



# Complete Agenda

Democracy Service  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**STANDARDS COMMITTEE**

Date and Time

**10.30 am, MONDAY, 21ST NOVEMBER, 2022**

Location

**Virtual Meeting - Zoom**

*(for public access to the meeting, please contact us)*

Contact Point

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(DISTRIBUTED 14/11/22)

# **STANDARDS COMMITTEE**

## **Membership**

### **Elected Members (3)**

Councillors

Anne Lloyd-Jones  
Beth Lawton  
Dewi Owen

### **Independent Members (with a vote) (5)**

Aled Jones  
David Wareing  
Einir Young  
Hywel Eifion Jones  
[vacant seat]

### **Community Committee Member (with a vote) (1)**

Richard Parry Hughes

# **A G E N D A**

## **1. APOLOGIES**

To receive any apologies for absence.

## **2. MINUTES**

4 - 10

The Chair shall propose that the minutes of the previous meeting of this committee held on 11th July, 2022 be signed as a true record.

## **3. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

## **4. URGENT ITEMS**

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

## **5. NATIONAL STANDARDS COMMITTEES FORUM**

11 - 13

To submit the report of the Monitoring Officer.

## **6. THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021: PROTOCOL ON THE DUTIES OF POLITICAL LEADERS AND THE STANDARDS COMMITTEE**

14 - 18

To submit the report of the Monitoring Officer.

## **7. THE STANDARDS COMMITTEE'S CONSULTATION WITH A SELECTION OF TOWN AND COMMUNITY COUNCIL CLERKS IN RELATION TO THE ETHICAL STANDARDS FRAMEWORK**

To submit the report of the Monitoring Officer (to follow).

## **8. ALLEGATIONS AGAINST MEMBERS**

19 - 20

To submit the report of the Propriety and Elections Manager.

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## STANDARDS COMMITTEE 11/07/22

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**Present:-**

**Elected Members:** Councillors Anne Lloyd Jones, Beth Lawton and Dewi Owen

**Independent Members:** Mr Aled Jones, Mr Hywel Eifion Jones, Mr Dave Wareing and Dr Einir Young (Chair)

**Community Committee Member:** Mr Richard Parry Hughes

**Also in Attendance:** Sion Huws (Propriety and Elections Manager) and Eirian Roberts (Democracy Services Officer).

**1. ELECTION OF CHAIR**

**RESOLVED to elect Dr Einir Young as chair of this committee.**

The Chair noted that the term of Miss Margaret E. Jones on the committee had ended, and it was agreed that a note would be sent to her to express the committee's appreciation of her work over the years.

Councillors Beth Lawton and Anne Lloyd Jones and the Community Committee Member, Richard Parry Hughes, were welcomed back to the committee, and Councillor Dewi Owen was welcomed as a new elected member on the committee.

**2. ELECTION OF VICE-CHAIR**

**RESOLVED to elect Mr Hywel Eifion Jones as vice-chair of this committee.**

**3. APOLOGIES**

None to note.

**4. DECLARATION OF PERSONAL INTEREST**

None to note.

**5. URGENT ITEMS**

No urgent matters were raised.

**6. MINUTES**

The Chair signed the minutes of the previous meeting of this committee held on 14 February, 2022 as a true record, subject to correcting two references to the Chair as 'he' rather than 'she' in the English version, as noted below:-

*"The Chair noted that the discussion on Richard Penn's Report in the Standards Conference had been of a very high standard, but we, in Gwynedd, had made great strides in understanding the report from our perspective. She added that if any other standards committees had undertaken a similar exercise to the Task Group in Gwynedd, it would be*

*interesting to bring all the work together to see whether there were similar themes that could be discussed further.”*

*“The Chair shared the slides ‘Standards – a view from Gwynedd’ that she had presented at the recent All Wales Standards Conference.”*

## 7. STANDARDS COMMITTEE ANNUAL REPORT

Submitted – the report of the Propriety and Elections Manager attaching a draft of the committee's annual report for 2021/22. The committee's observations and approval of the document were invited.

It was noted that one member had submitted an update to his biography already, and members referred to further updates / corrections, namely:-

- Mr Hywel Eifion Jones - no longer a member of the Betsi Cadwaladr Board, but was now a member of Gwynedd Council's Governance and Audit Committee. He was also the Chair of Adra and a member of the Gwynedd Pension Board.
- Councillor Beth Lawton - no longer the Vice-chair of Gwynedd Council Care Scrutiny Committee, but was now the Chair of the Education and Economy Committee for 2021/22.
- Councillor Anne Lloyd Jones - continued as Treasurer of the local NSPCC branch.

