



Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

PWYLLGOR SAFONAU
STANDARDS COMMITTEE

Dyddiad ac Amser / Date and Time

11.00am, DYDD LLUN, 30 MEDI, 2013
11.00am, MONDAY, 30 SEPTEMBER, 2013

Lleoliad / Location

Ystafell Gwyrfai,
Swyddfa'r Cyngor / Council Offices,
Stryd y Jêl / Shirehall Street,
Caernarfon

Pwynt Cyswllt / Contact Point

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Dosbarthwyd/Distributed 20/09/13

**PWYLLGOR SAFONAU
STANDARDS COMMITTEE**

Aelodaeth/Membership

Aelodau Etholedig / Elected Members (3)

Y Cynghorwyr/Councillors
Charles Wyn Jones
Eryl Jones-Williams
Michael Sol Owen

Aelodau Annibynnol / Independent Members (5)

Ms Linda Byrne
Mr Gwilym Ellis Evans
Miss Margaret E Jones
Mr Sam W Soysa
Dr Einir Young

Aelod Pwyllgor Cymuned / Community Committee Member (1)

Y Cynghorydd / Councillor David Clay

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

The Chairman shall propose that the minutes of the last meeting of this committee held on 1 July, 2013 be signed as a true record (copy attached).

5. LEADERS OF THE COUNCIL'S POLITICAL GROUPS

To welcome the Leaders of the Council's Political Groups to the meeting to discuss their role in maintaining standards of conduct.

6. ALLEGATIONS AGAINST MEMBERS

To consider the report of the Monitoring Officer (copy attached).

7. SOCIAL MEDIA

To consider the report of the Monitoring Officer (copy attached).

8. TRAINING

To consider the report of the Monitoring Officer (copy attached).

STANDARDS COMMITTEE, 01.07.13

Present:-

Elected Members:- Councillors Charles Wyn Jones and Eryl Jones-Williams.

Independent Members:- Mr Gwilym Ellis Evans (Chairman), Miss Margaret E. Jones and Mr Sam W. Soysa.

Community Committee Member:- Mr David Clay.

Also Present: Dilys Phillips (Monitoring Officer), Sion Huws (Compliance and Language Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

Apologies:- Councillor Michael Sol Owen; Ms Linda Byrne and Dr Einir Young (Independent Members).

1. DECLARATION OF PERSONAL INTEREST

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

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 28 January, 2013 as a true record.

For information for members, the Monitoring Officer noted:-

- That the full Council had adopted the Protocol for Gifts and Hospitality for Members and had included it as part of its Constitution in May.
- That no response had been received from Carl Sargeant AM, the Minister for Local Government and Communities at the time, to the letter expressing the discontent of this committee that his letter regarding the Welsh Government Ethical Framework had been received in English only. A letter had been sent to the Ombudsman some time ago and a response had been received from him in February recognising the fact that he should have sent his correspondence bilingually and he had apologised for the situation.

3. APPLICATION FOR DISPENSATION BY COUNCILLOR MIKE STEVENS

Submitted – an application for dispensation by Councillor Mike Stevens to participate in a discussion, at the Town Council, regarding the Tywyn Chamber of Tourism and Commerce.

The Compliance and Language Manager explained:-

- That the Town Council provided an annual grant to the Chamber; however, this year it wished to discuss the matter further prior to making a decision because of developments within the Chamber over the last year.

- That the Councillor had declared a prejudicial interest as he was the Chairman of the Chamber. He was eager to attend the meeting in order to provide information and answer the Town Council's questions and he had asked for permission to speak and vote on the matter.

Further background information received from the member was submitted.

The Compliance and Language Manager explained further:-

- 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.
- That the Councillor had noted that he was applying for the dispensation under paragraph (h), providing -
"the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business."
- That he had also noted paragraph (e) - *"the interest is common to the member and a significant proportion of the general public."*
- That paragraph (f) – *"the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise"* was also very relevant in this case.
- That the Ombudsman's guidelines on the Code of Conduct (September 2012) noted the following in relation to dispensations (page 26) -
"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."

During the subsequent discussion on the application, the view was expressed that the Councillor should be able to remain in the meeting to explain the situation and answer the questions of the Town Council, but that he should not be able to vote as he had an obvious interest in the matter.

