



Complete Agenda

Democracy Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

10.30 am, MONDAY, 17TH FEBRUARY, 2025

Location

Virtual Meeting

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

Contact Point

Iwan Edwards

01286 679018

IwanEdwards@gwynedd.llyw.cymru

(DISTRIBUTED 07/02/25)

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

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. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

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

4. MINUTES

4 - 7

The Chairman shall propose that the minutes of the previous meeting of this committee held on 4th November 2024 be signed as a true record (attached).

5. THE LOCAL GOVERNMENT AND ELECTIONS WALES ACT 2021 ("THE ACT") DUTIES OF POLITICAL GROUP LEADERS AND THE STANDARDS COMMITTEE

8 - 10

To submit the report of the Monitoring Officer

6. PROPOSED WORK PROGRAMME FOR 2025/26

11 - 13

To submit the report of the Monitoring Officer.

7. ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2023-2024

14 - 29

To submit the report of the Propriety and Elections Manager.

8. ALLEGATIONS AGAINST MEMBERS

30

To submit the report of the Propriety and Elections Manager.

9. TRAINING FOR COMMUNITY COUNCILS

31

To submit the report of the Propriety and Elections Manager.

STANDARDS COMMITTEE, 04/11/24

Present: -

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

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

Community Committee Member: Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Eirian Roberts and Iwan Edwards (Democracy Services Officers).

1. APOLOGIES

An apology was received from Councillor Beth Lawton.

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

The Monitoring Officer noted that the intention was to invite the political group leaders to this meeting, but as a result of changes in the Council's leadership, it was decided that this would not be practical at this time. It was explained that the intention was to move the meeting with the group leaders to February 2025. In the meantime, when a new leader would be appointed, it was noted that the Monitoring Officer and the Chair of the Standards Committee would arrange a meeting with the Leader to highlight the duty of leaders to promote and maintain high behaviour standards amongst their group members.

A question was asked from a member regarding where the Council currently stood without a leader. In response, the Monitoring Officer explained that the process of identifying a new leader had commenced and the expectation was for the new leader to be appointed at the Full Council meeting in December. In the meantime, it was explained that the deputy leader was leading the Council.

The member noted that the lack of information about who to contact during this period was disappointing. It was expressed that the member would have liked more guidance from the Council regarding the process.

4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee held on 17 June 2024 as a true record.

5. GIFTS AND HOSPITALITY REGISTER

Submitted - the Monitoring Officer's report detailing the Gifts and Hospitality Register and inviting observations from the committee as part of the standards monitoring work within the Council.

The Monitoring Officer noted that members were required to register any offers of gifts or hospitality worth more than £25. Members were reminded that the code of conduct clearly noted that any gift given to members in an inappropriate situation, regardless of its value, was inappropriate.

Reference was made to part 7.2 of the report where it was noted that every offer registered to date expressed gratitude for a local member's support (not a member of the Planning Committee) with a specific planning application.

The Chair thanked the Monitoring Officer for confirming that the report did not refer to the Planning Committee members.

RESOLVED to note and accept the contents of the report.

6. DECLARATION OF INTERESTS REGISTER

Submitted - the Monitoring Officer's report detailing Cyngor Gwynedd's Register of Interests and inviting observations from the committee as part of the standards monitoring work within the Council.

It was explained that it was the members' duty to register their interests, but moving forward, there was an intention to send a message to the members asking them to check the register to ensure that it was up-to-date. Additionally, if members declared an interest in a meeting, a form must be completed noting the nature of the interest. It was noted that moving to virtual meetings meant changing the procedure from completing the form there and then to sending forms via e-mail to the members, but the system was not easy to use. As a result of this, it was explained that the Propriety and Elections Manager was in the process of creating an online form through 'Microsoft Forms' to ensure that members were able to complete the details without having to send a form via e-mail.

