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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, 20 EBRILL, 2015

11.00am, MONDAY, 20 APRIL, 2015

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 14/04/15

**PWYLLGOR SAFONAU
STANDARDS COMMITTEE**

Aelodaeth/Membership

Aelodau Etholedig / Elected Members (3)

Y Cynghorwyr/Councillors
Lesley Day
Eryl Jones-Williams
Michael Sol Owen

**Aelodau Annibynnol (hefo pleidlais) / Independent Members (with a vote)
(5)**

Ms Linda Byrne
Ms Jacqueline Hughes
Miss Margaret E Jones
Mr David Wareing
Dr Einir Young

**Aelod Pwyllgor Cymuned (hefo pleidlais) / Community Committee
Member (with a vote) (1)**

Y Cynghorydd / Councillor David Clay

AGENDA

1. CHAIRMAN

*Election of Chairman.

2. VICE-CHAIRMAN

*Election of Vice-Chairman.

**N.B. – The relevant regulations state:-*

“Only an independent member of the Standards Committee may be the Chairman and Vice-Chairman.”

“The Chairman and Vice-Chairman will be elected by the members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the independent member comes to an end. An independent member, who has been reappointed as such for a second term, may be appointed as Chairman or Vice-Chairman notwithstanding the fact that he/she was elected as Chairman or Vice-Chairman of the committee during the member’s first term of office.”

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

5. URGENT ITEMS

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

6. MINUTES

The Chairman shall propose that the minutes of the last meeting of this committee held on 26 January, 2015 be signed as a true record (attached).

7. SELF ASESMENT

To submit the report of the Monitoring Officer (attached).

8. ALLEGATIONS AGAINST MEMBERS

To submit the report of the Monitoring Officer (attached).

9. ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES

To submit the report of the Monitoring Officer (attached).

10. NORTH WALES STANDARDS COMMITTEES FORUM

To submit the minutes of the Forum held on 26 November, 2014 (attached).

STANDARDS COMMITTEE, 26.01.15

Present:-

Elected Members:- Councillors Lesley Day, Eryl Jones-Williams and Michael Sol Owen.

Independent Members:- Mr Gwilym Ellis Evans (Chairman), Ms Linda Byrne, Miss Margaret E. Jones and Dr Einir Young.

Community Committee Member:- Mr David Clay.

Also in attendance: Iwan Evans (Monitoring Officer), Rhun ap Gareth (Deputy Monitoring Officer), Sion Huws (Senior Solicitor) and Eirian Roberts (Members' Support and Scrutiny Officer).

Apology:- Mr Sam Soysa.

Representatives from the Isle of Anglesey County Council Standards Committee who were present to observe the meeting were welcomed.

Councillor Lesley Day was welcomed to her first meeting of this committee.

A welcome was also extended to Rhun ap Gareth, Deputy Monitoring Officer.

1. DECLARATION OF PERSONAL INTEREST

Mr Gwilym Ellis Evans (Chairman) and Mr David Clay declared personal interests in item 10 on the agenda - Report by the Monitoring Officer on an Investigation into a Complaint Made Against Councillor 'A' - due to the fact that they had close connections with some of the parties.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussion on the item.

2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 29 September 2014 as a true record.

3. APPLICATIONS FOR DISPENSATION

Submitted - the report of the Monitoring Officer on applications for dispensation received in connection with discussions involving schools organisation. Prior to considering the individual applications, the Monitoring Officer provided an outline of the schools organisation process.

(A) Application from Councillor John Pughe Roberts

The Monitoring Officer noted:-

- That Councillor John Pughe Roberts, Member for Corris/Mawddwy on Gwynedd Council, requested a general dispensation, due to his role as a local member, to speak and vote in relation to discussions on educational re-organisation in the catchment area of Ysgol y Gader, Dolgellau.
- That the Councillor had an interest in the matter because his daughter was a pupil at the school and his sister worked there.

While considering the application:-

- It was noted that it was important that a local member could contribute to the process, but that this should happen during the initial informal processes that occurred locally.
- Reference was made to previous decisions in similar cases where dispensations had been granted to members with an interest to take part in the local discussions only, and it was suggested that the precedent that had already been established should be adhered to so that the committee was consistent in its decisions.

RESOLVED to approve the application for dispensation for the Councillor to speak, but not to vote in meetings under the auspices of the Council regarding Ysgol y Gader which are held in the area, but that he may not speak, or be present or vote in a meeting of the Council, Cabinet or any of his committees, and that he is required to clearly state that he has been granted dispensation in every meeting he participates in, explaining the exact nature of the restraints on him, and that this is noted in the minutes of such meetings.

(B) Application from Councillor Dilwyn Morgan

The Monitoring Officer noted:-

- That Councillor Dilwyn Morgan, Member for Bala on Gwynedd Council, requested a general dispensation, due to his role as a local member, to speak and vote in relation to discussions on educational re-organisation in the catchment area of Ysgol y Berwyn, Bala.
- That the councillor had noted that he had an interest in the matter due to the fact that his wife occasionally undertook supply work in the schools of the catchment area and gave music lessons in schools on behalf of the William Mathias Centre and due to the fact that he was a Governor at Ysgol y Berwyn.
- That he was not of the opinion that these interests were prejudicial as the councillor's wife was not a permanent member of staff at any school in the catchment area and that the councillor had been appointed as Governor on behalf of the Education Department. Therefore, he recommended that it was not necessary to proceed with the application.

RESOLVED not to proceed with the application.

In response to an observation regarding the inclusion of '*partner*' in the list of connections that were deemed as too close to grant dispensation in respect of specific schools, the Monitoring Officer noted that the Standards Committee's guidelines referred to '*husband*' or '*wife*' and that an application regarding a '*partner*' or any other application would need to be considered on its own merit, but its existence or non-existence in the guidelines would not encumber the Council's discretion.

4. MEMBERSHIP OF THE STANDARDS COMMITTEE

Submitted - the report of the Monitoring Officer notifying the members that the term of office of two of the committee's independent members', namely Mr Gwilym Ellis Evans (Chairman) and Mr Sam Soysa (Vice-chairman), was coming to an end in February this year, after having served two terms, and outlining the steps that were necessary to follow to appoint new independent members.

Mr Gwilym Ellis Evans and Mr Sam Soysa were thanked for their valuable contribution to the work and development of the Standards Committee for several years and well wishes for the future were expressed to both of them.

Mr Gwilym Ellis Evans thanked his co-members on the committee and the officers for their support over the years.

In response to questions, the Senior Solicitor noted:-

- That the advertisement for new independent members would appear on the Council's Website, on Twitter and on Facebook.
- That there was no intention to put the advertisement in the local papers, mainly due to a lack of time and resources, but if difficulty was encountered in attracting applicants, the local papers would be a good way to spread the message.

RESOLVED to note the report.

5. TRAINING FOR COMMUNITY COUNCILS

Submitted - the report of the Monitoring Officer appending a copy of a letter that had been sent to community councils to seek their opinions on the content and format of the training that could be offered to them, and requesting the committee's opinion regarding the recommendations in the letter, and any other recommendations regarding the type of support that could be offered to town and community councils.

Further to the content of the report, the Senior Solicitor noted that around 16 responses had been received from community councils to date, and that each one of them favoured the recommendations.

During the discussion:-

- It was noted that the clerk of Barmouth Town Council had stated that she had not received the letter. In response, the Senior Solicitor explained that there was a database of names/addresses of community council clerks on the Council's website, and that the clerks themselves were responsible for notifying the Council of any changes. The Monitoring Officer noted that he accepted that there could be gaps in the information at times and that this needed to be looked at. It was also noted that it was necessary to check that the letter to Barmouth Town Council had been sent to the correct person.
- It was enquired whether a letter had also been sent to the Chairs of the councils. The Monitoring Officer responded that the Council did not keep the contact details of the Chairs.
- It was noted that every community council should be encouraged to establish an email address and that it would be possible to email the community councils to ask them for the name / address of their chairs.

- The officers were asked to look what the latest situation was in terms of the requirement community councils to establish websites either jointly or individually.
- It was suggested that it was also necessary to look at some sort of training for chairs on creating and maintaining an appropriate culture.
- It was emphasised that providing appropriate training for community councils was very beneficial.
- It was explained that it was the role of the Monitoring Officer to improve standards. He was undertaking more direct work with some community councils but did not have any power over them.
- It was noted, that if community councils received more functions in the future, it would be necessary to ensure that the governing arrangements were robust.
- It was suggested that it would be beneficial for every community council to receive a copy of One Voice Wales' standing orders for town and community councils.
- It was noted that the clerks needed support as they were in quite a lonely post that demanded expertise and a background in a range of different fields.

RESOLVED to note the report.

6. ALLEGATIONS AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer on formal complaints made against members.

Referring to part 2.7 of the report, the Senior Solicitor noted that Case 201403463 had now also been closed.