It was suggested that a reference should be included under the heading '*Cases which appeared before the Committee*' to the Ombudsman's positive response to the Committee's decision on the complaint referred to him, noting that the case was one that failed to go to appeal as the Committee had carried out its work so thoroughly, as a result of the support provided by the Department and officers.

**RESOLVED to approve the annual report for submission to the Full Council on 6 October, subject to adding an introduction and foreword by the Chair and Monitoring Officer, a reference to the Ombudsman's response to the Committee's decision and the complaint referred to it, and to make minor changes to the members' biographies.**

## 8. SELF-ASSESSMENT AND WORK PROGRAMME

Submitted – the report of the Monitoring Officer inviting the committee to:-

- undertake a self-assessment of the work and outcomes of the committee during 2020/21; and
- consider a draft work programme for 2022/23.

When conducting the self-assessment, the following points were noted:-

- It would be beneficial to number the functions in the table from now on.
- It should be ensured that the Committee's previous self-assessments are to hand in the future in order to be able to compare, ensure consistency and measure progress.
- Disappointment was expressed that only 5 out of the 69 county councillors were present at the recent training on the Code of Conduct. In response, it was explained that every county councillor had received general training on the Code as a part of the welcome days following the recent elections, and that at least one other detailed session had been arranged. It was intended to hold a similar session with the co-opted member of the Education and Economy Scrutiny Committee as well.

- It was suggested that the proposed Political Groups Leaders Protocol was a way of getting a better order of the situation by placing pressure and responsibility on the Leaders to ensure that their members attend such training.
- It was suggested, in terms of being visible, that the members of the Standards Committee, or at least the Chair/Vice-chair should be present at the start of the training sessions.
- It was suggested that it was misleading to say that only 5 members had attended the recent training on the Code as the training was being recorded and available on the Members' Intranet for everyone to watch in their own time. It was noted that it would be beneficial to know how many people had watched the recording and the Propriety and Elections Manager agreed to make enquiries about that.
- It was asked whether the recording of the training was also available for the members of community and town councils. In response, it was explained that the recording was currently only available on the Gwynedd Members' Intranet, but certainly the Council could arrange access for community and town council members. It was noted that it was important that the recording was available for all, and it was suggested that it would be beneficial to also include the training on the Standard Committee's website. The Propriety and Elections Manager noted that he would look at the best way forward in terms of ensuring that the resource was available.
- With reference to the function of monitoring the implementation of the Code of Conduct (4), the Propriety and Elections Manager explained that the Ombudsman had brought the Code of Conduct Case Book to an end, and now there was a need to go onto the Ombudsman's website to look for information about cases. To that end, there was a need to look at the best way of presenting information to the Committee in the future. Possibly, this could be combined with the regular reports on allegations against members, with the aim of presenting something more meaningful to the Committee.
- In terms of the function of exercising all functions in relation to community councils (9), there was some disagreement amongst members about the assessment, with some in favour of using category 3 on the grounds that steps needed to be taken, and others were in favour of using category 4 on the grounds that the work was not happening. Following a discussion, consensus was obtained in favour of category 3, but to alter the steps further to note that this had to be considered as a priority.
- It was asked, since it was now required for community and town councils to hold their meetings in a hybrid format, would it be possible to record simple guidance to highlight the main points of the Code of Conduct to present to members as an item at the beginning of their meeting, and would be available for members to watch later also. In response, the Propriety and Elections Manager noted that this could be looked into.
- Concern was expressed that small councils could not afford to hold their meetings as hybrid meetings, and it was noted that it was going to take time for this to be established, despite it being mandated by the Government. It was also noted that it was difficult for small councils to afford to pay for a translation service at their meetings.

Then, consideration was given to Appendix 3 of the report, the Monitoring Officer's response to the points set by the Task and Finish Group - the Ethical Standards Framework, and how this fed into the Committee's work programme. The following observations were submitted:-

- With reference to the first action, namely the need to take an overview of the clerks, the Chair noted that there was a need to ensure an appropriate ethical procedure in order to do the work, which set out the exact purpose of the overview, who would be doing the work and under what heading within the Standards

Committee, how the information would be used, how the data would be kept, how we will report the conclusions and by when, and what will happen to the information. It was also noted that the clerks' written consent would be needed for the overview to be undertaken.