In response to a question regarding the suitability of the online form for independent members, who possibly did not use 'Microsoft', the Monitoring Officer confirmed that he would ask the Propriety and Elections Manager to confirm whether or not 'Microsoft' had to be on the computer to complete the online form. It was suggested that some members would prefer to continue completing the paper form if they attended a meeting in the Chamber, but the Monitoring Officer explained further that the intention was to try to get every member to complete the form online as it was easier to collate and retain the information under one system. It was suggested that there was possibly a need to work with the Democracy Services Committee and consult with the councillors on this.

It was noted, as members were part of everything happening within their communities, that it could be difficult for them to decide whether or not they had an interest in a matter. In response, the Monitoring Officer noted that he agreed that it could be difficult, but guidelines were available, and he was happy to discuss those guidelines with the members.

RESOLVED to note and accept the contents of the report.

7. INDEPENDENT REVIEW OF INVESTIGATIONS FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES TO CODE OF CONDUCT COMPLAINTS.

Submitted - the report of the Monitoring Officer on the findings of an independent investigation into the Ombudsman's processes.

It was noted that stories had appeared in the press in April of this year claiming that a staff member in the Ombudsman's office had been involved with very political statements on social media. It was noted that this had created concern within the Ombudsman team. It was emphasised that the Ombudsman's system was integral to the ethical and standards system in Wales. It was noted that there was no similar system in England and there were substantial features in terms of maintaining the system to have an independent body and responsibility for the investigation process.

Attention was drawn to part 4.1 of the report where three recommendations were highlighted from the independent report that would be of interest to the members.

Observations / questions were invited from the members.

It was noted, as many of the Ombudsman's complaints did not go further than the first step, it would be better if the case was restricted to the complainant and the person under investigation to prevent the concern that publishing it would cause.

In response, the Monitoring Officer noted that the existence of an Ombudsman complaint was confidential to the parties in question until there was a decision on the investigation. However, it was acknowledged that the complainant could inform the person subject to the complaint of the complaint against them. It was explained that experience suggested that the current system created less concern and enquiries regarding complaints.

It was noted that a member could wait six to nine months before a decision was made and it was believed that the lack of resources from the Ombudsman and the fact that a substantial proportion of its time was focused on complaints against health boards was responsible for that.

RESOLVED to note the information.

8. ALLEGATIONS AGAINST MEMBERS

Submitted – the report of the Monitoring Officer about the Ombudsman's decisions on formal complaints against members. It was reported that this was a summary of complaints that had been closed to provide the Committee with a snapshot of the type of things that were referred to the Ombudsman and the decisions made when assessing the complaints.

It was noted that the difference between the number of complaints that did not go to an investigation compared to the number of complaints made was quite striking. It was highlighted that there was an element of sympathy with the Ombudsman as every complaint had to receive attention.

It was noted that the intention at this meeting was to report on the training arrangements for town and community councils, but unfortunately, apologies were made that the agenda had slipped due to work pressures. Despite this, they managed to revisit the agenda and there was an intention to start offering training courses to the town and community councils in the near future. It was explained that experience suggested that training was important when dealing with such matters. It was also suggested that there was a need to offer an alternative solution path for low level complaints instead of only providing training.

Observations:

The members expressed their thanks for the report. In response to a question, the Monitoring Officer confirmed that the report on the training arrangements would be available for the next meeting.

There was an enquiry whether the Ombudsman considered using a threshold test for low level complaints, and if they did, whether there was a process to refer the low-level complaints back to the Council. In response, the Monitoring Officer explained that One Voice Wales had developed an internal solution arrangement for Town and Community Councils about 4 to 5 years ago. He reiterated that the local solution arrangement was difficult to implement as the town and community councils were small bodies in terms of staff and membership, and therefore, the element of trust to maintain the process was more difficult to create if there was genuine conflict in the Council.