RESOLVED to note the report.

As a result of the Chairman's interest in item 10 on the agenda, and in the absence of the vice-chair, Dr Einir Young was appointed to chair both following items.

7. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item because of the likely disclosure of exempt information as defined in paragraph 18C, Part 4, Schedule 12A of the Local Government Act 1972. This paragraph applies because it concerns the deliberations of the Standards Committee in reaching a decision on a matter referred to it. It is believed that the information should not be disclosed so that the councillor is not prejudiced by any possible publicity of the case before any hearing. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. REPORT OF THE MONITORING OFFICER ON AN INVESTIGATION INTO A COMPLAINT MADE AGAINST COUNCILLOR 'A'

Submitted – the report of the Monitoring Officer on his investigation into a complaint made against Councillor 'A'. The committee was asked to come to a decision in accordance with the relevant regulations.

The Monitoring Officer outlined the details of the allegation, the legal background, the investigation that he had conducted, the facts, his findings on the facts and his conclusions. He then retired from the meeting.

The Senior Solicitor detailed the procedure to be followed for considering the complaint.

RESOLVED

- (a) To authorise the Senior Solicitor, due to the circumstances of the case, to adapt the procedure in this case, for the convenience of the member who is the subject of the investigation, asking whether he or she would be willing to submit their observations in writing in respect of the findings of the investigation and the allegation that he or she has failed, or may have failed, to comply with the authority's code of conduct.**
- (b) To consider any written observations received before deciding if it is necessary to call a special meeting of the Standards Committee to consider and determine the matter.**
- (c) To keep the papers of the case confidential until after any hearing and to delete references to individuals when the papers will be published.**

RESOLVED to re-open the meeting to the press and public.

At the end of the meeting, the Senior Solicitor noted that the Welsh Standards Conference would be held in Cardiff on 20 October, 2015.

The Chair noted that the minutes of the previous meeting of the North Wales Standards Committees Forum would be submitted at the next meeting of this committee.

The meeting commenced at 11.00am and concluded at 12.30pm.

MEEETING	STANDARDS COMMITTEE
DATE	20, April, 2015
TITLE	SELF-ASSESSMENT
AUTHOR	IWAN G D EVANS, MONITORING OFFICER.

1. The purpose of the self-assessment is to give the Committee the chance to consider how it fulfils its responsibilities against the functions which it has been given under the regulations and in the Council's constitution.

2. The result will give the opportunity to influence the work programme in the future.

3. A draft is presented here of the self-assessment document which has been prepared by the officers. It has been drawn up in order for the Committee to have the opportunity to assess its work and its effectiveness against the statutory and constitutional requirements.

4. The Committee members are asked to consider the functions listed in the first column and then note which assessment they believe is relevant, using the following categories :

Category 1 – Evidence that the Committee is fully meeting the requirements.

Category 2 – Evidence that the Committee meets the basic requirements but can do more to fully comply.

Category 3 – No evidence that the Committee meets the requirements.

5. It is necessary to note the evidence which supports the category which the Committee awards. The column "Evidence" shows some examples of evidence, but it is possible that the Committee members are able to add to it.

6. By assigning a category to each function and noting the evidence, it is possible for the Committee to come to a conclusion regarding which further steps they need to take (if any). The last column contains some suggestions for further steps. These are the matters which will be fed through to the Committee work programme in the future.

RECOMMENDATION.

The Committee is asked to consider the draft documents and undertake a self-assessment of its work.

SELF ASSESSMENT OF THE STANDARDS COMMITTEE 07/04/14

FUNCTION	ASSESSMENT (1/2/3)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		<p>The Chair and Vice Chair have attended the North Wales Standards Forum to share experiences with other standards committees.</p> <p>Some members have attended committees, Full Council and Cabinet meetings as observers.</p> <p>Members of the Committee have attended training on web casting of meetings.</p>	<p>Establish a programme to visit committee and full Council meetings.</p> <p>Invite Council members to meetings of the Standards Committee.</p>
Assist the members to keep to the Code of Conduct		<p>Adopting and reviewing the local resolutions procedure in relation to complaints that are not the subject of Ombudsman investigations</p> <p>Adopting a Social Media Protocol</p> <p>Reviewing the Member / Officer Relations Protocol.</p>	
Advise the Council regarding adopting or amending the Code of Conduct		<p>The Council was given advice on adopting the Code in 2008</p> <p>Comments were made to the appropriate Minister on the review of the Code of Conduct.</p>	
Monitor the operation of the Code of Conduct		Receive regular reports on allegations against members	Incorporate the Committees observations on

		<p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p> <p>Receive annual reports in relation to the interests register and the declarations made.#</p> <p>Receive annual reports on the register of interests and hospitality.</p>	<p>these reports in the Committee's annual report.</p>
<p>Advise, train or arrange training for members on matters relating to the Code of Conduct</p>		<p>Members have attended the Wales Standards Conference.</p> <p>Training was provided for members of the Council in May 2012 and July 2013.</p> <p>Training on the Code of Conduct and related Protocols is provided as part of the induction process for new members.</p> <p>Occasional training sessions are provided to the committee members. The last training was in relation to web casting in 2014.</p>	
<p>Grant dispensations to members</p>		<p>A " policy" has been adopted in relation to permitting dispensations.</p> <p>A procedure for making applications for dispensations has been adopted.</p>	
<p>Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman</p>		<p>A procedure for hearings has been adopted and reviewed.</p> <p>4 hearings have been held since 2012</p>	

<p>Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation</p>		<p>No occasion to pay such an allowance has arisen.</p>	
<p>Exercise the above functions in relation to community councils</p>		<p>A training session for community council clerks was held in October 2013.</p> <p>A questionnaire was sent out auditing community council registers of gifts and hospitality.</p> <p>The Committees annual report is sent to all community councils</p> <p>The opinion of community councils has been sought on training based on the Code and good governance</p>	<p>Proceed with training programme.</p>

STANDARDS COMMITTEE, 7.04.14

6. WORK PROGRAMME

Submitted – the report of the Monitoring Officer asking for the committee's approval of the draft work programme for 2014/15.

RESOLVED to agree on the following work programme:-

30 June, 2014

- The Standards Committee's Annual Report
- Procedure for hearings
- The Ombudsman's casebook
- Allegations against members
- North Wales Standards Committee Forum
- Web-casting (or the September meeting)

29 September, 2014

- The Ombudsman's Annual Report
- Annual Report of the Adjudication Panel for Wales
- Allegations against members
- Meet with community council representatives and discuss the possibility of holding one meeting in the autumn with community councils
- Training

26 January, 2015

- Gifts and Hospitality Register
- Elected Members' Register of Interests
- Local Conflict Resolution Procedure
- Allegations against members
- North Wales Standards Committee Forum
- Election of new members

20 April, 2015

- Meeting with the Chief Executive and representatives of the Council's Management Group
- Social Media Protocol
- Members' attendance of committees and training
- Allegations against members
- The Committee's Work Programme

Committee :	STANDARDS COMMITTEE
Date:	20 April 2015
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. 6141/201400682

Date received: 29/04/14

Complaint

Complaint by fellow member that a town councillor had misused his position for financial gain.

Decision

Ombudsman investigating aspects of complaint.

2.2 Case No. 201402810

Date received: 28/07/14

Complaint

Member had sent an e-mail to a local organisation, purporting to express the community council's views, without its authorisation.

Decision

Referred to Monitoring Officer for investigation and to report to the Standards Committee. Standards Committee to consider matter on 13/04/15.

2.3 Case No. 201403463

Date received: 18/07/14

Complaint

Complaint by a town councillor that three of his fellow members had failed to declare an interest.

Decision

Investigation continuing in respect of one councillor.

2.4 Case No. 20140314

Date received: 29/09/14

Complaint

Complaint that a community councillor failed to declare an interest.

Decision

No investigation. No evidence that councillor was acting in his capacity as a councillor at the time.

2.5 Case No. 5847/201404989 & 5847/201404990

Date received: 21/10/14

Complaint

That a town council member had behaved in a manner that would bring the council into disrepute.

Decision

Considering whether to investigate.

2.6 Case No. 201408375

Date received: 02/02/15

Complaint

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.

Decision

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.

2.7 Case No. 8136/201408378

Date received: 29/01/15

Complaint

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.

Decision

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.

2.8 Case No. 8136/201408381

Date received: 29/01/15

Complaint

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..

Decision

No investigation. The councillor was expressing an opinion, and the way in

which he did so did not breach any part of the code.

2.9 Case No. 8368/2014

Date received: 09/03/15

Complaint

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.

Decision

No investigation. No evidence that the councillor was acting in his capacity as a councillor. Ombudsman also noted that the police had been called.

3. Recommendation

The Committee is asked to note the information.

