committee were of the opinion that Councillor Kirkham should have drawn this to the attention of the Maritime Officer much sooner.

RESOLVED:

- (i) To refuse the application for dispensation on the basis that Councillor Julian Kirkham has a significant interest in the matter in question which is also of a financial nature. The perception of members of the public and their faith in the fact that decisions are made impartially is imperative. Consequently, the conflict between the interests in this case is too significant to allow dispensation.**
- (ii) That information from the observations made by Councillor Kirkham regarding the standard of boat navigation and general safety matters be transferred to the Maritime and Country Parks Officer.**

(8b) Application for dispensation by Councillor Stephen Churchman

Submitted – the report of the Propriety Officer referring to an application for dispensation made by Councillor Stephen Churchman who represented the Dolbenmaen Ward on Gwynedd Council.

It was reported that the application by Councillor Churchman was relevant to the primary schools review in the catchment area of Ysgol Eifionydd, Porthmadog. It was noted that the councillor was a foster carer of a pupil in Ysgol Gynradd Dolbenmaen and that he was also a member of the school's Governing Body.

The application had been made by him to take part in discussions regarding Ysgol Gynradd Dolbenmaen at meetings of the Catchment Area Panel. Additionally, he wanted the right to speak, but not vote, in general discussions, but not in relation to Ysgol Gynradd Dolbenmaen specifically, at Council meetings.

The Monitoring Officer reported that guidelines had been set by the Standards Committee in relation to matters involving the review of primary schools. She added that some situations were extremely complex, and that this had become apparent in the Ysgol y Berwyn Catchment Area where the review could affect several schools.

The advice given to members thus far was that it was possible for them to take a general part in the discussion but not in relation to the specific school with which they had a connection.

Councillor Churchman had noted that he was submitting the application so that it was possible for him, as a member of Gwynedd Council, to voice the opinion of his constituents.

Members of the Standards Committee did not see any reason to refuse the application of Councillor Churchman.

RESOLVED to allow, under paragraphs (ch) and (ff) of the regulations, the application for the member to take part in the discussions regarding Ysgol Gynradd Dolbenmaen at the Catchment Area Panel and to speak (but not vote) in general discussions on the catchment area of Ysgol Eifionydd at Council meetings unless the matter under consideration is directly linked with Ysgol Gynradd Garndolbenmaen.

The meeting commenced at 11am and concluded at 1:15pm