RESOLVED

- To grant the application for dispensation for the Councillor to speak, but not to vote, at the Town Council meeting and the preceding Finance Committee.**
- To note that the grounds for the decision is paragraph (f) in the regulations, namely, the member's expertise.**
- That the reports on applications for dispensations should include further information from now on.**

4. STANDARDS COMMITTEE 2012/13 ANNUAL REPORT

Submitted – the report of the Monitoring Officer appending a draft of the committee's annual report for the period from 1 April 2012 up to 31 March 2013.

RESOLVED

- To approve the content of the report, but to amend the appendix to refer to the actual work programme of the committee for the year rather than the proposed work programme.**

- (b) To distribute the report electronically for all members of the Council who have an I-pad, with paper copies for the rest of the members and town and community council clerks.
- (c) To place the report on the Council's website, with paper copies in the libraries.
- (ch) To include a short article in Newyddion Gwynedd, drawing attention to the fact that the annual report has been published.

5. FEEDBACK FROM THE STANDARDS CONFERENCE

Submitted – the report of the Monitoring Officer presenting feedback from the Standards Conference held in Llandudno on 19 April 2013 and the committee was invited to make any observations on the timing and arrangements of the conference for the future.

A copy of the conference's materials was distributed to those members who had not attended the conference.

The Monitoring Officer was thanked for her part in coordinating the arrangements for the conference.

The following observations were submitted:-

- That the seminars in the afternoon were slightly rushed, but that everything else had been excellent.
- That it was a shame that so few attendees wished to discuss through the medium of Welsh.
- That it was important that the observations noted on the feedback forms were taken into account when the conferences were arranged in the future. In response, the Monitoring Officer noted that all monitoring officers in Wales received a copy of the observations so that they were available for whoever would be arranging the conferences in the future. It was also noted that it was intended to prepare a short guide for organisers.

RESOLVED to note the report.

6. WORK PROGRAMME

Submitted – the report of the Monitoring Officer presenting the draft work programme for 2013/14 and requesting the committee to approve the document.

The principle of going to observe the meetings of town and community councils, along with the nature of those visits, was discussed. It was explained that there was a difference between attending so that individual members could learn from the experience and attending formally in order to influence conduct.

RESOLVED

(a) To agree on the following work programme:-

30 September 2013

- Annual Report of the Adjudication Panel for Wales
- Allegations against members
- Meet the Political Group Leaders
- Social Media Protocol
- Training

27 January, 2014

- **Gifts and Hospitality Register (including some community councils)**
- **Elected members register of interests (including some community councils)**
- **Resolution procedure and Gwynedd Standard**
- **Allegations against members**
- **North Wales Standards Committee Forum**

7 April, 2014

- **Meet with the Chairman and Vice-chairman of the Democratic Services Committee**
 - **Procedure for dispensation applications**
 - **Self-assessment of the committee's work**
 - **Allegations against members**
 - **Committee's Work Programme**
- (b) **That the meetings of town and community councils should not be visited formally at present, but that any members are free to attend as individuals in order to educate themselves.**

7. ALLEGATIONS AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer notifying the Committee members of the developments, since her last report, in terms of allegations against members.

RESOLVED to note the report.

8. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted for information – the minutes of the Forum meeting held on 20 May 2013.

The Chairman of this committee was congratulated on being appointed as Vice-chairman of the Forum.

It was noted that the Forum minutes were getting shorter and members supported the comment noted in them that a discussion was required regarding the frequency of the meetings.

RESOLVED to note the contents of the minutes.

9. THE OMBUDSMAN'S ANNUAL REPORT 2012/13

Submitted for information – the report of the Monitoring Officer appending a copy of those parts of the Ombudsman's Annual Report 2012/13 relevant to code of conduct complaints.

RESOLVED to note the report.

The meeting commenced at 11.00am and concluded at 12.25pm.

Committee :	STANDARDS COMMITTEE
Date:	30 September 2013
Title	Allegations against members
Author:	Monitoring Officer
Action:	For Information

1. Background

The purpose of this report is to present information to the Committee regarding formal complaints made against members. The report is based on information received from the Ombudsman and the case references are his.

2. Complaints

2.1 Case No.201300346

Complaint

That a county councillor had secretly filmed and recorded a conversation and then put it on his Facebook page.

Decision

Investigation continues.

2.2 Case No.3982/201301430

Complaint

That a county councillor had allowed offensive and libellous comments posted on his Facebook page.

Decision

Considering whether to investigate.

2.3 Case No.201301307

Complaint

That a county councillor had behaved in a threatening manner towards the complainant.

Decision

Investigation continues.

2.4 Case No. 201301629

Complaint

That a town councillor had failed to declare an interest at a meeting of the council.

Decision

Considering whether to investigate.