Committee :	Standards Committee
Date :	20 April 2014
Title :	Adjudication Panel for Wales – Annual Report 2013 - 2014
Author :	Monitoring Officer
Action :	Note for information

Background

1. Members will be aware that the Adjudication Panel for Wales' role is to form case tribunals to consider allegations that members have breached the Code of Conduct. The Panel will receive such allegations in one of two ways – either directly from the Ombudsman or in the form of Appeals against decisions made by Standards Committees.

2. Attached to this report is a copy of the Panel's Annual Report for 2013 - 2014.

Recommendation

3. The Committee is asked to note this report for information.



PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Adjudication Panel for Wales

Annual Report

2013 – 2014

January 2015

OGL

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WG 22442

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Foreword

By the President J Peter Davies

This is my eleventh annual report as President of the Adjudication Panel for Wales (“APW”), which covers the period April 2013 to March 2014. I hope you find the report informative and user friendly.

We aim to ensure that the tribunal serves the interests of all those in Wales by upholding standards in public life and dealing with cases referred by the Public Services Ombudsman for Wales (“PSOW”) and appeals made against the determinations of standards committees, efficiently and effectively. We make every effort to ensure that all those involved in our proceedings are satisfied that the disputes have been adjudicated fairly within as short a time as is reasonable.

As you can see from the statistics set out in the report, this reporting year has been quiet, with only one case being referred to the panel by the PSOW. However, we have adjudicated upon a further two references from PSOW and three appeals against the determination of standards committees that were carried over from the previous reporting year.

In November, the APW held its annual seminar which provided useful updates and training on current issues and gave the members an opportunity to discuss their experiences on the cases that had been before them.

We welcome any comments on our work. If you would like to get in touch with us, please contact the tribunal secretariat, details of which can be found on page 7 of this report.



Section I – About Us

In this section:

- **Background**
- **Overview**
- **Members of the Tribunal**
- **Appointments**
- **Training and Appraisal**
- **Contacting the Tribunal**

Background

The Adjudication Panel for Wales is an independent tribunal set up to determine alleged breaches by elected and co-opted members of Welsh county, county borough and community councils, fire and national park authorities, against their authority's statutory Code of Conduct.

The Adjudication Panel for Wales was established under Part III of the Local Government Act 2000.

The Adjudication Panel has two statutory functions:

- to form case or interim case tribunals to consider reports from the Ombudsman following the investigation of allegations that a member has failed to comply with their authority's code of conduct; and
- to consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct.

Overview

The overriding aim of the Adjudication Panel is to:

- provide a high performing, cost effective customer service for tribunal users and its members,
- ensure that all aspects of the tribunal's work are administered in such a way as to achieve fair, independent and timely adjudications, and
- operate within the legislative framework applicable in Wales.

The tribunal is committed to providing an equally high performance service for both Welsh and English speakers who use the tribunal.

Legislation governing the tribunal's procedures are:

- The Local Government Act 2000,
- The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001, and
- Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001.

At a tribunal hearing, the tribunal panel is usually composed of a legally qualified chairperson, plus two others. This may be varied at the President of the Adjudication Panel's discretion. Tribunal hearings will normally be held in public except where the tribunal considers that publicity would prejudice the interests of justice, or where the respondent or appellant agrees that the allegations may be dealt with by way of written representations. There may be other reasons from time to time for not holding a hearing, or part of a hearing, in public. Hearings will usually take place in the relevant authority's area. Hearing arrangements take account of any special requirements of those attending, such as wheelchair access, interpreter, hearing assistance etc. The person who is the subject of the allegations is entitled to give evidence and call witnesses.

Details of upcoming tribunals and tribunal hearings and tribunal decisions are published on the Adjudication Panel's website and in the local press as appropriate.

Decisions of interim case tribunals and case tribunals established by the Adjudication Panel can be appealed to the High Court. Permission to appeal must be sought initially from the High Court.

There is no right of appeal against the decisions of appeal tribunals, but, as a public body, the Adjudication Panel and its tribunals are subject to judicial review.

Full information and guidance about the tribunal and its procedures, are provided on the Adjudication Panel's website. Alternatively please contact the tribunal secretariat for further information or if you would like to receive the tribunal's publications in a different format.

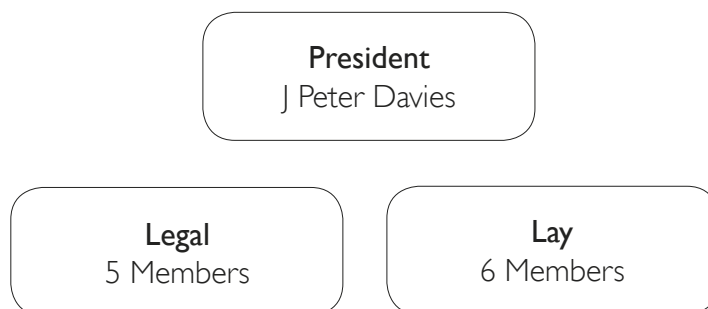
Members of the Tribunal

Welsh Ministers are responsible for making the appointment and re-appointment of the President, legal and lay members. Appointments are made following the advertisement of vacancies and competitive interview by a panel convened by the Welsh Government.

President	The President has judicial responsibility for the tribunal and its members.
Legal members	Legal members are lawyers and have responsibility for conducting proceedings at hearings and advising the tribunal on matters of law. Legal members write tribunal decisions and give directions where necessary.
Lay members	Lay members have a wide range of knowledge and experience relevant to the work of the tribunal.
Secretariat	The day to day administration is largely delegated to the tribunal secretariat who deal with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat consults the President and/or legal members on any legal points arising during the preliminary pre-hearing stages of the proceedings and passes on any rulings and directions in writing to the parties. The secretariat provides a point of contact for the tribunal members and tribunal users and attends all tribunal hearings to ensure the efficient running of proceedings.

Section I – About Us

Adjudication Panel for Wales



Appointments

There were no new appointments to the Adjudication Panel for Wales during the reporting period.

Training and Appraisal

A training seminar was held during November 2013. A regular programme of performance appraisal for tribunal members has been completed over previous years. It is anticipated that the next round of performance appraisal for tribunal members will start during the course of the 2014/15 year.

Contacting the Tribunal

Contact details for APW are as follows:

Tribunal Address:	Adjudication Panel for Wales Government Buildings Spa Road East Llandrindod Wells Powys LD1 5HA
Tribunal Helpline:	01597 829805
Tribunal Fax:	01597 829801
Tribunal E-mail:	adjudication.panel@wales.gsi.gov.uk

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Summary of Case Tribunals
- Summary of Appeal Tribunals
- Hearings
- Onward appeals
- Achievement against key performance indicators
- Complaints

Numbers and Statistics

A Tribunal year runs from April to March. The following statistics are collated:

- number of references and appeals received and registered;
- outcome of references and appeals;
- number of breaches by type.

Number of references and appeals received and registered April 2013 – March 2014

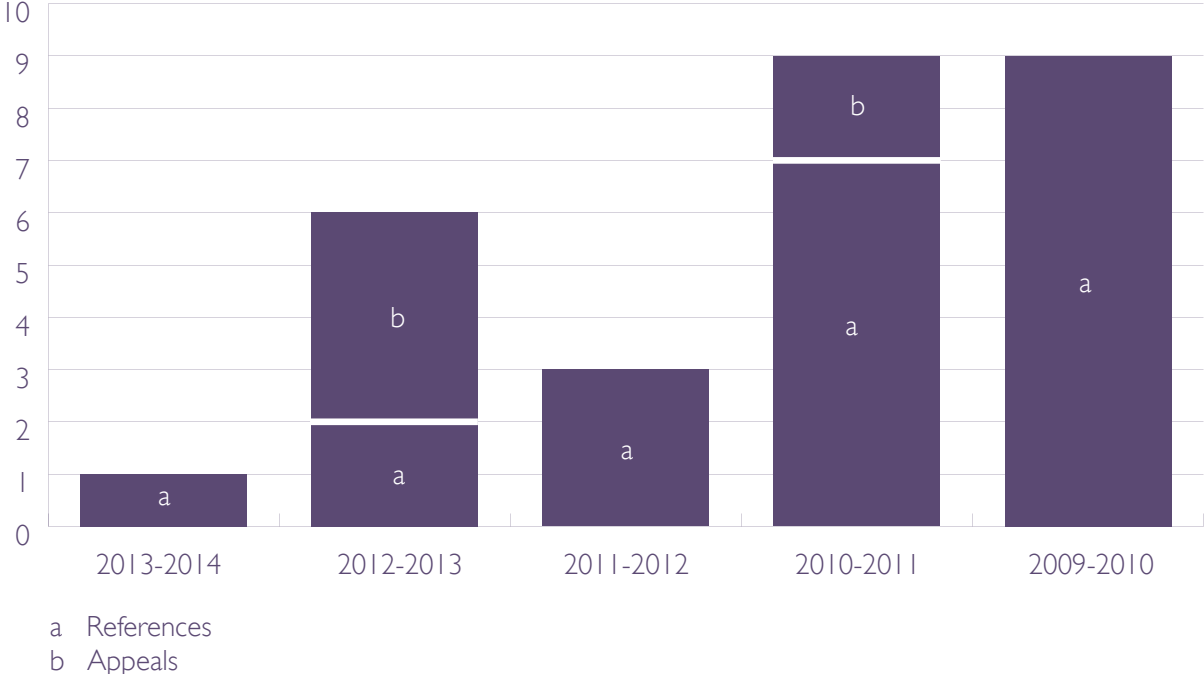
In the period April 2013 to March 2014 one case was referred to the Adjudication Panel by the Public Services Ombudsman for Wales. We also dealt with a further two references carried over from the 2012-2013 reporting year.

