
SPECIAL MEETING OF STANDARDS COMMITTEE, 11.07.11

Present:-

Elected Members:- Councillors Keith Greenly-Jones and Margaret Griffith.

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

Community Committee Member:- Councillor David Clay.

Also Present: Siôn Huws (Propriety Officer) and Eirian Roberts (Committee Officer).

Apologies:- Councillor Eryl Jones-Williams (elected member); Mr Gwyn Williams (independent member).

1. WELCOME

A welcome was extended to Llio Mererid, a pupil from Ysgol y Berwyn, Bala, who was on work experience in the Legal Unit.

2. ELECTION OF VICE-CHAIRMAN

The committee was asked to elect a vice-chairman as the term of the current vice-chairman would end at the end of this month.

The Propriety Officer explained the rules relating to the chairpersonship and vice-chairpersonship of the Standards Committee and noted that the Chairman and Vice-chairman had to be appointed from among the independent members. He noted that the term of the posts of the independent members was different, and that this was done on purpose in order to ensure continuity. He added that Mr Gwilym Ellis Evans had been appointed as Vice-chairman in 2005 during his first term as an independent member. He could be re-elected for a second term, and in order to ensure consistency, that could be done for the period until next May, when the Chair would also become vacant, or until the end of his term on the committee.

RESOLVED to re-elect Mr Gwilym Ellis Evans as Vice-chairman of the Standards Committee for the period until May 2012.

The Vice-chairman thanked the members for the privilege of being re-elected.

3. DECLARATION OF PERSONAL INTEREST

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

4. URGENT ITEMS

The Propriety Officer noted that he would give members an update at the end of the meeting regarding the case that was supposed to be submitted to the committee today.

Then, he informed members that the Ombudsman's Annual Report had been published very recently. It could be seen on the Ombudsman's website and it would be submitted to the attention of this committee in due course.

He noted further that he would distribute a leaflet at the end of the meeting outlining the arrangements for the 2011 Standards Conference.

5. APPLICATION FOR DISPENSATION BY COUNCILLOR JOHN PUGHE ROBERTS

Submitted – the report of the Monitoring Officer asking the committee to decide on a request for dispensation from Councillor John Pughe Roberts, Gwynedd Council.

Distributed – a copy of the member's application form asking for dispensation.

The Propriety Officer reported that the Council would consider plans to reorganise schools in the catchment area of Ysgol y Gader, Dolgellau at its meeting on 14 July and that the plans for the catchment area had been divided into three parts, namely (i) schools in the eastern part of the catchment area, (ii) schools in the western part of the catchment area and (iii) schools in the town of Dolgellau.

He explained that Councillor John Pughe Roberts had declared a prejudicial interest in connection with schools in the eastern part as his sister's children were pupils in Ysgol Dinas Mawddwy and that he had received dispensation from the Standards Committee in connection with this interest on 12 October 2009, namely:-

“To allow dispensation for the member to participate in discussions and to vote on matters considered by the Catchment Area Review Panel and by committees of the Council and the full Council.”

He reported further that the Councillor had declared another prejudicial interest at the Children and Young People Scrutiny Committee on 23 June, 2011, namely that his sister's child was a pupil in Ysgol y Gader and that he had asked for dispensation so as to enable him to participate in the full Council when that school was discussed, on the basis that the Dinas Mawddwy children attended Ysgol y Gader and as he was the Councillor who represented Dinas Mawddwy. Also, he had noted on his application form for dispensation that his sister was the manager of Tŷ Meirion, namely a special education unit that happened to be located on Ysgol y Gader land. However, he had been advised at the Scrutiny Committee that this was not a prejudicial interest as the school reorganisation plan did not affect Tŷ Meirion in any way.

Members were reminded that the Standards Committee was entitled to allow dispensation if the situation fell within one (or more) of the situations listed in the relevant regulations. It was noted also that the committee, in the past, had set guidance to be considered when making decisions on applications relating to school organisation, namely:-

“That a father/mother, grandfather/grandmother, grandson/granddaughter, 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.”