2.5 Case No. 4414/201301916

Complaint

The Ombudsman has decided to investigate matters that came to his attention as part of the investigation into another complaint against the councillor (para 2.1 above):

- Bringing his office as councillor or the authority into disrepute
- Conflict between the councillor's business interests and his role as councillor and misuse of his position as councillor
- Attending a meeting where a conflict of interests could arise ,contrary to the Monitoring Officer's advice

Decision

Investigation continues.

2.6 Case No. 4534/201302665 & 4534/201302666

Complaint

Complaints against a county councillor, by two fellow-members, that he had placed messages on his Facebook page about their claims for travelling expenses with the intent of discrediting them.

Decision

No investigation. He had published a list of councillors' claims but had not referred specifically to the two members. Members of the public had done so when posting messages but he could not be held responsible for this, and would not have foreseen that such comments would be made.

3. Cases heard by the Standards Committee.

The Committee held a hearing in respect of the complaint against Councillor A. M. Jones, Gwynedd Council on 26th September, 2012. The Councillor has lodged an appeal with the Adjudication Panel for Wales and a date is awaited for the hearing.

4. Recommendation.

The Committee is asked to note the information.

MEETING	STANDARDS COMMITTEE
DATE	30, SEPTEMBER, 2013
SUBJECT	SOCIAL MEDIA
PURPOSE	PRESENT THE WELSH LOCAL GOVERNMENT ASSOCIATION'S GUIDELINES ON SOCIAL MEDIA TO COUNCILLORS
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER.

1. INTRODUCTION.

- 1.1 A revolution is taking place in how we communicate. We are now experiencing the greatest ever change in the way information is created and owned, and the speed at which information can be shared. This leads to a change in the way we live, work, and possibly in the way we talk and think.
- 1.2 The all-inclusive term social media is used to refer to the range of online multi-media methods that are used to create content and for two-way communication. They can be accessed through a smart phone, a laptop, a tablet or a smart television.

2. SOCIAL MEDIA: A GUIDE FOR COUNCILORS.

- 2.1 On 16th August, 2013 the Welsh Local Government Association published the social Media: A Guide for Councillors document on their website. Access to this documents can be found on <http://www.wlga.gov.uk/social-mediaguide-to-councillors>.
- 2.2 The purpose of this guide is to provide guidance to councillors who are keen to use social media as a method of sharing information, opening new discussions with people in their community and beyond, and attracting the interest of their electorate in a productive two-way discussion. The guide focuses mainly on the social media *Facebook* and *Twitter*.
- 2.3 The guide lists a number of benefits to councillors of using social medial, such as
- increasing numbers of people are using Twitter and Facebook as their preferred method of communication, leading to the potential to establish two-way communication with all of them;
 - it's an useful method of finding out what people are talking about locally, their concerns and their interests;
 - it's a good way of making the electorate more aware of the work being done by councillors;

- it allows you to have a conversation with a range of people that you would not be able to physically meet and who do not traditionally seek out their local representatives;
- it's a method of immediate communication, where you can receive immediate feedback on your ideas and manifesto to allow you to adapt the proposals in line with local opinion.

3. SOMCE CONSIDERATIONS.

3.1 In considering the contents of the *Social Media: A Guide for Councillors* document (WLGA), it seems there are areas within the guidance which are relevant to the Democratic Services Committee remit e.g.

- the use of social media in committees, and what the constitution states;
- the Welsh language, and the guidance given in the Council's Language Scheme;
- training in terms of facilitating councillors to
 - start using social media
 - make wider use of social media;
- the successful use already being made of social media by some elected members in Gwynedd as an example of good practice;

and matters that are relevant to the remit of the Standards Committee, e.g.

- the code of conduct and the legal implications of using social media;
- steps taken in cases of misuse of social media.

3.2 The use of social media amongst councillors is an area which has been recognised by this Committee as a subject which requires further attention following the number of complaints to the Ombudsman resulting from misuse of the media.

3.3 Based on these initial considerations, it is believed that more detailed consideration should be given to the above and to the contents of *Social Media: A Guide for Councillors* (WLGA), amending them specifically for Gwynedd and/or creating a specific protocol for the use of social media by councillors. It seems appropriate for this work to be achieved jointly between the Democratic Services Committee and the Standards Committee.

3.4 The Democratic Services Committee met on the 10th September, 2013 to consider a report on this matter when it was decided to elect three members to contribute to the work of the sub-group jointly with the Standards Committee to develop guidelines on social media for Gwynedd.

