



Complete Agenda

Democracy Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

10.30 am, MONDAY, 17TH JUNE, 2024

Location

Virtual Meeting

(For public access to the meeting, please contact us)

Contact Point

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(DISTRIBUTED 07/06/24)

STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Anne Lloyd-Jones
Beth Lawton
Dewi Owen

Independent Members (with a vote) (5)

Aled Jones
David Wareing
Hywel Eifion Jones
Mark Jones
(Empty 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. DECLARATION OF PERSONAL INTEREST

To receive any declarations of personal interest.

3. URGENT ITEMS

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

4. MINUTES

4 - 6

The Chair shall propose that the minutes of the previous meeting of this committee held on 19th February, 2024 be signed as a true record.

5. SELF-ASSESSMENT AND WORK PROGRAMME

7 - 11

To submit the report of the Monitoring Officer.

6. THE STANDARDS COMMITTEE'S ANNUAL REPORT 2023-24

12 - 36

To submit the report of the Propriety and Elections Manager.

7. ALLEGATIONS AGAINST MEMBERS

37 - 38

To submit the report of the Propriety and Elections Manager.

STANDARDS COMMITTEE, 19/02/24

Present:-

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

Independent Members: Mr Aled Jones, Mr Hywel Eifion Jones (Chair), Mr Mark Jones and Mr Dave Wareing.

Community Committee Member: Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Sion Huws (Propriety and Elections Manager) and Eirian Roberts (Democracy Services Officer).

1. APOLOGIES

None to note.

2. DECLARATION OF PERSONAL INTEREST

Referring to item 7, the Chair, Mr Hywel Eifion Jones, noted that he was a lay member for the Adjudication Panel for Wales.

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous meetings of this committee held on 6 November, 2023 and 10 January, 2024 (Special Meeting) as a true record.

5. DUTIES OF THE POLITICAL GROUP LEADERS AND THE STANDARDS COMMITTEE

Submitted – the report of the Monitoring Officer inviting the committee to approve the criteria for monitoring and reporting compliance with the duty on Political Group Leaders in relation to conduct standards of Group Members.

The Monitoring Officer noted:-

- That the recommendation to the committee was based on suggestions that were developed by the Welsh Monitoring Officers as possible indicators for quantifying and measuring the duty.
- That the recommendation would allow the committee to receive a meaningful report at the end of the year regarding how the duty had worked, and also allowed him, as Monitoring Officer, to report to the committee in a context where everyone understood what the expectations were, etc.
- The recognition that the duty was not one that attributed itself to data or statistics easily, and it was more to do with culture and evaluating views.
- That the criteria included 8 matters that could be put forward as a starting point to report against them in terms of how the Leaders have worked together in a practical way and to promote the duty.

- That it was recommended not to include the following options in the criteria for the reasons noted:-
 - *The Leaders of the Groups to ensure, where there was a policy decision by the Council, that members of the Group adhered to them.* - it was believed that this matter entered challenging grounds in terms of members' right of expression and members' right to disagree.
 - *The Group Leaders to ensure that incorrect information was not handed out in the public realm to avoid harming the Council's reputation.* – it was considered that this was open to interpretation and matters such as bringing a Council into disrepute under the Code would be more relevant.
 - *The Group Leaders to ensure that DBS checks took place appropriately-* it was believed that this matter, attributed itself to specific circumstances in some councils, rather than in Gwynedd.
- To arrange useful and constructive discussions with the Group Leaders individually during January regarding matters arising and to agree on a direction, etc.
- That the collaboration appeared to be a constructive process, that would hopefully contribute towards maintaining behaviour standards in the Council, and perhaps a medium to discuss matters before they developed.
- That the Code of Conduct course was the same challenge for members and there had been less interest than expected in the course to be held on 21 February. It was intended to run the campaign again during April and it would also be an opportunity to have a discussion with the Leaders and to encourage attendance on the courses.

RESOLVED to approve the criteria for monitoring and reporting compliance with the duty on Political Groups' Leaders in relation with Group Members' behaviour standards (Appendix 1 of the report that was presented to the Committee), together with the reporting form template (Appendix 2).

In response to a question, it was confirmed that the Leaders of the Political Groups would receive a copy of the reporting form following this meeting.

6. ALLEGATIONS AGAINST MEMBERS

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

On a point of clarity, the Propriety and Elections Manager noted that the Welsh version of the last sentence of the summary to the second complaint (Appendix 2 of the report) should read '*Dewisodd yr aelod gyfeirio'r mater at yr Ombwdsmon i'w ystyried yn hytrach na mynd drwy Drefn Datrys Lleol y Cyngor*'.

The Monitoring Officer noted that the second complaint highlighted how difficult it was to remove the boundary between free speech and saying something that could be offensive to some people, and he was glad of the Ombudsman's support to the local resolution procedure in his observations on the case.

It was enquired whether the Ombudsman, possibly, suggested that there was a lack of trust in the local resolution procedure, and was it possible to be confident that the procedure was robust and efficient. In response, the Monitoring Officer noted:-

- That the procedure was in place and adaptations had been made to it by now and a discussion had also been held with the Leaders of the Political Groups.