No appeals were made to the Adjudication Panel during this period; however we dealt with three appeals carried over from the previous reporting year.

Section 2 – Performance and Progress

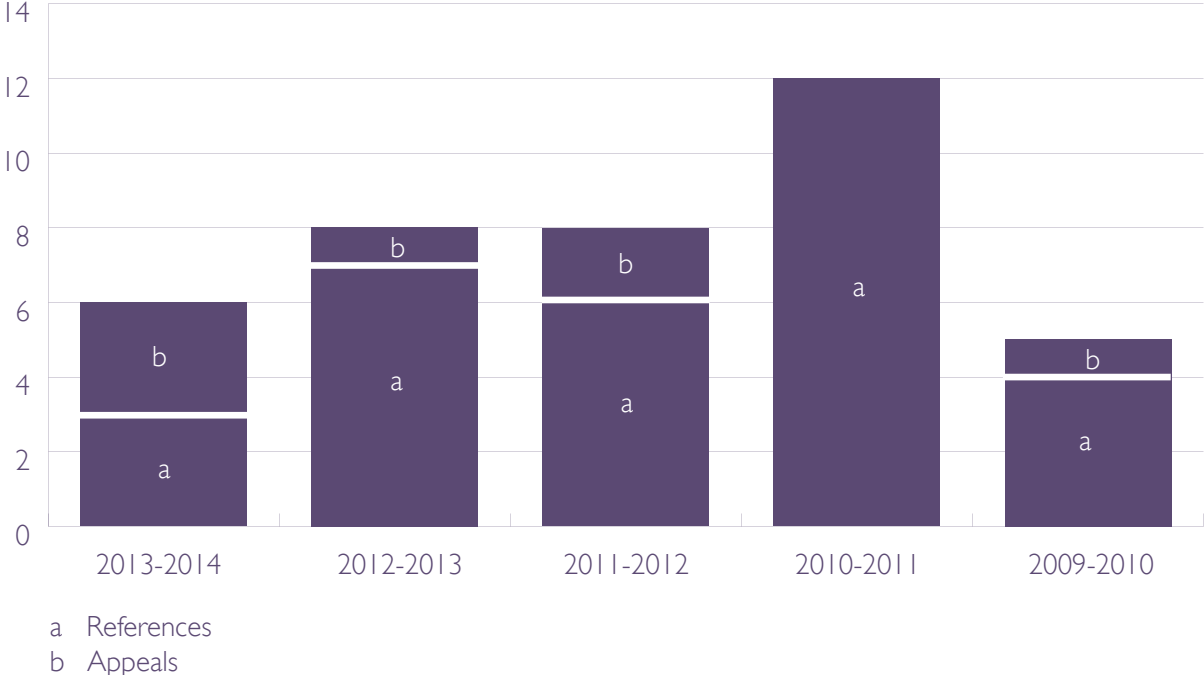
Graph 2.1 Number of references and appeals received and registered by year April 2009 – March 2014

The chart below shows the number of references and appeals received and registered by the Adjudication Panel over the last 5 years.



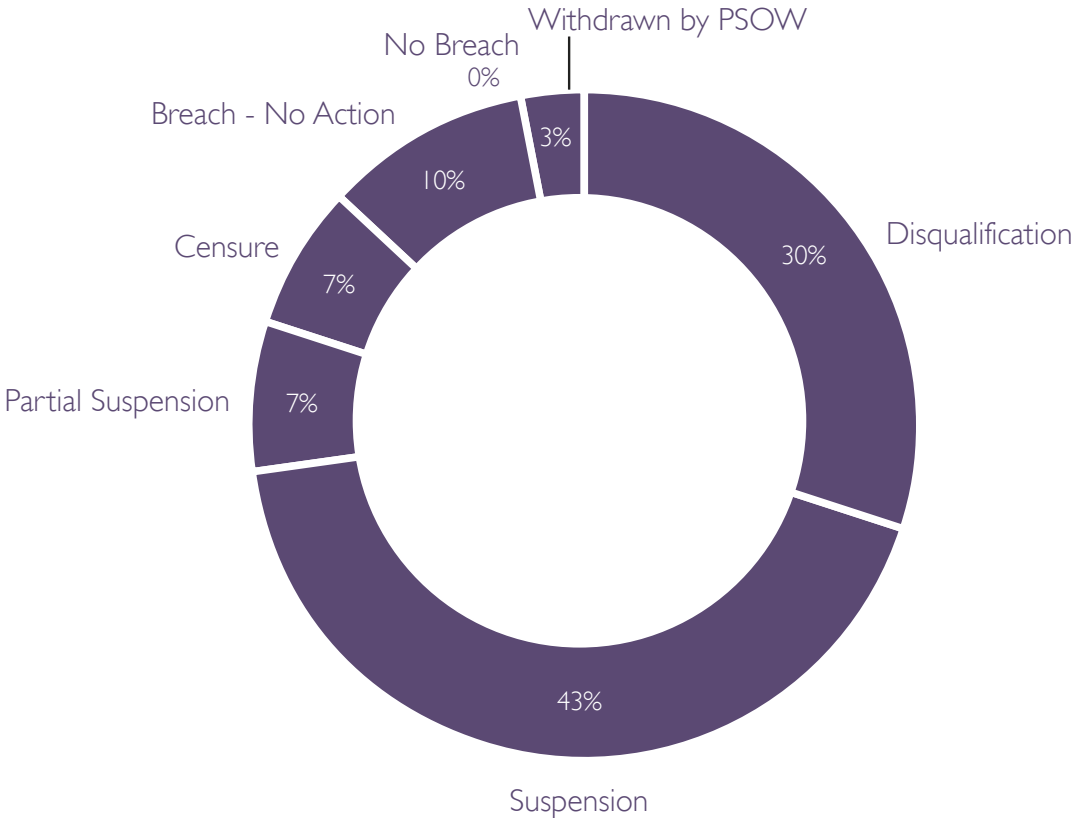
Graph 2.2 Number of references and appeals decided by year April 2009 – March 2014

The chart below shows the number of references and appeals decided over the last 5 years.

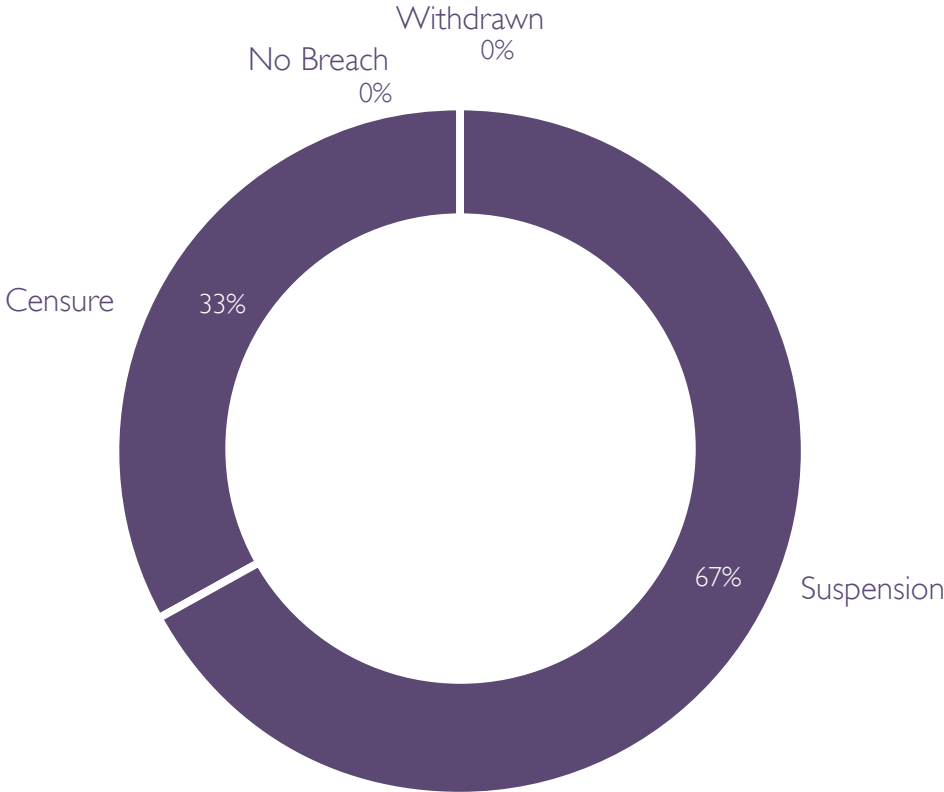


Graphs 2.3 and 2.4 Outcomes of references and appeals April 2009 – March 2014

The chart below shows the outcome of references decided by the Adjudication Panel over the last 5 years.