4. RECOMMENDATIONS

4.1 It is recommended that the Standards Committee :-

- (a) recommend that Gwynedd should adopt its own guidelines on the use of social media;
- (b) establish a sub-group jointly with the Democratic Services Committee to collaborate on drawing up guidelines on social media for councillors in Gwynedd (with the exact process for achieving this to be agreed between the Chairs of both committees);
- (c) nominate three members of the committee to serve on the sub-group.

MEETING	STANDARDS COMMITTEE
DATE	30, SEPTEMBER, 2013.
SUBJECT	TRAINING
PURPOSE	TO PRESENT A REPORT ON THE TRAINING GIVEN ON THE CODE OF CONDUCT AND ON THE TRAINING ARRANGEMENTS FOR THE COMING YEAR.
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER.

1. At its meeting on the 28th January, 2011 the Committee decided as follows :-
 - "(a) *To give priority to providing training on the Code of Conduct to the 11 county councillors who did not attend the training offered as part of the induction procedure following the May 2012 elections.*
 - (b) *To offer an annual refresher session to all county councillors, looking at different ways of providing the training, e.g. area committees.*
 - (c) *To offer specific sessions to Town and Community Council Clerks and monitor how the training with One Voice Wales proceeds.*
 - (ch) *To offer a tailored session for members of the Standards Committee.*
 - (d) *That various and more innovative methods of introducing training in general is needed.*
 - (dd) *To ask the Minister for Local Government and Communities to include a condition in the code stating that every councillor has to receive training on the Code of Conduct."*

2. As part of its work programme the Committee decided to receive an annual report on the training offered on the Code of Conduct and other standard matters together with the arrangements made for the year to come. That is the purpose of this report.

3. I report against the Committee's decisions in January:-
 - (a) Priority to provide training for the 11 county councillors who had not attended the induction training in May, 2012. A session on propriety matters which concentrated on dealing with the principles of the Code of Conduct was held on the 3rd July, 2013. 31 Council members attended including two new members who had not received formal training on the Code of Conduct before. I have had an individual discussion on the contents of the Code of Conduct with one other new member. This means that by now all members have received training on the Code of Conduct although the date on which four of them received training goes back to the Council's last term (2008-12).

- (b) The offer of an annual refresher session to all county councillors.
As the last session was held in July of this year, I will be time-tableing the next refresher training for the summer of 2014.
- (c) To offer specific training sessions for Town and Community Council Clerks. I have contacted the Society of Local Council Clerks and in co-operation with the Society I have arranged specific training sessions for Town and Community Council Clerks at the beginning of October. As well as Code of Conduct matters the sessions will include matters dealing with the register of personal interests, the protocol and the registering of gifts and hospitality, the procedure for dispensations and matters of confidentiality and exclusion of the public and press. The invitations have been sent out by Katherine Owen, Clerk to the Caernarfon Town Council on behalf of the Society of Local Council Clerks. I will be reporting back at the meeting of the Committee on the number that have registered to attend.
- (ch) Offer of a session which has been tailored for Standard Committee members. Five members of the Committee went to the All Wales Standards Conference held in Llandudno on the 19th April, 2013. Apart from this there has been no other specific session arranged for Committee members, but a presentation on the Committee's work was given at its first meeting in July, 2012. I suggest that a period, of say, one hour at the beginning of the next meeting in January be allocated for the development of the Committee, and I ask for suggestions on the type of session that the members would wish to receive.
- (d) The need to consider other means of presenting training.
An effort was made in the training in July this year to present a session that was more interactive and light hearted than the usual presentations. A good response was received from the members. In the past we have used the material received from the Welsh Local Government Association, which included a video and power point presentations, and have explored the possibility of presenting web-based training. However, a lack of time and resources has prevented the development of such training specifically for Gwynedd, and it does not seem that there is the appetite to develop it nationally. Within the Council, short sessions such as surgeries with up to six members at a time have proved to be successful to explain quite complex matters and with the Committee's consent I am considering experimenting with this method of member development for the next refresher sessions.

- (dd) Ask the Minister to include a condition that all councillors must receive training. This was included in the Council's response to the Minister but it does not seem that it is going to be implemented, and that the members training on the Code of Conduct will continue to depend on members' readiness to attend training sessions and on a strong encouragement for them to do so.

RECOMMENDATION

4. The Committee is asked to
- (a) accept the report on training that has been provided and on training plans for the year to come;
 - (b) express an opinion regarding a specific training session to be held at the beginning of January's meeting.