- That it was natural, whilst going into a procedure like this, that questions arose, but the members were encouraged to have a conversation with him first regarding the steps that were put in place to ensure that the process was fair and appropriate.

RESOLVED to note the information.

7. ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2022-23

Submitted – the report of the Monitoring Officer appending a copy of the 2022-23 Annual Report of the Adjudication Panel for Wales for the attention of the committee.

The Monitoring Officer noted that the APW/008/2021-022/CT case on page 34 of the programme was noticeably crossing the boundary in terms of rights of expression, and underlined, that although members could judge concepts or disagree with someone's opinion, that making declarations that were factually incorrect, etc., meant that the protection quickly disappeared.

It was noticed that the summary of the APW/009/2021-022/CT case, also on page 34 of the programme, noted that it appeared, at the time of writing the report, that the Council in question did not comply with the recommendations within the required timescale, and it was asked what the result of that would be. In response, the Monitoring Officer noted:-

- That the report recommended that all present councillors of the Council in question should attend Code of Conduct training, etc., but that there was currently no specific power to force such matters on an entire council. However, if another case arose in the same council, the Ombudsman would take notice of the fact that training was not provided etc.,
- That one of the discussions as a result to the Penn review concerned expanding power, for example, Standards Committee, to demand that specific steps, such as attending training, would take place.
- In terms of the case in question, if the problem continued and that there were further findings, the matter may ultimately be referred to the auditors if the council's culture reached that level.

RESOLVED to note the report for information.

At the end of the meeting, the Chair noted that he attended the Standards Committees National Forum meetings and he had asked the Monitoring Officer to circulate the minutes of the previous meeting to committee members for information once they were available.

The Monitoring Officer noted that he gave a presentation to the Forum on his role as the Monitoring Officer of the North Wales Corporate Joint Committee, and that he could possibly give the same presentation to this committee.

The meeting commenced at 10.30am and concluded at 10:50am.

CHAIR

Agenda Item 5

MEEETING	Standards Committee
DATE	17 June 2024
TITLE	Self Assessment and Work Programme
AUTHOR	Monitoring Officer.

1. There are two aims in this report namely undertake a assessment of the work and outcomes of the Committee for 2023-24 and consider a draft work programme for 2024-25
2. The terms of reference of the Standards Committee has been established through statute in the Councils Constitution and it is timely that that the Committee perhaps considers them anew at the beginning of a new term so as to prepare a work plan for the year..
 - (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;
 - (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
 - (f) Exercise the relevant above functions in relation to community councils

and these specific functions—
 - (g) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1) Local Government Act 2000;
 - (h) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.
3. 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 – That the Committee has made significant progress in achieving the function or in the case of specific tasks that the need to act has not arisen.

Category 2 – That the Committee has substantially implemented the function.

Category 3 – That the Committee has acted in the function but there is a need to give further attention.

Category 4 – There is no evidence that the Committee has actioned the function and there is a basis for concluding that the area needs attention.

4. 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.
5. 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.

Appendices

In Appendix 1 there is a draft self assessment for the committees consideration

In Appendix 2 a draft work programme for 2024-25

RECOMMENDATION

The Committee is asked to undertake a self assessment of its performance in 2023-24 and approve the work programme for 2024-25

APPENDIX 1

SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2023 -24

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		<p>The Chair and Vice Chair have the Welsh Standards Forum to share experiences with other standards committees.</p> <p>Submit an annual report to the Full Council</p>	Continue to attend and support
Assist the members to keep to the Code of Conduct		The Monitoring Officer and his team provide advice and guidance in meetings and on a one to one basis.	Resume training when resources allow
Advise the Council regarding adopting or amending the Code of Conduct		<p>There were no instances where a need to amend the code arose.</p> <p>But, the Internal Resolution Protocol e was reviewed to support the duty of Political Group Leaders under 52A(1) of the Local Government Act 2000;</p>	
Monitor the operation of the Code of Conduct		<p>Receive regular reports on allegations against members</p> <p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p>	<p>Continue to monitor.</p> <p>Receive annual reports on the declaration of interests register.</p>

Advise, train or arrange training for members on matters relating to the Code of Conduct		Full Code of Conduct training has been arranged for members with the first session taking place during February and the second in April	Consider new training for Council Members.
Grant dispensations to members		Two requests for dispensation were considered and approved by the Committee in February 2024	
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman		1 hearing was held during the year regarding Gwynedd Council Member The procedure for hearings was also reviewed to strengthen communication.	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation		No occasion has arisen	
Monitoring compliance by leaders of political groups on the council with their duties under section 52A(1) Local Government Act 2000; Advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.		A joint session was held with Group Leaders and members of the Standards Committee to consider the duty Duty reporting criteria and order were adopted. The Monitoring Officer has met with the Group Leaders individually to discuss Code of Conduct issues	The arrangements will be undertaken in accordance with the statutory guidance.
Exercise the relevant above functions in relation to community councils		The Monitoring Officer and his team provide advice and guidance to councils, members and clerks. However, it is recognised that providing for an activity such as training has been challenging and this area needs attention	Pilot course held with Tywyn Town Council with positive feedback.