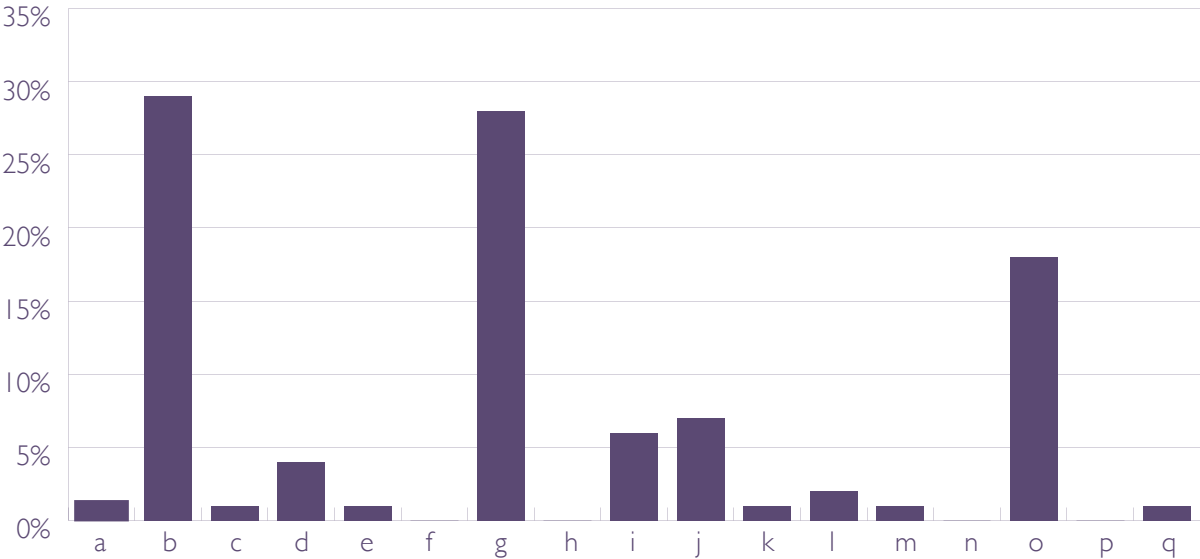
The chart below shows the outcome of appeals decided by the Adjudication Panel over the last 5 years.



Section 2 – Performance and Progress

Graph 2.5 Number of breaches by type April 2009 – March 2014

The chart below show the number of breaches found by type of breach for the last 5 years.



- a Other body's code
- b Failure to show respect/equality/bullying
- c Compromising the impartiality of employee
- d Disclosing confidential information
- e Withholding information
- f Committing a criminal offence
- g Bringing office/authority into disrepute
- h Vexacious or malicious complaints
- i Failure to co-operate with Ombudsman
- j Misuse of position
- k Misuse of authority's resources
- l Failure to reach decisions on merit/in the public interest
- m Failure to have regard to officer advice
- n Failure to lead by example (local provision)
- o Failure to disclose an interest and/or withdraw
- p Failure to have regard to standards committee advice
- q Failure to observe the rules for claiming expenses

Summary of Case Tribunals

The Public Services Ombudsman for Wales referred one case to the Panel during 2013-14 and two cases were carried over from the previous year. Summaries of the three cases determined by the Panel during the year appear below.

APW/005/2010-011/CT

Flintshire County Council

The allegations were that the councillor had breached Flintshire County Council's Code of Conduct by failing to show respect and consideration for officers of the Council; using bullying or harassing behaviour; attempting to compromise the impartiality of officers and, in so doing, conducting himself in a manner likely to bring his office or the Council into disrepute.

The incidents complained of related to the councillor's conduct in relation to a People and Performance Overview and Scrutiny Committee Meeting, an application for mutual exchange of two council houses, a meeting arranged by Senior Sheltered Housing Officers, a Director of Flintshire County Council, prior, during and subsequent to a Visioning Day, comments concerning a Director of Flintshire County Council and comments to a senior officer also concerning the Director of Flintshire County Council, a meeting with Officers of the Authority relating to housing allocation matters, a meeting of the Community Housing Overview and Scrutiny Committee, the Head of Planning appointment process and selection meetings, the Head of Housing appointment process and selection meetings and a Homelessness Prevention Interview.

The Case Tribunal found by unanimous decision that the councillor failed to comply with Flintshire County Council's Code of Conduct as follows:

2001 Code of Conduct

Conduct towards officers of the Council at a meeting of the People Performance Overview and Scrutiny Committee (paragraph 4(a) - Failure to show respect and consideration for others).

Conduct relating to a proposed mutual exchange by Council housing tenants (paragraphs 4(a) and 4(b) – conduct which compromises, or which is likely to compromise, the impartiality of the authority's employees).

Writing an inappropriate letter to a Council housing tenant (paragraphs 4(a) and 6(1)(b) – bringing the office of member or the authority into disrepute).

2008 Code of Conduct

Conduct towards an officer of the Council prior to a Sheltered Housing Visioning Day (paragraph 4(b) - Failure to show respect and consideration for others; and paragraph 4(c) – Using bullying behaviour or harassing any person).

Making inappropriate comments about an officer of the Council (paragraph 4(b)).

Conduct towards an officer of the Council at a meeting on (paragraphs 4(b) and 4(c)).

Section 2 – Performance and Progress

Conduct towards officers of the Council at a meeting on 18 December 2008 and at a homelessness interview on 25 February 2009 (paragraph 4(b)).

Conduct towards officers of the Council at a Head of Housing selection meeting on 12 February 2009 (paragraph 4(b)).

Conduct towards officers of the Council at Head of Planning selection meetings (paragraphs 4(b) and 4(c)).

The Case Tribunal found that the councillor did not breach the Code of Conduct as follows:

2001 Code of Conduct

Comments made about the Council's Adult Social Care Directorate at a meeting of the People Performance Overview and Scrutiny (paragraph 4(a)).

Writing an inappropriate letter to a Council housing tenant (paragraph 7(a) – using position improperly to confer on, or secure, for any person ...an advantage or disadvantage).

2008 Code of Conduct

Conduct towards an officer of the Council at a Sheltered Housing Visioning Day (paragraphs 4(b), 4(c) and 6(1)(a - bringing the office of member or the authority into disrepute).

Comments made about an officer of the Council (paragraph 4(b)).

Conduct towards an officer of the Council at a meeting (paragraph 4(d) – conduct which compromises, or is likely to compromise, the impartiality of those who work for the Council).

Conduct towards officers of the Council at Head of Housing selection meetings on 18 and 19 February 2009 (paragraphs 4(b) and 4(c)).

Conduct towards officers of the Council at a meeting of the Community and Housing Overview and Scrutiny Committee (paragraphs 4(b) and 4(c)).

The Case Tribunal concluded by unanimous decision that the councillor should be disqualified for two years and six months from being or becoming a member.

The Order made by the High Court of 20 August 2013 to stay the disqualification imposed by the Case Tribunal on 19 July 2013 has been rescinded by the High Court by Order dated 5 September 2013.

The Case Tribunal decision was appealed to the High Court. The High Court dismissed the appeal in respect of the case tribunal's findings on breach, save for three findings of breach that were quashed. The High Court reduced the sanction from a disqualification of two and a half years to eighteen months – Ref: [2014] EWHC 1504 (Admin).

The case can be read on the British and Irish Legal Institute website.

APW/008/2012-013/CT

Ceredigion County Council

It was alleged that the councillor had over-claimed mileage expenses over a period of 11 years. In 2010, a Council investigation found that the councillor had over-claimed expenses as a Member and as Chairman of the Council. The councillor repaid the money to the Council.

The Case Tribunal considered all the facts of the case and in particular the fact that the councillor had on demand, promptly repaid over-claimed expenses. The Case Tribunal also took into account the fact that the Council's procedures during the relevant period relating to councillors' expenses had on its own admission fallen short of the standard the public is entitled to expect.

The Case Tribunal concluded by unanimous decision that the councillor should be suspended for three months from being or becoming a member of Ceredigion County Council or of any other relevant authority within the meaning of the Local Government Act 2000.