- It was noted that the community council clerks were eager to maintain good standards, but their resources were scarce. They were looking for support and answers, and they could be a good agent for the Monitoring Officer in order to raise the standards.
- The Chair noted, although the overview of the clerks had not commenced officially again, that an informal conversation was held with a clerk, and a number of interesting matters had arisen, e.g. the requirement under the Local Government and Elections (Wales) Act 2021, for every community council to create a training plan by 5 November this year. There would be a need to ensure how the training provided by the Monitoring Officer would fit into that and add value, instead of being something additional to what the community councils themselves are trying to create. It was also noted that the Task Group had discussed whether the clerks would wish to have a peer group. However, it was now understood, as a result of the conversation with the clerk, that such a group already existed at a national level, with a Gwynedd branch, but not all community councils had the resources to pay the membership fee.
- Concern was expressed that the Government was placing more and more requirements on community councils but they were not providing additional resources for them or advice on how to carry out those duties, e.g. holding hybrid meetings, online banking, translation, etc. It was also noted that small councils did not have the money to pay for a clerk, but the emphasis was on more training / professional qualification for clerks, etc., made the situation even more difficult. Also, it must be borne in mind that community councillors were volunteers. In response, it was explained that one of the outputs of the overview of clerks would be to highlight the practical difficulties faced by community councils, and there was a need for the Government, when placing additional requirements on councils, to realise that the support for them needed to be restructured.
- It was suggested that clerks should possibly be employed by the county council, but the community and town councils were using them so that a professional team was available. Resolving this was a matter for the Government, but there was a duty on the Standards Committee to highlight that this was a problem.
- It was noted that it would be beneficial to know how many empty seats there were on community councils across Gwynedd. It was suggested that a situation could be reached in the future where community councils would have to be merged as they were too small to maintain their services, and it was noted that this was again a matter for the Welsh Government.
- The Propriety and Elections Manager asked whether the Committee wished to receive feedback from the overview of clerks at their next meeting in November; but it was suggested that this would be too late, since community councils needed to create a training plan by 5 November. It was suggested that it should be aimed to report back by the beginning of September, and reconvene the Task and Finish Group to have a look at the feedback, and possibly submit it to the Full Council in October.
- The Propriety and Elections Manager noted that the purpose of the exercise was to go and speak with some clerks to understand their requirements, whilst accepting that matters would arise that would be beyond / outside the Standards Committee's terms of reference. In response, the Chair noted that standards should be something that overlapped everything that councils did.
- In terms of the Committee's work programme, the Chair noted that there was a need to correct the year on top of the page to 2022/23 and bring forward the item on the Adoption of Political Group Leader Protocol, as the protocol needed to be

developed as soon as possible. In response, the Propriety and Elections Manager explained that the work of developing the protocol would commence as soon as possible, and that the item to the November meeting would be the end, and not the start, of that process.

- The Chair explained that it was intended to ask the clerks about matters including mandatory training, a mandatory professional qualification, the impractical pressure from the direction of the Welsh Government, questions about Unllais Cymru, gaps in practical knowledge and the need for definitive advice about what needs to be done and how to achieve that, what exactly the job description of a clerk entails and whether the job descriptions are consistent between one council and the other. It was also noted that it was understood that there were things that clerks had to do, and that there were optional matters, and there was a wish to see how this was different from place to place. Also, it was intended to ask the clerks about resources for translation and holding hybrid meetings as being unable to hold hybrid meetings would disrupt the ability to share training.
- With reference to the Monitoring Officer's comment that discussions with the community council would be a means, not only to develop services, but also to create a live link to the community and town councils, and that there would be a need to provide a resource, the Chair noted that the resource (i.e. her and the Community Committee Member) was the bare minimum, but that the support resource related to what would happen to the information, where it would be kept, etc. instead of having to need a lot of other support.
- It was asked whether a date had been determined for a discussion with the Leaders of the Political Groups as it was important that the conversation happened soon. The Propriety and Elections Manager noted that he was given to understand that the Monitoring Officer was addressing this and he agreed to pass on the message.

## RESOLVED

- (a) To adopt the following as the committee's self-evaluation of its performance in 2021/22.