		and a conclusion as to a way forward	
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ATODIAD 2/ APPENDIX 2

<p>Gwaith Pwyllgor Safonau 2024/2025</p>	<p>Standards Committee Work –2024/25</p>
<p>17 Mehefin 2024</p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Hunan Asesiad a Rhaglen Waith</p>	<p>17 June 2024</p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Self-Assessment and Work Programme</p>
<p>4Tachwedd 2024</p> <p>Cofrestr Rhoddion a Lletygarwch</p> <p>Cofrestr Datgan Buddiant</p> <p>Adroddiad Blynyddol yr Ombwdsman</p> <p>Honiadau yn erbyn Aelodau</p> <p>Adolygu gweithrediad Protocol Arweinyddion Grwpiau Gwleidyddol</p> <p>Adolygu trefniadau datrysiad Mewnol</p> <p>Derbyn adroddiad o Fforwm Safonau Cymru</p>	<p>4 November 2024</p> <p>Gifts and Hospitality Register</p> <p>Declaration of Interest Registers</p> <p>Ombudsman’s Annual Report</p> <p>Allegations Against Members</p> <p>Review the operation of the Group Leaders Protocol</p> <p>Review of Internal resolution arrangements</p> <p>Receive report from the Wales Standards Forum</p>
<p>Chwefror 2025</p> <p>Adroddiad Blynyddol y Panel Dyfarnu</p> <p>Honiadau yn erbyn aelodau</p> <p>Hunan Asesiad a Rhaglen Waith</p> <p>.</p>	<p>February 2025</p> <p>Annual Report of Adjudication Panel</p> <p>Allegations against members</p> <p>Self-Assessment and Work Programme</p>

Committee	Standards Committee
Date :	17 June 2024
Title	The Standards Committee's Annual Report 2023-24
Author	Propriety and Elections Manager
Action :	Suggestions and approval

Background

1. The Standards Committee publishes an annual report to be presented to a meeting of the full Council. The Committee decided to do this as a means of raising the Committee's profile and of promoting its work.

2. The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e. the 12 month period ending on 31 March).

3. The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales
- Actions taken by the committee after it has considered such reports and recommendations;
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

4. The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

5. A draft Annual Report for the financial year 2023/24 is attached for the attention of the Committee.

Recommendations

6. To approve the Committee's Annual Report.

**ANNUAL REPORT
OF THE GWYNEDD
COUNCIL STANDARDS
COMMITTEE**

2023 - 2024
(Draft)

FOREWORD BY THE CHAIR

[to follow]

Hywel Eifion Jones
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

[to follow]

Iwan Evans
Monitoring Officer
Gwynedd Council

INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does this in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensation to allow them to participate in discussions despite them having a prejudicial interest under the Code.
- Considering matters referred to it under the Gwynedd Council local complaints resolution procedure.
- Overseeing the Gwynedd Council Members' Gifts and Hospitality Policy.

The Annual Report

The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e., the 12 month period ending on 31 March).

The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act?
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales

- Actions taken by the committee after it has considered such reports and recommendations.
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

COMMITTEE MEMBERS

Though the Standards Committee is a Gwynedd Council committee, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

Independent Members

David Wareing (member since 2015)

David moved from Lancashire to Groeslon in 2014 following his retirement from the Merseyside Police. He served for 26 years in a variety of roles, more recently within the Operations Department in the Police Headquarters. In this role, he planned for large public events, public safety during Police operations and reducing police assistance for external agencies through increased partnership working. He specialised in risk assessment and securing compliance with health and safety legislation. David represented the Merseyside Police on each of the five Safety Advisory Groups within that area. He strongly believes that the actions of those in public roles must be transparent and accountable.

Aled Jones (member since 2016)

Aled is originally from Lampeter in Ceredigion. He read Welsh and Geography at Aberystwyth University. After graduating in 1999, he moved to Caernarfon to work with Cymen (Welsh translation company) and became a joint owner of the company in 2007. He now employs a team of almost 30 employees and over 20 freelance translators. He lives in Bangor with Tegwen and their children, Cai and Beca. He recently completed a post-graduate qualification in Leadership and Management ILM Level 5. The programmes create an environment where leaders are stimulated to exceed their potential, drive innovation, embed learning and to continue their development. His work as an interpreter has also given him a unique insight to the workings of government from the European Union to local community councils, and is therefore in a privileged position to observe best practice in terms of conduct and standards.

Hywel Eifion Jones (member since 2019)

Born and educated in Dyffryn Clwyd, Eifion was a senior manager with Barclays Bank and served for 34 years in a number of branches across North and Mid Wales. He has undertaken many public services roles including a County Councillor with Isle of Anglesey County Council and a member of the North Wales Police Authority.

Currently, he is a Magistrate on the North West Wales bench and is a member of the Gwynedd Pensions Board, Gwynedd Council's Governance and Audit Committee and is the Chair of Adra . He is also a member of the Adjudication Panel for Wales which determines allegations of County and Community elected members breaching the code of conduct.