APW/001/2013-014/CT

Llandrindod Wells Town Council

It was alleged that the councillor pursued a course of conduct towards the complainant which would amount to harassment. The councillor conducted a survey of members of the public which included a description of events which appeared to falsely accuse the complainant of committing a sexual offence against a minor; which in turn caused significant reputational damage to the complainant and forced them to speak publically about a historic private matter.

This matter and the subsequent Police Information notice issued to the councillor by the police were widely reported in the local press. The councillor indicated that he conducted the survey because he felt the complainant had breached the code of conduct, however he did not report the breach to the PSOW. The councillor resigned from his post and refused to engage in the investigation process.

The Case Tribunal considered all the facts of the case. They noted that the councillor had only been a town councillor for five months but had received training on the Code and would have been aware of his responsibilities. They were particularly concerned that the former councillor had persisted in a course of conduct, despite being provided with clear advice from the Monitoring Officer and the Police that he had no justification or reasonable basis to pursue the complainant. His actions were premeditated, and despite being warned twice by the police he still continued to carry out his survey. During the course of the subsequent investigation he failed to cooperate and has never apologised or shown any understanding of the possible consequences of his actions.

The Case Tribunal concluded by unanimous decision that the former town councillor should be disqualified for three years from being or becoming a member of Llandrindod Wells Town Council or of any other relevant authority within the meaning of the Local Government Act 2000.

Section 2 – Performance and Progress

Summary of Appeal Tribunals

There were three appeal tribunal hearings during the reporting year. Summaries of the three cases determined by the Panel appear below.

APW/009/2012-013/AT

Mumbles Community Council

The sub committee found that the councillor's conduct in relation to misleading statements he had made about his assets to an Employment Tribunal amounted to a breach of paragraph 6(1)(a) of the Code in that it had brought his office as Councillor and Mumbles Community Council into disrepute.

The councillor submitted that he had not misled the Employment Tribunal and did not accept the findings that had been made. He repeated his submissions that he did not consider that the Code applied to conduct in his private capacity.

The councillor submitted that he had never had any adverse comment about the matter and he had been re-elected. The councillor stated that he could not see how he had brought the authority or office into disrepute.

It was contended that a councillor's behaviour is subject to greater scrutiny and that the councillor's conduct could have been seen to have been dishonest and deceitful by anyone reading the articles. The article mentioned that the councillor was a Community Councillor in the Mumbles and this connection had a damaging effect on the reputation of that authority. The Ombudsman's representative submitted that the councillor was obliged to abide by the Code and should have taken steps to familiarise himself with his obligations.

The Tribunal considered that the findings made by the Employment Tribunal that the councillor had failed to disclose assets and the subsequent article in the South Wales Evening Post was liable to bring the office of Community Councillor and Mumbles Community Council into disrepute.

The Tribunal did not accept the councillor's submissions that the Code did not apply in these circumstances. The document presented by the councillor at the hearing made this position clear and referred to the Code of Conduct 2008 and when the Code applies. Page 4 of that document explicitly stated that in relation to conduct liable to bring the office or authority into disrepute the Code applies at all times. The Tribunal did not consider that the councillor should have been in any doubt about what was required of him. The Tribunal made a decision as a preliminary issue that the Code was engaged.

The Appeal Tribunal accordingly decided by unanimous decision to endorse the determination of the Standards Committee that the councillor had breached Mumbles Community Council's Code of Conduct.

APW/004/2012-013/AT

Pentyrch Community Council

The allegations were that the councillor had breached Pentyrch Community Council's Code of Conduct by failing to show respect and consideration for others; using bullying behaviour and harassing another person; and failing to declare personal and prejudicial interests in relation to matters before the Council.

In relation to sanction the councillor submitted that he was not the only party to blame here; the clerk and the complainant had demonstrated "a high handed and high and mighty attitude". He submitted, if he was at fault he would accept so, but felt the clerk and the complainant should accept responsibility as well. He no longer wished to serve and is no longer a member.

The Appeal Tribunal found by unanimous decision that by his actions the councillor has breached paragraphs 4(b), 4(c), 11(1) and 14(1)(a) of the Code of Conduct and unanimously endorses the decision of the Standards Committee that the councillor should be censured.

APW/006/2012-013/AT

Gwynedd Council

An appeal was received against the determination of the standards committee that the councillor had breached Gwynedd Council's Code of Conduct by posting unfounded allegations on his blog that the complainant intended to retire soon, as headmaster, and stand for election to the Council in a seat held by another councillor.

The complainant had stated that the allegations were untrue and had complained that the councillor was in breach of paragraph 6(1)(a) of the Code of Conduct (bringing the office of councillor or the authority into disrepute) by making unfounded allegations against a person who was on the Council's payroll and in breach of paragraph 7(a) (using or attempting to use the position of councillor to create a disadvantage for another person) by making unfounded comments which had the potential to put the complainant at a substantial disadvantage professionally.

It is noteworthy that the Ombudsman had encountered severe difficulties during the course of his investigation to elicit responses or timely responses from the councillor. Even taking into account the fact that the councillor had unfortunately suffered flooding at his home which he alleged to have affected his ability to review his papers, his willingness to respond or respond in a timely manner to requests and correspondence sent to him in respect of the complaint against him and its investigation, is characterised by what can only be regarded as a scant or deliberate disregard for the process.

The Appeal Tribunal concluded by unanimous decision that the councillor's appeal should be dismissed. The Appeal Tribunal was satisfied that the grounds of appeal submitted by the councillor were without merit. The comments on the blog were untrue and unfounded and were personal remarks against the complainant and not political ones. The comments related to the complainant's employment and could have been damaging for him in terms of his relationship with his employer and those in the school where he worked.

Section 2 – Performance and Progress

The Appeal Tribunal concluded by unanimous decision that the decision of the Standards Committee should be upheld. The councillor should be suspended for three months from being a member of Gwynedd Council. Further, he should as requested by the Standards Committee, apologise to the complainant and receive training in the Code of Conduct. The Appeal Tribunal also recommends that he should receive training on the WLGA Social Media: A guide for Councillors issued in August 2013.

Further information

Copies of all decisions made by case, interim case and appeal tribunals are available to view on the Adjudication Panel for Wales' website at the following address:
www.apw.wales.gov.uk

Hearings

Between April 2013 and March 2014, three referrals from the Public Services Ombudsman for Wales and three appeals against the determination of standards committees, proceeded to tribunal hearing. The total number of tribunal hearing days for this period are twelve days (of which six days were in respect of a single complex tribunal case).

Onward appeals

Applications for permission to appeal a decision of a Case Tribunal or Interim Case Tribunal to the High Court can be made on limited grounds. Over the period of this report, one application for permission was made and granted.

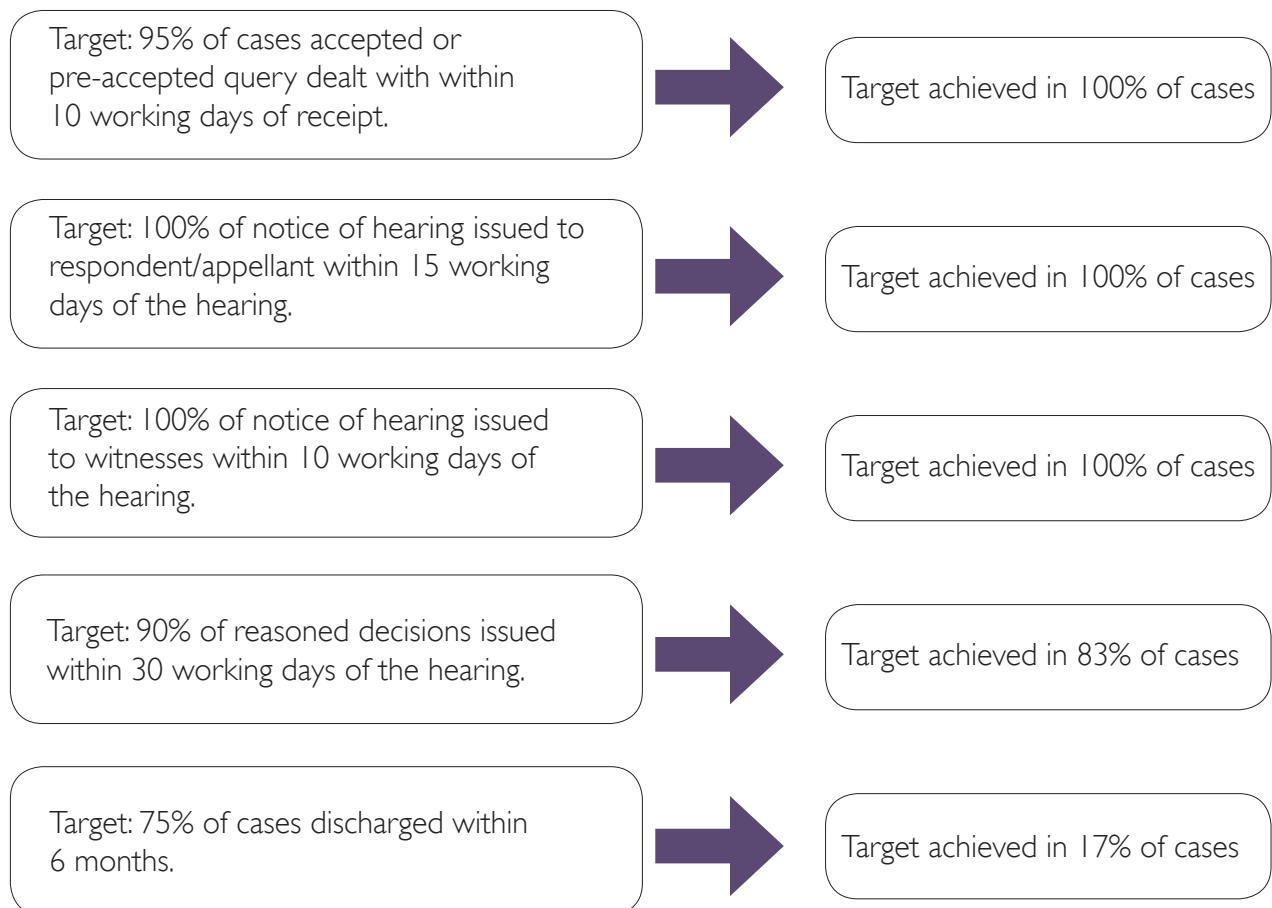
Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our work; the efficiency of our service and the quality of service through customer satisfaction.