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further action
1. Promote and maintain high standards of conduct by members	1.	The Chair and Vice-chair had attended the North Wales Standards Forum to share experiences with other standards committees.  Present the annual report to the Full Council  The Committee had received a report on the Local Government and Elections (Wales) Act 2021	Continue to attend and support
2. Assist the members to adhere to the Code of Conduct	3.	The Monitoring Officer and his team provide advice and guidance at meetings, and on a one-to-one basis for members.	Resume training stages when resources permit
3. Advise the Council with regard to adopting or amending the Code	1.	No occasion has arisen to amend the Code.	



<b>of Conduct</b>			
<b>4. Monitor the implementation of the Code of Conduct</b>	<b>3</b>	<p>Receive regular reports of allegations against members</p> <p>Receive the annual reports of the Ombudsman and the Adjudication Panel for Wales.</p> <p>The Committee resolved to commence the work on the new duty imposed on Political Group Leaders regarding the conduct of their members.</p>	<p>Continue to monitor and consider alternative methods of receiving information.</p> <p>Receive annual reports on the register of interests and hospitality.</p> <p>Following the Election, steps will be taken to work with Group Leaders to establish operational arrangements for the new provision.</p>
<b>5. Advise, train or arrange for members to receive training on matters relating to the Code of Conduct</b>	<b>3.</b>	Induction training was arranged for new members of Gwynedd Council in preparation for the elections.	Need to look at providing new training.
<b>6. Granting dispensations to members</b>	<b>1.</b>	No applications had been considered under the new procedure.	
<b>7. Deal with reports of case tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman</b>	<b>1.</b>	One case referred to the Committee by the Ombudsman was dealt with.	
<b>8. Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation</b>	<b>No action required</b>	No occasion to pay such an allowance had arisen	
<b>9. Exercise the above functions in relation to community councils</b>	<b>3</b>	<p>The Monitoring Officer and his team provide advice and guidance to councils, clerks and members.</p> <p>Adopt a training pilot on the Code of Conduct. A session has been included to pilot the content of the course.</p>	This must be considered as a priority.

(b) Approve the following work programme for 2022/23:-

11 July 2022  
Annual Report

**Allegations against Members  
Local Government and Elections (Wales) Act 2021**

**21 November 2022**

**Register of Gifts and Hospitality  
Declaration of Interests Register  
The Ombudsman's Annual Report  
Allegations against Members  
Adopting a Protocol for Political Group Leaders**

**13 February 2023**

**Adjudication Panel's Annual Report  
Allegations against Members  
Self-assessment and Work Programme  
The Committee's Annual Report**

- (c) **To authorise the Chair and Community Committee Member, in consultation with the Monitoring Officer, to press on with the work with a sample of community and town council clerks to better understand their needs, and ensure an appropriate ethical procedure to do so, and convene a further meeting of the Task and Finish Group - the Ethical Standards Framework, at the beginning of September, to receive feedback from the discussions with the clerks.**

**9. ALLEGATIONS AGAINST MEMBERS**

Submitted – the report of the Propriety and Elections Manager presenting information about the Ombudsman's decisions on formal complaints against members.

With reference to complaint number 202004473, concern was expressed that it had taken so much time for the Ombudsman to come to the opinion that the member had failed to comply with the Code of Conduct, and it was noted that this was completely unfair on the member who had had to face an election with this matter casting a shadow over him. In response, it was noted that his point was often raised, and although the Ombudsman's Office said that they were speeding up the process of carrying out an initial assessment to decide whether the complaint should be investigated or not, the investigation itself could take a great deal of time.

**RESOLVED to note the information.**

The meeting commenced at 10.30am and concluded at 12.00pm.

The meeting commenced at 10.30 am and concluded at 12.00 pm

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**CHAIR**

<b>Committee:</b>	<b>THE STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>21 November 2022</b>
<b>Title:</b>	<b>National Standards Committee Forum</b>
<b>Author:</b>	<b>Iwan Evans Head of Legal Services – Monitoring Officer</b>
<b>Purpose:</b>	<b>To propose arrangements for a National Forum</b>

## RECOMMENDATIONS

- 1 That the draft Terms of Reference, including representation, are agreed.**
- 2 That the proposed arrangements to support the National Forum are approved.**

## BACKGROUND

1. Members will recall that I reported on the Penn Report in November 2021. This was a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour. The Welsh Government's response to the report is awaited. The Penn report commented on the variety of practice across Wales in how Standards Committees discharge their duties. At paragraph 4.4.1 the report says:

“I was struck by the variation in the way that Standards Committees in Wales see their remit and at the role played by the Independent Chairs of Standards Committees. At the one extreme Standards Committees and their Independent Chairs seem to have either been given or have adopted a very limited role, meeting infrequently and only really active when there is a Hearing of a case referred by the Public Services Ombudsman for Wales. At the other extreme there are Standards Committees and Chairs that see their remit much wider than this, and as leading the development and maintenance of the ethical standards framework in that local authority.”