Mark Jones (member since December 2022)

Mark lives in Bangor and is a former police officer with 30 years experience in a variety of roles, including as Head of Professional Standards for North Wales Police. He served as a Community Governor and Vice Chair at Ysgol Glanadda for 20 years. He is also a former Chair of Adra, where he continues to serve as a Board member

Community Committee Member

Councillor Richard Parry Hughes (member since 2017)

Richard was brought up on a farm in Llanaelhaearn and attended Pwllheli Grammar School, Glynllifon Agriculture College and Seale Hayne College (Plymouth University). He has a post-graduate degree in Farm Management. He worked for a veterinary partnership in Chwilog for three years and as a part-time lecturer in Coleg Glynllifon before purchasing Penfras Uchaf farm in Llwyndyrys where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. The former leader of Gwynedd Council, he continues to farm. He has extensive experience of committees and has held roles such as the chairman of the Wales Federation of Young Farmers' Clubs before being elected as member of public bodies. He was a member of Gwynedd County Council from 1992 to 1996 and a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was also a spokesperson for the Wales Local Government Association on the Environment and Planning during this time. He is a keen member of Cwmni Drama Llwyndyrys and supports many other local organisations such as Antur Aelhaearn and Friends of Carnguwch Church. He volunteers as a case worker for the Farm Community Network. He has been a member of Llannor Community Council since 1992.

Gwynedd Council Members

Councillor Beth Lawton (member since 2017)

Beth lives in Brynchrug and is the owner of a local factory. She is a County Councillor for the Dro Dysynni area which includes the villages of Brynchrug, Abergynolwyn and Llanegryn. She is also a Community Councillor and the chair of the Ysgol Craig y Deryn Governing Body. She is active on several committees in the community

including Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal Committee and many others. She is a member of Merched y Wawr and leads at Abergynolwyn Eisteddfod. She is a member of Cyngor Gwynedd's Care and Housing Scrutiny Committee and Education and Economy Scrutiny Committee and has been Chair of both committees since becoming a member. She is also a director and Chair of the Byw'n Iach Leisure Company.

Councillor Anne Lloyd Jones (member since 2017)

Anne lives and runs a farm tourism business in Tywyn, and she has represented Tywyn on Gwynedd Council since 1995 and was previously a member of the Meirionnydd District Council for eight years. She was first elected member of Tywyn Town Council in 1985 and she was the first Mayoress in 1991, and again in 2004, and she was also Chair of Gwynedd Council in 2009. She is a former chair of the Gwynedd Council Planning Committee and one of the original members of the Cartrefi Cymunedol Gwynedd Management Board. She was a member of the Meirionnydd Community Health Council and is currently Chair of the Tywyn and District Hospital Appeal Fund. She is also the Treasurer of the local NSPCC branch since 1989.

She is a member and a former chair of Ysgol Penybryn Governing Body and is also a member of the Governing Body of Ysgol Uwchradd Tywyn. Anne was the Chair of Mid Wales Tourism between 2001 and 2016, a founding member and former president and treasurer for the Tywyn Inner Wheel Club.

Anne is married to John and they have three daughters and twin granddaughters.

Councillor Dewi Owen (member since 2022)

Dewi farms in Aberdyfi, and has been a County Councillor for Aberdyfi and Pennal for fifteen years, and on Aberdyfi Community Council for twenty-five years. He was elected Chair of Gwynedd Council in 2014. Dewi has been Chair of several scrutiny committees, and is currently Chair of the Democracy Services Committee on Cyngor Gwynedd, and has joined the Standards Committee since 2022.

Dewi is Chair of Governors of Ysgol Uwchradd Tywyn, and a member of several local committees, such as the Meirion County Show, the Farmers' Union of Wales and 'Aberdyfi Advertising & Improvements Committee.

The Monitoring Officer

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work. The Monitoring Officer has a statutory role to ensure that the Council, its members and its officers act appropriately and lawfully.

Contact Details

- Iwan Evans, Head of Legal Services and Monitoring Officer.
E-mail: IwanGDEvans@gwynedd.llyw.cymru Tel: (01286) 679015
- Sion Huws, Propriety and Elections Manager and Deputy Monitoring Officer.
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE’S WORK DURING 2022 - 2023

The Committee’s work over the year has included the following (the Committee’s full work programme can be seen in **Appendix 1**):

Cases which appeared before the Standards Committee

The Committee considered one complaint of a breach of the Code of Conduct during the year. A complaint against Councillor Louise Hughes, Gwynedd Council was referred to the Committee for a decision by the Ombudsman. In a hearing on 18/04/23 the Committee decided that the member had breached the Code of Conduct and should be suspended for a period of 1 month.

Other complaints

The Committee is also notified of the Ombudsman's decisions on complaints that were not referred to the Committee for a decision, and a summary of these is provided in **Appendix 2**.

Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a ‘prejudicial interest’. However, a member has the right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered two applications for dispensations at its meeting on 10/01/24. Councillors Dawn Jones and Gwynfor Owen, Gwynedd Council were granted dispensation to represent the Education and Economy Scrutiny Committee Task and Finish Group, set up by the Care Scrutiny Committee, to discuss the Gwynedd Autism Plan, provided they were not appointed a chair of the Task Group.