To measure the efficiency of our service, we have a series of primary performance indicators based on the time taken to process a case – from receipt to the Hearing or disposal.

To measure customer satisfaction, we used an indicator that is derived from periodic tribunal user surveys.

Efficiency of our service



Complaints

The tribunal received no formal complaints during the course of the reporting year.

Section 3 – Our Customers

In this section:

- **Tribunal user satisfaction survey**

Tribunal user satisfaction survey

The tribunal secretariat strives to improve tribunal user service delivery and aims to put our users at the centre of everything we do.

The tribunal secretariat has recently established a tribunal user satisfaction survey. The survey results will enable us to gain a better understanding of our users' needs and give us a valuable insight into what the tribunal secretariat is doing well, as well as highlighting those areas where the tribunal secretariat needs to improve.

The survey was launched at the end of the reporting period, with four surveys having been issued. As yet we not received any completed forms. A summary of the feedback received will be published in future reports.

Section 4 – Business Priorities

In this section:

- **Business Priorities for 2014-2015**

It is important that the Tribunal continues to develop in order to deliver the best possible service for our users. The Tribunal will build on its achievements by focussing on business priorities and our commitment to our users.

Business Priorities 2014-2015:

- publish and maintain a new website for the tribunal and monitor stakeholder feedback on the content of the website,
- plan and deliver an all members training conference,
- implement a new round of performance appraisal for tribunal members, and
- continue to deliver a high performing service, ensuring key performance indicators are met and customer satisfaction surveys are undertaken and monitored.

Section 5 – Expenditure

In this section:

- Expenditure for 2013-2014

Expenditure for 2013 – 2014

Members fees and expenses	£50,000
Venue costs	£12,000
Publishing costs (tribunal decisions)	£16,000
Audio recordings, telephoning conferencing and transcriptions costs (tribunal hearings)	£6,000
Legal costs	£2,000
TOTAL	£86,000

Rounded to nearest £1,000

**MINUTES OF THE MEETING OF THE NORTH WALES STANDARDS COMMITTEE
FORUM - HELD AT COMMITTEE ROOM 1, ISLE OF ANGLESEY COUNTY COUNCIL
ON WEDNESDAY, 26TH NOVEMBER 2014**

PRESENT:-

Isle of Anglesey	Michael Wilson (Chair) Islwyn Jones (Vice-Chair) Robyn Jones (Deputy Monitoring Officer) Awena Walkden (Solicitor to the Monitoring Officer)
Conwy	Howie Roberts (Chair)
Flintshire	Edward Hughes (Chair) Robert Dewey (Vice-Chair)
Gwynedd	Iwan Evans (Monitoring Officer) Sion Huws (Propriety Officer)
Wrexham	Ceri Nash (Vice-Chair)
Snowdonia National Park	David Vaughan (Chair)
Fire and Rescue Authority	Jane Eyton-Jones (Chair)
Denbighshire	Ian Trigger (Chair) Gary Williams (Monitoring Officer)

1. APOLOGIES

Apologies for absence submitted on behalf of Sioned Wyn Davies (Wrexham), Trevor Coxon (Wrexham), John Roberts (Conwy), Gareth Owens (Flintshire), Gwilym Ellis Evans (Gwynedd), Sam Soysa (Gwynedd), Rev. Wayne Roberts (Denbighshire), and Lisa Jones (Denbighshire).

2. MINUTES

The minutes of the meeting of the North Wales Standards Committee Forum held on 29th April 2014 were submitted for approval.

RESOLVED: That the minutes of the meeting of the North Wales Standards Committee Forum held on 29th April 2014 be received and confirmed as a correct record.

3. QUESTIONS TO THE OMBUDSMAN.

The Ombudsman, Mr Nick Bennett, was in attendance to reply to the questions raised by the North Wales Standards Committee Forum. A copy of the questions and responses are attached to these minutes (attachment)

4. OPEN SESSION FOR ITEMS OF CURRENT INTEREST

A summary of the training conducted by the Isle of Anglesey County Council to the Clerks of the Isle of Anglesey Community Councils was presented by Mike Wilson, Chair of the Isle of Anglesey County Council and Awena Walkden, Solicitor to the Monitoring Officer. It was explained to the Forum that:-

1. Presenting a training session to the Clerks of the Community Councils was well received with positive feedback despite their initial reluctance to attend.
2. It was explained to the Clerks that it was part of their role to understand the Code of Conduct, and to advise the Community Councillors; this helped to encourage them to attend the training sessions.
3. Presenting training to the Community Council Clerks should reduce the number of complaints received by the Ombudsman in respect of Town and Community Councils because the Clerk should feel more confident in dealing with issues or, at least recognising the issues and seeking Monitoring Officer advice.
4. The majority of Town and Community Councils were in attendance.
5. The feedback from the training has been very positive and has led to a closer relationship between the Legal Service and the Clerks, which in turn should lead to issues being dealt with before they lead to a complaint stage.

RESOLVED: That Awena Walkden will send a copy of the training pack to the Forum for their information, and will provide a further up-date on progress in respect of the training to the Forum at its next meeting.

5. DATE AND VENUE OF THE NEXT MEETING

A suitable date for the next meeting of the Forum would be arranged at Denbighshire County Council, by Sian Harland at Conwy County Council.

RESOLVED: Sian Harland to liaise with Gary Williams in respect of inserting a date for the next meeting.

The meeting ended at 11.35am



Questions and Responses from the Ombudsman

Question	
1	<p>The Local Government (Democracy) (Wales) Act 2013 allows for regional Standards Committees to be formed. When the regulations are in place, how does the Ombudsman suggest that this power should be exercised among the North Wales Authorities. What is the current timetable for bringing this power into effect?</p> <p>Michael Wilson (Chair) - Isle of Anglesey</p> <p>OMBUDSMAN :- I worked on the Williams Commission and am a strong supporter of collaborative working in the public sector. I am supportive of regional Standards Committees being formed, and believe it is the way forward. I understand that the Welsh Government are looking to bring the regulations into place next year, however, I do not have a timetable for this.</p>
2	<p>Why do cases accepted by the Ombudsman take so long to investigate?</p> <p>Surely a member who has been accused of misconduct has a reasonable expectation that the allegation(s) be addressed and determined as soon as possible?</p> <p>There is also a public interest for the electorate in knowing as soon as possible whether their democratically elected representative has breached the code of conduct.</p> <p>John Roberts (Vice-Chair) – Conwy</p> <p>OMBUDSMAN :- If there is a problem with the timescale for dealing with complaints I will look at this. There is a graph within the Williams Report known as the “graph of doom” which states that demand for public services is going up, whereas the budget is going down.</p> <p>There has not been a huge increase in the number of code of conduct complaints received, and in fact there has been a decline. This however does change during election years where the numbers of complaints increase. The problem we have is with vexatious complaints. We need to make sure that vexatious complaints are not investigated and are thrown out as soon as possible.</p> <p>We are funded by tax payers’ money, and also investigate life or death NHS failures, which we believe has a higher public interest for investigation, rather than vexatious complaints raised on code of conduct issues.</p>