2. Richard Penn, the report author, then went on to comment positively upon the work of the forum for Chairs of Standards Committees in North and Mid Wales. Whilst acknowledging the place for local decision making, he recommends that a National Forum be established along the same lines - see paragraph 4.4.5

“I suggest that there should be an all-Wales Forum ... would encourage consistency of approach and the adoption of best practice across Wales.”

When consulted, all 22 principal Councils, 3 National Park Authorities; and 3 Fire and Rescue Authorities expressed support for a National Forum for the purposes of sharing good practice.

3. The forum will

- a) give chairs the chance to share and agree to co-ordinate practice;
- b) act as a sounding board for ideas;
- c) create a support network for chairs and Committees.

Draft Terms of Reference are attached at Appendix 1 which also include proposals for how the work of the forum will be supported. It will not be a formal joint committee and so will not be able to make decisions on behalf of the constituent Councils or their Standards Committees. Where an idea for common action is proposed it will be as a recommendation or suggestion of best practice and it will be up to the Committee at a local level to adopt the approach or not. There is considerable value in sharing good practice and learning from the experiences of other Committees but, there is also a diversity in the nature of our Councils, areas and resources which have created the picture highlighted in the report.

4. The body will consist of 28 constituent authorities at the outset. A new National Park Authority is planned and there are 4 newly formed Corporate Joint Committees which, in due course will have a Standards Committee, who may also wish to join. If constituent authorities sent any more than one representative, then the meetings would be unwieldy. Therefore, each authority will be allowed a single representative who may nominate a deputy to attend in their absence. Monitoring Officers will send one representative per region (this role will rotate in North Wales in order to reduce the burden on individuals). It is anticipated that the current North and Mid Wales Forum would be subsumed into the new forum.
5. For the time being meetings are likely to be held remotely (which would save travel) but if they were to meet in person a central location would need to be agreed. It is anticipated holding the first meeting in December and the draft agenda will probably include –
  - 1) Explanation of Terms of Reference, role etc;
  - 2) Update on Penn Report;
  - 3) Discussion of what we are each doing to implement the new duty on group leaders and how that will be reported as part of the SC annual report.

The secretariat support for the Forum is being provided by WLGA which will minimise impact on council resources. Further the working arrangements for the Forum have been designed to fit into existing structures such as meetings of LLG and so will need little extra resource.

## **National Standards Committee Forum** **Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal councils
- 2) 3 fire and rescue authorities
- 3) 3 national park authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work plan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session  
Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*

# Agenda Item 6

<b>CYFARFOD</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>21 November 2022</b>
<b>TITLE</b>	<b>The Local Government And Elections (Wales) Act 2021 (“The Act”) Protocol on the Duties of Political Leaders and the Standards Committee (“The Protocol”)</b>
<b>AUTHOR</b>	<b>Iwan Evans – Monitoring Officer</b>

## 1. Background

The Act places two main duties on Political Group Leaders (“Leaders”) in relation to the conduct standards of group Members through Section 62. The duties are:

- To take reasonable steps to promote and maintain high standards of conduct by members of their group.
- Co-operate with the Standards Committee as it exercises its functions.

In addition, the functions of the Standards Committee are extended to include:

- Monitor Leaders’ compliance with the duty.
- Advise, train or arrange to train Leaders on duty.

The Standards Committee decided to recommend the establishment of a protocol for implementing, co-operating and monitoring the implementation of the duty and that in discussion with leaders and deputy leaders of the Council’s current groups.

[Item 8 - Local Government and Elections Wales Act 2021 - Changes to the Ethical Framework.pdf \(llyw.cymru\)](#)

The new duty has now come into force since May 2022 which places a positive duty on Leaders to take steps to promote and maintain conduct. This will mean co-operation between the Standards Committee and the Leaders. This can be a positive step to support members’ standards of conduct and to resolve issues early.