The National Standards Committees Forum for Wales

The National Forum of Welsh Standards Committees has now been established, in order to share good practice co-ordinate events and create a support network for committee chairs. The meetings are attended by the chairs of all Welsh standards committees along with representation from the authorities’ Monitoring Officers to provide professional advice. The secretariat is provided by the Welsh Local Government Association.

Support for Community, Town and City Council Members

There are 3 elements of support that can be offered to members and clerks of community councils on matters relating to the Code of Conduct:

1. Advice on specific issues –by contacting the Monitoring Officer or the Deputy Monitoring Officer.
2. Gwynedd Council website - Standards Committee includes information and guidelines as well as links to other useful websites.
3. Training – the intention is to hold a virtual training session in the form of a webinar. This would create a resource that members could watch when it suits them rather than having to rely on sessions held in specific places and times.

The Duty of Political Group Leaders

[to follow]

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2022-2023

18 April 2023

Hearing to consider and decide on a complaint referred to the Committee by the Public Service Ombudsman

26 June 2023

- Approving responses to the Welsh Government's Consultation on the Review of the Ethical Standards Framework for Wales
- Self Assessment of the Committee's work during 2022/23
- Approved the Work Programme for 2023/24
- Approved the Standards Committee's Annual report 2022/23
- Received the regular report of allegations against members

6 November 2023

- Agreeing changes to the authority's local Resolution Procedure
- Approval of amendments to the Standards Committee's Hearing Procedure
- Received a report on the Register of Gifts and Hospitality
- Considered the Ombudsman's Annual Report 2022/23
- Received the regular report of allegations against members

10 January 2024

- Determined two applications for dispensations from members of Gwynedd Council

19 February 2024

- Approved criteria for monitoring and reporting on compliance with the duty of Political Group Leaders in relation to the standards of conduct of members, together with a reporting form template
- Received regular report of allegations against members
- Considered the Annual Report of the Adjudication Panel for Wales 2022/23

The Committee was notified of the following decisions made by the Ombudsman on allegations of breaching the code of conduct made against Gwynedd county councillors and town and community councillors:

Case Number: 202201791

It was alleged that a Town Councillor failed to declare a personal and prejudicial interest in business being considered by the Council. The Complainant said that Councillor Thomas had an interest in the Council's decision not to support a request by local residents, to oppose a Land Registry application made by another member of the Council. It was alleged that the Councillor had an interest in the Council's decision because he was friends with the member, and he had since supported the member's application to the Land Registry.

The Ombudsman found that the member's actions suggested a breach of the Code and that he had failed to declare a personal and prejudicial interest and that he had made comments at council meetings when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that these events had, or were likely to have, an effect on the Council's reputation as a whole, as it was not clear whether the Member's input would have affected the Council's decision and it was a limited decision that only affected a small group of people in the area. The Ombudsman was also not persuaded that the Member had used his position inappropriately or in a way that suggested a breach of the Code because, if he had declared a personal and prejudicial interest, he would not have been prevented from writing the statement if he wished to do so in his personal capacity and the fact that he was a member of the Council did not give him an advantage in that situation.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the mitigation provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of his obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202201793

The Ombudsman received a complaint that a Member a Town Council ("the Council") had breached the Code of Conduct ("the Code") by failing to declare a personal and biased interest when the Council made the decisions relating with the Land Registry request made by the Member.

The Ombudsman found that the Member's actions suggested a breach of the Code. The Member had failed to declare a personal and prejudicial interest and had made comments when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that this incident had, or was likely to have, an effect on the reputation of the Council as a whole, because it was a limited decision affecting a small group of people in the area only. The Ombudsman was also not persuaded that the Member had used his position inappropriately because if he had declared a personal and biased interest, he could have submitted his written comments, in his private capacity, in the manner the parties had others.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the relief provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of 'to obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202302062

It was alleged that a community councillor approached the Complainant when she was drunk and questioned her about why she was late for Council meetings and "other personal matters".

No evidence was provided to prove the complaint, and the Ombudsman will not investigate unless there is fairly strong evidence to suggest that the member in question has breached the Code.

Everyone has a right to freedom of opinion under Article 101 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. In my view, it can reasonably be said that the comments complained of applies to freedom of speech. It was claimed that the comments were made when the Councillor was drunk and at an inappropriate time/place. Although I fully appreciate that the Complainant may feel personally offended by the Councillor's approach and comments, I do not consider that, on the evidence provided, they are offensive or intimidating enough to amount to disrespectful behaviour towards him (within the meaning of the Code) or in breach of the Code.

Outcome: The complaint should not be investigated.

Case Number: 202303249

It was alleged that the Councillor said untrue things at a council meeting and failed to deal properly with a concern about money collected by a local group for car parking on the day of a local event. The complainant considers the money collected for parking was rightly council money.

the concern about the Council having not collected parking fees is a matter for the Council as a whole, rather than for any individual Councillor (even if the Councillor was the chair of the Finance Committee at the time as alleged). The complainant is entitled to raise through the Council's complaints process. This is not a matter concerning an individual Councillor's ethical behaviour which could lead to a breach of the Code of Conduct for Members. No evidence has been provided to suggest that the Councillor may have breached any provisions of the Code of Conduct for Members.