	<p>The statistics for the timescales in which we deal with code of conduct complaints are as follows :-</p> <ol style="list-style-type: none"> 1. We decide whether or not to investigate 81% of complaints received within 4 weeks; 2. 85% of complaints which are then passed to investigation stage are investigated within 9 months; 3. Only 15% take longer than 9 months. <p>However, where we can make further improvements to timescale in which we deal with complaints, we will. We cannot do anything to speed up the Adjudication Panel for Wales' timescales, or that of the Standards Committees, as these are outside our control. I want to bring in a third test to my two stage test and that "is there a public interest in investigating the complaint?" It makes sense that any matter which is not in the public interest should be set aside. I am not saying that we are going to do less work, we are going to do more, but we cannot indulge in wasting tax payers money in investigating vexatious complaints.</p>
3	<p>In a letter to the Ombudsman from the Chairman of the North Wales Standards Committee Forum (NWSCF) it was asked whether:-</p> <ol style="list-style-type: none"> (i) The Ombudsman would be willing to provide sanctions guidance specifically tailored to the needs and powers of standards committees rather than seeking to apply relevant passages from the Adjudication Panels Guidance; and (ii) The first issue of "The Ombudsman's Code of Conduct Casebook" was considered very useful. However, the NWSCF considers that it would be even more useful if case summaries could be published as and when the cases are concluded, perhaps on the Ombudsman's website? It was asked whether or not this could be accommodated or, alternatively, might the case summaries be published quarterly? <p>Negative responses to each request was received from the former Ombudsman. Is the current Ombudsman willing to re-visit these issues and, if not, could he elaborate on the reasoning behind his predecessor's decision.</p> <p>Ian Trigger (Chair) – Denbighshire</p> <p>OMBUDSMAN :- We do not have the resources to publish a monthly casebook, but we may be able to publish information on reported cases on the website as soon as they go live.</p> <p>In relation to the sanctions guidance, I have not discussed this matter with my predecessor, however, I am not convinced there is a problem with consistency of sanctions being provided by the Standards Committees across Wales, however, it is something we can consider if you think it would be helpful.</p>
4	<p>In the Ombudsman's Guidance on Local Resolution Protocols (page 6 of the</p>

	<p>Guidance to the Code) it is mentioned that there is an expectation on County Councils to implement local resolution procedures to deal with low level complaints and that: “these mechanisms are initially being adopted by principal councils, but I am supportive of this extending to cover community councils in due course”.</p> <p>This anticipates that County Councils may be expected to operate local resolution protocols in community council disputes? Alternatively, does the Ombudsman envisage that such protocols should be adopted by Community Councils themselves and operated by those Councils? Even if these anticipated arrangements are not “rolled out” does the Ombudsman think that Standards Committees should take an active role in sorting out minor complaints within Town and Community Councils, before they are escalated to the Ombudsman?</p> <p>Edwards Hughes (Chair) – Flintshire</p> <p>OMBUDSMAN :- Currently 50% of the Code of Conduct of complaints we receive are from Community Councils.</p> <p>In a conference held by One Voice Wales recently, the Community Councils attendees seemed keen for the Local Resolutions Protocol to be extended to Community Councils, however Monitoring Officers appeared less keen.</p> <p><i>The Monitoring Officer for Gwynedd County Council confirmed that he is yet to be persuaded that there is capacity to deal with Community Councils’ Local Resolution Protocols, both within the Council, and within the Community Councils themselves due to the time restraints on the Clerk. However, introducing the public interest test may assist in reducing the number of Community Council complaints raised.</i></p>
5	<p>It is understood that the Ombudsman will publish new Guidance on the Code of Conduct (particularly in light of Calver). Is the Ombudsman able to give any indication as to when this new guidance will be available and to provide some information regarding the timeframe for consultation on any draft?</p> <p>David Vaughan (Chair) – Snowdonia National Park</p> <p>OMBUDSMAN :- The Guidance on the Code of Conduct has been amended in light of Calver but it will need to be revisited again as a result of the Heesom judgment, and the fact that we want to introduce a new public interest test.</p>
6	<p>Within our Whistleblowing Policy we refer to the Ombudsman as a regulator to whom an employee may speak regarding their concerns. Does the Ombudsman have a role here? If so, what kind of whistleblowing complaints would fall within the Ombudsman’s remit? Should this be removed from our policy?</p> <p>Michael Wilson (Chair) – Isle of Anglesey</p> <p>OMBUDSMAN :- I am not a regulator but am of course prepared to receive whistleblowing complaints which relate to the Code of Conduct and its breach.</p>

7	<p>What percentage of complaints received by the Ombudsman, investigated by the Ombudsman, referred by the Ombudsman to a Standards Committee/Adjudication Panel, are from Community Councils as opposed to unitary authorities? The concern is that the public will see the word “Councillor” and be unable to distinguish between County Councillors and Community Councillors.</p> <p>Robert Dewey (Chair) – Flintshire</p> <p>OMBUDSMAN :- 50% of the complaints we receive are from Community Councils; 15% of these are investigated and 5% are referred to Standards Committee.</p> <p>In respect of the 50% of complaints received against County Councillors, 19% are investigated, and 1% are referred to the Standards Committee.</p>
8	<p>Where the Ombudsman refers a matter to a Standards Committee for hearing and the Council's own Legal Section is conflicted by the subject matter of the referral, what (if any) are the Ombudsman's views on whom should provide the legal advice to the Standards Committee?</p> <p>Ian Trigger (Chair) – Denbighshire</p> <p>OMBUDSMAN :- I am of the view that neighbouring authorities should assist.</p> <p>It was accepted within the Committee that where they can, legal services will assist each other, however, this may be difficult on specific issues due to each Council's own graph of doom.</p>
9	<p>How does the Ombudsman intend to develop his role in relation to the Code of Conduct? Does he have any new initiatives in mind?</p> <p>John Roberts (Vice-Chair) - Conwy</p> <p>OMBUDSMAN :- I do not have any new initiatives in mind, however, I wish to add a third public interest test and will also be providing simple guidance on personal and prejudicial interests.</p>
10	<p>The NWSCF wrote to One Voice Wales earlier this year requesting support for Community Councils in developing the ethical content of their websites when this becomes a statutory requirement (see letter attached). We are yet to receive a response. What advice will the Ombudsman provide to Community Councils on this issue?</p> <p>Edwards Hughes (Chair) – Flintshire</p> <p>OMBUDSMAN :- I would like to see a copy of any response you receive from One Voice Wales on this as I would be interested in receiving their views. Equally, I would also be happy to listen to any comments you may have on what sort of guidance you would like to receive, and we can see if it's something that we are able to assist</p>

	with.
11	<p>Will you as the Ombudsman, consider passing more breaches of the Code of Conduct, to the Standards Committees to deal with at a local level.</p> <p>Howie Roberts (Chair) – Conwy</p> <p>OMBUDSMAN :- Yes, we will consider passing more breaches of the Code of Conduct to Standards Committees, and during a meeting in Swansea last week in which I was present, there was an expectation that this would happen. The take up was however poor with only four cases being investigated at local level up to April this year. The problem appears to be that Standards Committee do not appear to have an appetite for taking on local hearings. It is however noted that the Standards Committees present would be happy to take more matters on at a local level and I will continue to refer cases where appropriate.</p>
12	<p>Whether the Ombudsman has any intention of clarifying paragraph 10 (2) (b) of the Members' Code beyond that contained in the Guidance issued in September 2012 (page 27). That Guidance indicated that the then Ombudsman would review that Guidance in light of any future decisions and case law on the effect of this provision.</p> <p>David Vaughan (Chair) – Snowdonia National Park</p> <p>OMBUDSMAN :- The Welsh Government has indicated that it is going to remove paragraph 10 (2) (b) of the Members' Code of Conduct when relooking at the Local Government (Democracy) (Wales) Act 2013.</p>
13	<p>A complaint is usually made against a member as a member of a particular authority. Consequently any suspension would be from acting as a member of that authority. Often however, the member will also be a member of another relevant authority (e.g. a county councillor who is also a community councillor). This can lead to a situation, where a member is suspended for behaviour which is considered unacceptable for a member of any authority (e.g. conduct that brings the office into disrepute) but he/she is free to continue to act as a member of another authority in the meantime.</p> <p>Robert Dewey (Chair) – Flintshire</p> <p>OMBUDSMAN :- Any suspension prevents a Councillor from acting on the authority from which they have been suspended, but does not ordinarily suspend that member from any Community Council to which they have been appointed, unless the allegations are sufficiently serious, in which case the suspension can be extended to other committees and other Authorities such as Community Councils.</p>
14	<p>Do you think that the North Wales Standards Committee Forum is a good idea?</p> <p>Howie Roberts (Chair)</p> <p>OMBUDSMAN :-</p>

	Yes I do believe the Forum is a very good idea as it encourages sharing expertise, and also provides consistency across North Wales.
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