The Standards Committee asked the Monitoring Officer to create the protocol which has now been done together with the Leaders (Appendix 1)

## 2. The Protocol

The Protocol presents actions to be taken in order to maintain this duty which reflects the statutory guidelines- Welsh Government ‘*Consultation on the Local Government and Elections (Wales) Act 2021: Statutory Guidelines on Standards of Conduct*’.

The protocol sets out the current arrangements and what is being built on that. It includes three elements which are Training, Promotion of Good Conduct and Co-operation.

One of the Leaders' main roles will be to support and promote internal or informal solution arrangements to maintain members' standards of behaviour. At the same time, the Leaders will have to set a good example themselves.

It is important to note that one of the aims of the protocol is to prevent inappropriate behaviour before breaching the Code of Conduct.

The Standards Committee's annual report must include an assessment to the extent of which Leaders have complied with their duties.

### **3. Discussion**

As part of the process of developing a Protocol, a discussion was held with the Chair and Vice chair of the Committee, the Monitoring Officer and the leaders of the current Political groups, Councillor Dyfrig Siencyn Plaid Cymru, Councillor Angela Russell Independent, and Councillor Stephen Churchman Liberal Democrats and Labour to develop the Protocol. As a result, more active steps have been put in when looking at the comments. In addition, the Protocol has been discussed in the Business Group for further consideration by the Leaders. The protocol reflects the outcome of these discussions.

### **4. Recommendation**

- 1. Approve the Protocol on the Duties of Leaders of Political Groups and the Standards Committee to be signed by the Chairman of the Committee and the Leaders of Political Groups.**
- 2. To receive a further report on the implementation of the Protocol to the Standards Committee meeting in June.**



## CYNGOR GWYNEDD

### PROTOCOL FOR POLITICAL GROUP LEADERS AND THE STANDARDS COMMITTEE

"The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members, as these underpin public confidence in democratic governance. For any organisation to be effective it must respect diversity and treat everyone with respect. In order to maintain high standards of conduct, local members and all elected members should accept responsibility for their actions, as individuals and collectively."

~Welsh Government, '*Consultation on the Local Government and Elections (Wales) Act 2021*'

#### General

- Gwynedd Council has adopted: Principles of Conduct, Code of Conduct for Members and Co-opted Members and the Gwynedd Standard in order to establish an ethical framework within the Council.
- The Council has adopted an Internal Resolution Procedure to deal with internal concerns and complaints in relation to the conduct of elected members.
- This system is underpinned by the Monitoring Officer and the Team with executive responsibility for its administration and the promotion of high standards of conduct through the provision of advice and guidance on the interpretation and administration of the system. They also act as a link with the Council's senior management.
- This system forms part of the Ethical Framework for Local Authorities that is led by the Public Services Ombudsman for Wales and which supports the Ethical Framework.
- The Council has a Standards Committee, which has the following duties under the Local Government Act 2000: Promote and maintain high standards of conduct, and advise the authority on observing the code of conduct, monitor the implementation of the code of conduct, provide advice or arrange training on the code of conduct.
- 
- Building on the current arrangements, a new duty has been introduced by the Local Government and Elections (Wales) Act 2021. A new duty has been placed upon the Leaders of Political Groups ("Leaders") in Principal Councils to 'promote and maintain high standards of conduct of their members', while at the same time setting a good example themselves.
- Leaders must co-operate with the Council's Standards Committee and ensure that all group members also co-operate in the same manner.
- Leaders will report on compliance with their duty to the Standards Committee in the form of a report, one annual report and one interim report. Leaders should keep a record of any activities to accompany SC report.
- The specific functions of the Standards Committee extend to include the monitoring of Leaders' compliance with the new duty outlined above. The Standards Committee must also provide advice or provide or arrange training to Leaders on the new duty.
- The Standards Committee must submit an annual report to the authority, to include a report on how the Leaders comply with the new duty, and what advice or training has been provided.