Outcome: The complaint should not be investigated.

Case Numbers: 202303259 & 202303399

The behaviour of a county councillor in his role as clerk to a community council.

There was no evidence to suggest that the Code was relevant when the councillor was acting as a clerk or that there was any link with her role as a county councillor.

Outcome: The complaint should not be investigated.

Case Number: 202304751

It is alleged that the Member failed to declare an interest as his partner works for a Community Association which was in favour of using local land for a scheme which is opposed by a Residents' Committee. It is also alleged that the Member was not impartial and that responses from the Member were sub-standard and disrespectful.

The Member is a County Councillor who can attend Community Council meetings as part of this role but is not a member of the Community Council. No evidence was provided to show that the Member had taken part in any business in the Community Council where he might have expected to declare an interest or ensure, in doing so, that he remained impartial when taking part or contributing to any decisions made.

While it is appreciated that the Complainant may not agree with the views expressed, there is nothing to show that the member's response was substandard or disrespectful and, in some instances, it would seem he is acting as a go-between sharing correspondence from those in opposition to the scheme and those in favour. Although he does express that he himself is in favour in one email, any agreement or disagreement with the Member's political views is a matter for the local electorate to determine through the democratic process. The Member, as any councillor or member of the public, is entitled to support schemes and projects within the local area. For these reasons, I am not persuaded that there is evidence to suggest that a breach of the Code has occurred.

Outcome: The complaint should not be investigated.

202306169

Summary of complaint

It was alleged that in a Council meeting, the Member responded to a question asked by Councillor X in a way which was unnecessary, troublesome, abusive and undermined him. It states the Member then belittled Councillor X and showed him disrespect using terms such as “extreme right-wing” and “toxic politics” purposefully damaging Councillor X’s reputation.

The member chose to self-refer the matter to the Ombudsman for consideration instead of proceeding through the Council’s Local Resolution.

My Decision

(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.

The matters which complained about are unlikely to amount to a breach of the Code.

When acting as an elected member and expressing political views or conducting political business, a member’s freedom of expression is afforded enhanced protection, more so than an ordinary member of the public. Further, as politicians, members are likely to be afforded protection even where the language used by them may be inflammatory, provided the focus of it is political. However, a member’s right to freedom of expression is not absolute and must be balanced against the need to protect the rights and interests of others. The legal principles on this issue do not provide clear boundaries for what is, and what is not, acceptable, and each case must be considered on its own merits. Freedom of expression is not limitless and the more offensive the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code.

The self-referral acknowledges that the comments were made during a meeting of the Council. The Ombudsman generally concludes that during political exchanges, members need a “thicker skin”. Article 10 of the European Convention on Human Rights, which affords the Member the right to free speech, means that he can say things which may be shocking or offensive to some people. Whilst I fully appreciate that those present may have been personally offended by the Member’s comments, I do not consider on the evidence provided that they are sufficiently egregious, intimidating or insulting to amount to a breach of the Code.

However, I acknowledge that the comments made had the potential to offend the Member concerned, especially if they did not reflect his political ideals. The Member also made comments when self-referring the matter

202205952

Summary of complaint

It was alleged that the Member has undertaken a sustained Social Media hate campaign against the complainant since 2017. The complainant said that the Member's brother had threatened him because he had written to the Council, and this has been addressed by the Police. The complainant says others have witnessed the behaviour, but he has not indicated what has been witnessed, nor provided statements. Therefore, I cannot consider whether, even if proven, it would amount to a breach of the Code of Conduct. It is also of note that the alleged witnesses are linked to the Council and are aware of the Code of Conduct process. It is open to them to make a complaint if they consider it appropriate to do so.

My Decision

1. Whether there is evidence to suggest that there have been breaches of the Code of Conduct.

Evidence has not been provided to substantiate the complaint, and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code.

It should also be noted that the actions of the Member's brother cannot be considered by the Ombudsman and the appropriate body to consider complaints of that nature is the Police.

2. Whether an investigation is required in the public interest

As no evidence has been provided, of a breach of the Code of Conduct, an investigation is not required.

Outcome

The complaint should not be investigated.

Dyletswydd Arweinwyr Grŵp

Mae adran 52A(1)(a) o Ddeddf 2000 (fel y'i pennwyd gan Ddeddf 2021) yn ei gwneud yn ofynnol i arweinydd a grŵp gwleidyddol sy'n cynnwys aelodau o gyngor sir neu gyngor bwrdeistref sirol yn gymryd camau rhesymol i hyrwyddo a chynnal safonau ymddygiad uchel gan aelodau'r grŵp. Diffinnir "grŵp" at y diben hwn fel 2 neu fwy o aelodau sy'n rhoi hysbysiad i'r Swyddog Priodol eu bod yn dymuno cael eu trin fel grŵp at ddibenion gofynion cydbwysedd gwleidyddol a dyrannu seddi ar Bwyllgorau'r Cyngor.