The Monitoring Officer was thanked for his response, and it was asked further whether the resources in the fields that could benefit most from early training would be prioritised. The Monitoring Officer noted that he was in favour of tailoring the course to where the emphasis needed to be and that he was happy to pass the slides on to members from the previous course presented to members in January 2020. It was accepted that there was a lack of time to hold a course, but it was important to hit the most important points for discussion. It was also noted that it was important that town and community council clerks felt that there was professional support available for them.

A Representative of the Community Councils noted that he would be happy to go with the Chair or the Monitoring Office to any meeting to discuss training.

RESOLVED to note the information.

9. THE OMBUDSMAN'S ANNUAL REPORT

Submitted - the report of the Monitoring Officer appending the Annual Report of the Ombudsman for 2023/24.

Observations:

Hope was expressed that technological developments in artificial intelligence could process complaints immediately and without delay in time, as it was believed that this was the long-term solution to prevent long delays in the system.

RESOLVED to note the information.

10. NATIONAL STANDARDS COMMITTEES FORUM MINUTES

The report was submitted by the Monitoring Officer.

It was noted that Meleri Tudur had been appointed as President of the National Adjudication Panel and pride was expressed that she was a solicitor from Gwynedd with a strong background in the County.

RESOLVED to accept the information.

The meeting commenced at 10.30am and concluded at 11:35am

| | |
|----------------|---|
| MEETING | Standards Committee |
| DATE | 17 February 2025 |
| TITLE | The Local Government And Elections (Wales) Act 2021 (“The Act”) Duties of Political Group Leaders and the Standards Committee (Leaders of Political Groups are invited to the Meeting) |
| AUTHOR | Iwan Evans – Monitoring Officer |

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 new duty has now come into force since May 2022 which places a positive requirement on Leaders to take positive action to promote and maintain behaviour. This will involve collaboration between the Standards Committee and the Leaders. This can be a positive step to support members' standards of conduct and to resolve issues early.

A Protocol was adopted by the Committee in November 2022

[Agenda for Standards Committee on Monday, 21st November, 2022, 10.30 am \(llyw.cymru\)](#)

2. Standards Committee Responsibilities

The statutory changes also impose a requirement on the Standards Committee to monitor compliance and the duty as set out above and report on this as part of the annual report. To facilitate this and ensure a balanced and fair process we therefore set out to establish criteria for measuring compliance. Nationally prepared suggestions were used as a starting point. These were reviewed at a briefing meeting between Committee members and Leaders of the Political Groups. The criteria recommended is appended in Appendix 1 together with the form of report in Appendix 2.

Recommendation

To review the operation of the duty and to confirm reporting arrangements going forward.

Political Group Leaders Duties
Criteria For Monitoring And Reporting

Section 52 of the Local Government 2000 Act as amended by section 62 of the Local Government and Elections (Wales) Act 2021, requires that a leader of a political consisting of members of a County Council or County Borough Council in Wales –

1. must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
2. must cooperate with the council’s standards committee (and any subcommittee of the committee) in the exercise of the standards committee’s functions.

The Statutory and Non- Statutory Guidance includes at Part 2 the requirements to establish - “the threshold which the Standards Committee will use to establish whether it is content that Political Group Leaders have complied with the duties of the 2021 Act” .

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.

dated

Promoting Compliance With the Code of Conduct

| | | | |
|---|--|----------------------|--|
| Report by: | | | |
| Political Group: | | | |
| No. of members: | | No. trained on Code: | |
| | | | |
| For the period: | | | |
| Complaints Status | | | |
| | | | |
| 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. | | | |

Agenda Item 6

| | |
|-----------------|--|
| MEEETING | Standards Committee |
| DATE | 17 February 2025 |
| TITLE | Proposed Work Programme for 2025-26 |
| AUTHOR | Monitoring Officer. |

1. The objective of this report is to propose a draft programme for the work of the Committee for 2025-26
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. This programme has fixed elements but is also an opportunity to programme work and reviews for the coming year.

RECOMMENDATION

The Committee is asked to review the proposed programme and propose any modifications.