Statutory Guidance	Actions
<p><b>Training</b></p> <ul style="list-style-type: none"> <li>• Demonstrate personal commitment to and attend relevant development or training around equalities and standards.</li> <li>• Encourage group members to attend relevant development or training opportunities around equalities and standards.</li> <li>• Ensure that nominees to a committee have received the recommended training for that committee.</li> </ul>	<p>Attend relevant training. Ask the Monitoring Officer for guidance and support.</p> <p>Work with the MO to arrange that all Group members have attended Code of Conduct training at the beginning of the term and encourage them to attend further opportunities.</p> <p>Arrange to promote information about training within the groups. Some, such as Planning and Licensing are mandatory, but others, such as scrutiny, are optional.</p> <p>Promote courses that support the ethical framework e.g. equality, social media use, constitution.</p>
<p><b>Promotion of Good Conduct</b></p> <ul style="list-style-type: none"> <li>• Promote civility and respect within group communications and meetings and in formal Council meetings. Prevent the escalation of the complaint.</li> <li>• Promoting informal resolution procedures in the council; and work with the standards committee and Monitoring Officers to achieve local resolution.</li> <li>• Promote a culture within the Group which supports high standards of conduct and integrity.</li> </ul>	<p>Be willing to have a quiet word with members through early informal conversations, and ask members to consider apologising or delete messages where appropriate.</p> <p>Ensure that members take part in such arrangements and support the process. Contribute towards the development and reviewing of arrangements. Monitoring Officer to include Leaders in discussions regarding procedures and their review with the Standards Committee.</p> <p>Have a standing item at Group meetings around the ethical framework, issues. Have a conversation with MO about questions, complaints, outcomes or any issue that arises.</p>
<p><b>Co-Operation</b></p> <ul style="list-style-type: none"> <li>• Attend a meeting of the Council's Standards Committee if requested to do so, in order to discuss Code of Conduct issues.</li> </ul>	<p>Ask for any recommendations and training requirements from the committee.</p>

<ul style="list-style-type: none"> <li>• Work to implement any recommendations from the Standards Committee about improving standards.</li> <li>• Work together with other group leaders, within reason, to collectively support high standards of conduct within the council?</li> </ul>	<p>Establish an arrangement of holding informal meetings with the other Group Leaders Chair and Vice-chair of the Standards Committee and Monitoring Officer every six months.</p>
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*\* In relation to Ombudsman complaints, Leaders will be informed about the existence of the complaint by the Monitoring Officer in accordance with arrangements approved by the Ombudsman.*

DRAFT

<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>21 November 2022</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Siôn Huws, Propriety and Elections Manager</b>
<b>Purpose:</b>	<b>For information</b>

## 1. Background

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

## 2. Decisions

We have received the following decisions from the Ombudsman since the last report.

<b>Complaint</b>	<b>Decision</b>
<p><b>Complaint No. 202005528</b></p> <p><b>Complaint that a town councillor had breached the Code:</b></p> <p>1. That the member may have committed electoral fraud as she had bragged about registering her son on the electoral roll when he was also registered in another area.</p> <p>2. That the member was undignified in sitting on the polling station steps blocking people from entering without having to try and get past her.</p> <p>3. That the member had used her Facebook page to mount a hate campaign against the complainant.</p>	<p><b>No investigation:</b></p> <p>1. The Complainant had not provided sufficient evidence to substantiate his complaint. Concerns about electoral fraud would be a matter for the Police to consider.</p> <p>2. The alleged breach of the Code was not sufficiently serious to warrant investigation in the public interest.</p> <p>3. The complainant had not provided evidence of the Facebook comments to which he referred and therefore had not provided sufficient evidence to substantiate his complaint.</p>

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### 3. Analysis of the Complaints

Below is an analysis of this year's complaints (2022/23) where a decision has been received:

<b>Member who is subject of the complaint</b>	
Member of community council	2
Member of Gwynedd Council	1
Member of Gwynedd Council and community council	
<b>Nature of the complainant</b>	
Councillor	1
Member of the public	1
Officer	1
<b>Nature of the allegation</b>	
General conduct	3
Declaration of Interest	
Conduct & Declaration of Interest	
<b>Outcome</b>	
No Investigation	1
Investigation – No evidence of breaching the Code of Conduct	1
Investigation - No further steps required	
Investigation discontinued	1
Investigation – Referral to Standards Committee	1
Investigation – Referral to Adjudication Panel for Wales	

### 4. Open Cases

4.1 The situation in relation to other cases is as follows:

- **Ombudsman considering whether to investigate** 0
- **Ombudsman investigating** 2
- **Referred to Standards Committee** 1
- **Referred to Adjudication Panel for Wales** 0

### 5. Recommendation

5.1 The Committee is asked to note the information.