Mae'r canllawiau'n ei gwneud yn glir nad yw'r ddyletswydd hon yn gwneud arweinwyr grŵp gwleidyddol yn atebol am ymddygiad eu haelodau, gan fod ymddygiad yn fater o gyfrifoldeb unigol. Fodd bynnag, mae ganddynt rôl resymol i gymryd camau o ran cynnal safonau, gosod esiampl, defnyddio eu dylanwad i hyrwyddo a diwylliant cadarnhaol, bod yn rhagweithiol wrth hyrwyddo safonau ymddygiad uchel yn eu grŵp a mynd i'r afael â materion cyn gynted ag y byddant yn codi. Petai arweinydd grŵp gwleidyddol yn methu â ymwneud gyda'r ddyletswydd newydd mewn ffordd ystyrlon, gellir bosib ystyried ei bod yn dod a'g anfri ar eu swydd, ac yn debygol o fod yn torri'r Cod.

Mae adran 62(3) o Ddeddf 2021 yn diwygio adran 54 o Ddeddf 2000 i ymestyn y swyddogaethau Pwyllgor Safonau i gynnwys monitro cydymffurfiaeth gan arweinwyr gwleidyddol grwpiau sydd â'r ddyletswydd newydd i hyrwyddo a chynnal safonau ymddygiad uchel gan aelodau o eu grŵp. Dylai arweinwyr grwpiau a'r Pwyllgor Safonau gytuno ar ffurf ac amllder adroddiad o bob arweinydd grŵp i'r Pwyllgor, a fyddai wedyn yn ystyried pob adroddiad a Rhoi adborth i arweinwyr y grŵp. Rhaid i'r Pwyllgor Safonau hefyd ddarparu cyngor a hyfforddi neu drefnu i hyfforddi arweinwyr grwpiau ar y ddyletswydd newydd. Ar ddechrau pob Tymor Cyngor dylai hyn ddigwydd o fewn chwe mis i'r etholiad a dylid ei adolygu o leiaf bob blwyddyn. Mae'r canllawiau hefyd yn awgrymu y gallai'r Pwyllgor Safonau gwrdd â grŵp arweinwyr o bryd i'w gilydd i adolygu trefniadau.

Ym Mis Tachwedd 2023, cyfarfu'r Pwyllgor Safonau ag arweinwyr y tri grŵp gwleidyddol ar y Cyngor – Plaid Cymry, Grŵp Annibynwyr a Rhyddfrydwyr/Llafur i gytuno sut y dylid monitro'r ddyletswydd hon a natur ac amllder y wybodaeth y dylid ei chyflwyno i'r Pwyllgor. Llwyddwyd i gytuno ar y meini prawf canlynol:

1. Arweinwyr Grwpiau i sicrhau eu bod ar gael i gwrdd â'r Swyddog Monitro, Cadeirydd y Pwyllgor Safonau a'r Pwyllgor Safonau yn ôl y gofyn,
2. Arweinwyr Grwpiau i gymryd camau i gefnogi y Swyddog Monitro I i drefnu fod Aelodau o fewn eu grŵp ar gael i gwrdd â'r Swyddog Monitro yn ôl yr angen,
3. Arweinwyr Grwpiau i cymryd camau gyda'r amcan fod Aelodau yn eu grŵp yn cydweithio â'r Swyddog Monitro a'r Pwyllgor Safonau pan gyfeirir mater at y Swyddog Monitro a/neu'r Pwyllgor Safonau,
4. Arweinwyr Grwpiau i gofnodi unrhyw feysydd sy'n peri pryder yn eu Grwpiau a'u codi gyda Swyddog Monitro AU mewn modd amserol.
5. Arweinwyr grwpiau i gefnogi presenoldeb Aelodau mewn digwyddiadau hyfforddi.
6. Arweinwyr Grŵp i gwblhau profforma Arweinydd y Grŵp, gan hyrwyddo cydymffurfiaeth â'r Cod Ymddygiad, yn ôl yr angen,

7. Arweinwyr Grwpiau i gyfarfod â'r Pwyllgor Safonau yn flynyddol (yng nghyfarfod cyntaf y Pwyllgor Safonau } yn dilyn y Cyfarfod Blynyddol),
8. Arweinwyr Grwpiau i gyfarfod â'r swyddog Monitro bob tri mis a ÷ Chadeirydd y Pwyllgor Safonau unwaith ystod pob blwyddyn Cyngor. .

