
STANDARDS COMMITTEE 29/06/15

Present:-

Elected Members:- Councillors Lesley Day and Michael Sol Owen.

Independent Members:- Ms Jacqueline Hughes, Miss Margaret Jones, Mr David Wareing and Dr Einir Young (Chair).

Community Committee Member:- Mr David Clay.

Also in attendance: Iwan Evans (Monitoring Officer), Siôn Huws (Senior Solicitor) and Eirian Roberts (Members Support and Scrutiny Officer).

Apologies:- Ms Linda Byrne and Councillor Eryl Jones-Williams.

Reference was made to Ms Linda Byrne's ill-health and the Chair noted that she intended to send a note to the family.

1. DECLARATION OF PERSONAL INTEREST

No declarations of interest were received from any members present.

2. MINUTES

The Chair signed the minutes of the previous meetings of this committee held on the following dates as a true record.

- (a) 13 April, 2015 (extraordinary meeting)
- (b) 20 April, 2015

3. ANNUAL REPORT OF THE STANDARDS COMMITTEE 2014-15

Submitted – the report of the Monitoring Officer enclosing a draft of the committee's annual report for the period from 1 April 2014 up to 31 March 2015. The Committee's observations and approval of the document were invited. It was noted that the former Chairman and the Monitoring Officer would add an introduction to the report prior to its publication.

The Senior Solicitor noted that it was intended to circulate the report to the clerks of the community councils.

RESOLVED to approve the draft of the annual report and to submit it to the Council's meeting on 8 October and to seek to submit the annual reports to the Annual Meetings of the Council in future, or to the July meetings if this is not possible.

4. REVISED GUIDANCE ON THE CODE OF CONDUCT FOR MEMBERS BY THE PUBLIC SERVICE OMBUDSMAN FOR WALES

Submitted – the report of the Monitoring Officer reporting that the Public Service Ombudsman for Wales had published the third version of his Guidance on the Code of Conduct for Members of Local Authorities in Wales and enclosing the guidance for

Members of County Councils.

The Monitoring Officer noted that this version of the Guidance incorporated:-

- The revised two-stage test the Ombudsman would use when considering complaints of breaches of the Member Code of Conduct which now included a public interest threshold.
- Further guidance on the use of social media and political expression and flow charts designed to provide Members with assistance and clarity on the issue of interests.

He further noted:-

- That there was a need to circulate this guidance to all Gwynedd Council members and to the community council clerks and that it would also be beneficial to offer a training workshop for the members of this committee and all Council members to provide an update on the Code of Conduct in light of the changes.
- That training would be arranged for the town and community councils in the Autumn and in the meantime, it would be possible to develop a model for a local resolution procedure on their behalf, suggesting that it would be a way for them to resolve some simple matters themselves due to the public interest threshold.

It was emphasised that any support package provided for town and community councils would have to be a clear and simple summary and would have to refer to the fact that more details were provided in the full document.

RESOLVED to note the revised guidance on the Code of Conduct for Members published by the Public Service Ombudsman for Wales.

5. WORK PROGRAMME

Submitted – the report of the Monitoring Officer enclosing the draft work programme for the committee after completing the self-assessment at the previous meeting.

The Monitoring Officer noted that a formal procedure for observing committees was being sought and it would be a good thing for the independent members to observe town/community council meetings in order to gain an understanding of how the councils operate.

RESOLVED

(a) To agree on the work programme as follows and to amend it / add to it as needed:-

5 October, 2015

- **Ombudsman's Annual Report**
- **Corporate Governance Arrangements**
- **Allegations against Members**
- **Model Local Resolution Procedure for Community Councils**

25 January, 2016

- **Gifts and Hospitality Register**
- **Declaration of Interests Register**
- **Annual Report of the Adjudication Panel**
- **Allegations against Members**

18 April, 2016

- **Allegations against Members**
- **Self-assessment and Work Programme**
- **Training**

- (b) **That every independent member will observe one of Gwynedd Council's committees or a meeting of a town / community council between now and the end of September and will report back to the next meeting.**
- (c) **To send a list of the 2015/16 Gwynedd Council meetings calendar to the independent members.**

6. ALLEGATIONS AGAINST MEMBERS

Submitted for information –

- (a) The report of the Monitoring Officer on formal complaints made against members and updating the committee on the situation in relation to the direction of the committee that Councillor Christopher O'Neal should receive training from the Monitoring Officer on the Code of Conduct and the Council protocols that applied to councillors' conduct when in breach of the Code.
- (b) Issue 4 of the Code of Conduct Casebook.

Further to the report, the Senior Solicitor noted:-

- 2.1 Case No. 6141/201400682 – That the Ombudsman had now reached the conclusion that there was no evidence that the town councillor had misused his position for Financial gain, and that the Ombudsman had said that it was likely that the councillor had participated in a discussion on a matter where he had a 'prejudicial interest', he had applied the public interest test and had decided that he would not investigate the case.
- 2.2 Case No. 5847/201404989 & 5847/201404990 – That this case had been closed but that the Ombudsman had not confirmed this in writing as yet.

Further to the report, the Monitoring Officer noted:-

- That Councillor O'Neal had asked for a hearing in order to explain why he had not participated in the training.
- That the act gave the Standard committee the powers, should it reach a conclusion that a member had failed to comply with the authority's code of conduct, to make one of three decisions only, namely to take no steps, to censure the member or to suspend him from being a member of that authority for a period of no longer than six months.
- Therefore, there was no statutory power behind the committee's decision that Councillor O'Neal should receive training, and that is was only a recommendation.
- He did not believe that there was a public interest in continuing to attempt to arrange training for the member, neither could he justify the resources or the time it would take to hold another hearing.

RESOLVED

- (a) **To note the report on the formal complaints made against members for information.**
- (b) **To ask the Monitoring Officer to send a letter to Councillor Christopher O'Neal stating the committee's disappointment that he has not taken advantage of the training recommended for him.**

7. WALES STANDARDS CONFERENCE 2015

It was noted that there was an invite for up to three members of the committee to attend the Wales Standards Conference 2015 in Cardiff on 20 October with the Chairman and the Monitoring Officer.

RESOLVED to try to send Councillor Lesley Day, Ms Jacqueline Hughes and Miss Margaret Jones to the conference with the Chairman and the Monitoring officer.

The meeting commenced at 11.00am and concluded at 12.00pm

CHAIR