Furthermore, the Propriety Officer noted that the Ombudsman's guidance on the Code of Conduct (April 2010) noted the following in relation to dispensations (pg 35):-

“The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority.”

When considering the application, some members suggested that the children of a Councillor’s sibling was as close a connection as a Councillor’s brother or sister and that the guidance was too restrictive in terms of the family connections listed.

A proposal was made to allow the councillor to speak, but not to vote, on the issue in the Council as the family connection was too close.

However, the Chairman noted that the Committee had decided in the past that such a family connection was not too close as it had approved the councillor’s application for a similar dispensation in 2009. He also suggested that having the right to speak in the Council could give a member much more influence than the right to have one vote out of a total of 75.

A member noted, although a niece or nephew was not included on the list of family connections considered too close according to the guidance, the connection of a councillor’s sibling with a school would be very close if his/her children were pupils there. To this end, it was suggested that the list of connections in the guidance should also include the descendents of a Councillor’s brother or sister, as well as the descendents of the Councillor himself / herself.

The Chairman noted that there was a risk that that could lead to a situation where almost every member would be excluded from taking part in a discussion.

Another member suggested that it could be possible to add words such as *“or any other such relative that the Standards Committee deems to be contrary to public interest.”*

However, the Chairman noted that that could cause ambiguity.

Then, a member noted that there was a basic difference between the two applications for dispensation because, contrary to the case in 2009, there was a specific recommendation on this occasion to close the school where the child of the Councillor’s sister was a pupil.

The Chairman suggested that the role of this committee was to consider the interest of the Councillor rather than the nature of the recommendation before the Council and he warned members that refusing this application could make the committee’s work very difficult in the future.

It was proposed that dispensation should be granted allowing the member to speak, but not to vote, and this case was differentiated from the situation when full dispensation had been granted to the Councillor in 2009 on the grounds that a specific recommendation was now proposed in relation to the closure of the school.

RESOLVED

- (a) In relation to the interest arising as the child of the member’s sister is a pupil in Ysgol y Gader, to allow dispensation for the member to speak, but not to vote, when Ysgol y Gader is discussed.**
- (b) That this committee reviews the guidance for considering applications for dispensation in the school organisation field by seeking information from other members of the North Wales Standards Committees Forum regarding how they deal with such applications.**

6. LETTER FROM THE CHAIRMAN OF POWYS STANDARDS COMMITTEE

Submitted – the report of the Monitoring Officer requesting the committee to consider the content of a letter sent by the Chairman of the Powys Standards Committee to some Assembly Members expressing concern that the Ombudsman did not refer cases to the Standards Committee if he was of the view that the committee would not decide to punish the member although he/she was in breach of the Code.

Members noted that this committee had not experienced the same problem as Powys. However, it was emphasised that this committee would not avoid issuing a punishment if a member was in breach of the code and that the Ombudsman should have more faith in the standards committees.

RESOLVED to refer the issue to the attention of the North Wales Standards Committees Forum and to report back to this committee after this is done.

7. STANDARDS COMMITTEE HEARING

The Propriety Officer gave members an update on a case that should have been submitted before the committee today and he noted that the hearing had been postponed, at the Ombudsman's request, as the Councillor who was the subject of the investigation had not submitted a sufficient response to the questionnaire. As a result, the Ombudsman had not been able to prepare his case in time for the hearing. Following a consultation with the Chairman, it had been decided to postpone the hearing on this occasion and it was required to set a new date for it. Once a definite date would be obtained, the Councillor would be asked for written confirmation of the exact facts that he intended to fight and should no response be received from him, the hearing would proceed in his absence.

A member referred to a recent complaint made against a member of Gwynedd Council in relation to photographs that had appeared on the member's Facebook page. Although the Crown Prosecution Service had now stated that it would not be continuing with the case, it was emphasised that lessons should be learnt from this and it was suggested that the training arranged for new members of the Council following the elections in May 2012 should draw attention to inappropriate use of the internet and the dangers of social networking, along with the expectations of councillors as public figures and individuals.

A leaflet was distributed to members outlining the arrangements for the 2011 Standards Conference.

The meeting commenced at 11.00am and concluded at midday.