Cynhaliwyd cyfarfodydd gyda'r Arweinyddion Grwpiau a'r Swyddog Monitro yn ystod y flwydd yn i drafod ymddygiad aelodau. Yn Nhachwedd 2023 cynhaliwyd cyfarfod rhwng aelodau'r Pwyllgor safonau a'r Arweinyddion grwpiau i drafod y rolau ac i sefydlu meini prawf ar gyfer monitro cyflawniad. O ganlyniad i hyn mabwysiadwyd y meini prawf a osodir uchod i gefnogi adrodd ar y dyletswydd. Mabwysiadwyd y gyfundrefn yma gan y Pwyllgor Safonau yn ei gyfarfod yn Chwefror 2024. Cytunwyd hefyd i argymhell addasu y Drefn Datrys mewnol i roi rôl mwy amlwg i'r Arweinyddion yn y prosesau datrys. Mae hyn wedi bod yn ddechrau cadarnhaol i'r berthynas rhwng y Pwyllgor a'r Arweinyddion Grwpiau. Fodd bynnag mae sicrhau presenoldeb aelodau mewn hyfforddiant Cod Ymddygiad yn parhau yn dalcen caled gyda nifer heb eto gwblhau y cwrs llawn er fod sesiynau wedi eu cynnal yn ystod y cyfnod.

Group Leaders duty

Section 52A(1)(a) of the 2000 Act (as amended by the 2021 Act) requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group. A "group" for this purpose is defined as 2 or more members who give notice to the Proper Officer that they wish to be treated as a group for the purposes of political balance requirements and the allocation of seats on Council Committees

The guidance makes it clear that this duty does not make leaders of a political group accountable for the behaviour of their members, as conduct is a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.

Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a Standards Committee to include monitoring compliance by leaders of political groups with the new duty to promote and maintain high standards of conduct by members of their group. Political group leaders and Standards Committee should agree on the form and frequency of a report from each group leader to the Committee, which would then consider each report and provide feedback to the group leaders. Standards Committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each Council term this should take place within six months of the election and be reviewed at least annually. The guidance also suggests that the Standards Committee may wish to meet with group leaders periodically to review arrangements.

In November 2023, the Standards Committee met with leaders of all three political groups on the Council – Plaid Cymru, Independents and Liberal/Labour to agree how this duty

should be monitored and the nature and frequency of the information that should be submitted to the Committee. The following measures were agreed -

1. Group Leaders to make themselves available to meet with the Monitoring Officer, Chair of the Standards Committee and Standards Committee as required,
2. Group Leaders to take steps to support the Monitoring Officer to arrange that Members within their group make themselves available to meet with the Monitoring Officer as required,
3. Group Leaders to take steps with the aim that Members within their group cooperate with the Monitoring Officer and the Standards Committee when an issue is referred to the Monitoring Officer and or the Standards Committee,
4. Group Leaders to record any areas of concern in their Groups and raise them with the Monitoring Officer in a timely manner.
5. Group leaders to support Member attendance at mandatory training events,
6. Group Leaders to complete the Group Leader proforma, promoting compliance with the Code of Conduct, as required,
7. Group Leaders to meet with the Standards Committee on an annual basis (at the first meeting of the Standards Committee) following the Annual Meeting,
8. Group Leaders to meet with the Monitoring Officer on a three-monthly basis and Chair of Standards Committee once during the Council year.

Meetings were held with the Group Leaders and the Monitoring Officer during the year to discuss issues around member conduct. In November 2023 a meeting was held between members of the Standards Committee and group Leaders to discuss the roles and to establish criteria for monitoring achievement. As a result of this the criteria set forth above were adopted by the to support reporting on the duty. This regime was adopted by the Standards Committee at its meeting in February 2024. It was also agreed to recommend modifying the Internal Resolution Protocol to give the Leaders a more prominent role in the resolution processes. This has been a positive start to the relationship between the Committee and the Group Leaders. However ensuring members' attendance in Code of Conduct training remains a challenge with many not yet completing the full course despite sessions being held during the period.

Committee:	The Standards Committee
Date:	17 June 2024
Title:	Allegations against members
Author:	Siôn Huws, Propriety and Elections Manager
Purpose:	For information

1. Background

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

2. Decisions

2.1 Summaries of the decisions received from the Ombudsman are attached as an **Appendix**.

4. Recommendation

3.1 The Committee is asked to note the information.

Appendix

02307903

Complaint

That a town council member failed to declare an interest and voted on a matter in which she was alleged to have a personal interest.

Decision

Not to investigate.

One of the alleged links was suggestive of a personal interest in the matter being discussed. However, the member had previously declared the interest but considered that it was not relevant in on this particular occasion. The failure to declare was an isolated incident but the member was reminded of the need to consider and review her duties under the Code of Conduct. While the matter may have been a breach of the code an investigation would not be in the public interest.

202307940

Complaint

That a town council member failed to declare an interest and voted on a matter in which she was alleged to have a personal interest. She also allegedly made false statements during the meeting.

Decision

Not to investigate.

No evidence had been presented to support the allegations.

202310118

Complaint

That a town council member failed to declare an interest and engaged in discussion and voted on a matter in which she was alleged to have a personal interest.

Decision

Not to investigate as the issues raised in this complaint were being considered within a separate investigation, and it would therefore not be in the public interest to investigate separately. The information provided by the complainant would be considered as part of the other investigation.

202310119

Complaint

That a town council member failed to declare an interest and engaged in discussion and voted on a matter in which she was alleged to have a personal interest.

Decision

Not to investigate as the issues raised in this complaint were being considered within a separate investigation, and it would therefore not be in the public interest to investigate separately. The information provided by the complainant would be considered as part of the other investigation.