ATODIAD 1 APPENDIX 1

| Gwaith Pwyllgor Safonau 2025/26 | Standards Committee Work –2025/26 |
|--|---|
| <p>9 Mehefin 2024</p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Hunan Asesiad</p> <p>Adolygiad Rhaglenni Hyfforddiant</p> <p>Adolygiad trefniadau cofrestrau buddiannau</p> | <p>9 June 2024</p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Self-Assessment</p> <p>Review of Training Programmes</p> <p>Review of registers of interest arrangements</p> |
| <p>3 Tachwedd 2025</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 datrysiaid Mewnol</p> <p>Derbyn adroddiad o Fforwm Safonau Cymru</p> | <p>3 November 2025</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>Receive report from the Wales Standards Forum</p> |
| <p>23 Chwefror 2026</p> <p>Adroddiad Blynyddol y Panel Dyfarnu</p> <p>Honiadau yn erbyn aelodau</p> <p>Rhaglen Waith</p> | <p>23 February 2026</p> <p>Annual Report of Adjudication Panel</p> <p>Allegations against members</p> <p>Work Programme</p> |

Agenda Item 7

| | |
|--------------------|--|
| Committee : | Standards Committee |
| Date : | 17 February 2025 |
| Title : | Adjudication Panel for Wales – Annual Report 2023- 2024 |
| Author : | Siôn Huws, Propriety and Elections Manager |
| Purpose : | Presented for information |

Background

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

2. A copy of the Panel's Annual Report is attached for the Committee's attention.

Recommendation

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



Adjudication Panel for Wales Annual Report

Year 2023 – 2024



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Foreword

This is my ninth and final report as President of the Adjudication Panel for Wales (“APW”). The report covers the period 1 April 2023 – 31 March 2024.

We aim to ensure that the Panel serves the public interest by dealing with any disputes both efficiently and effectively. We make every effort to ensure that all those involved in the dispute feel that the dispute has been fairly resolved within as short a timescale as is reasonable. We are conscious that the public must have confidence that any breaches of the Code of Conduct will be dealt with fairly in order to uphold trust and confidence in local democracy.

I am conscious that my opening words to the foreword in the last annual report promised that it would be my last report; there is many a slip ‘twixt cup and lip as the proverb puts it. Or in other words, things do not always go as planned and my retirement as President was one of those things. I am delighted to welcome my successor, Judge Meleri Tudur, to the Panel. It is a time of great change for justice in Wales and I have no doubt that Judge Tudur will lead the Panel successfully through its next phase with effect from 1 July 2024.

This past year has been busy for the APW; there is no underlying theme to be drawn from the cases we have considered this year. However, it is important to recognise that a tiny minority of councillors find themselves dealing with the APW. Out of 1254 councillors, slightly over 0.5% ended up having their cases considered by the APW. More were dealt with at a local level, either through local resolution or by standards committees. By any measure, this demonstrates that the overwhelming majority of councillors comply with the Code of Conduct or if there is a breach, it is minor and easily rectified. I thank all of those involved in standards work, including the often unsung monitoring officers and clerks to the council, and One Voice Wales who assist in training councillors on the Code of Conduct, for their time and effort helping members understand their duties.

It has been noted that more councillors are failing to respond to references by the Ombudsman to the Panel. By failing to respond, councillors are effectively not disputing the reference, which is more likely to result in a decision made on paper. As the process is adversarial, if councillors choose not to take part, there is no-one to cross-examine witnesses and no hearing to observe, though it is open to the Panel to hold a hearing anyway in order for its members to ask questions or hear oral submissions. The principle of open justice is met in such circumstances by the publication of the full decision report, setting out the reasons for the decision and the evidence relied upon. The unanswered question is why councillors are choosing not to respond; is it because they have resigned and erroneously believe that will end the process? Or because they accept the Ombudsman’s report? Or for some other reason? This may be an area for future exploration by the Standards Forum, Public Services Ombudsman for Wales or indeed the Panel itself.

Any questions or comments arising as to any aspect of the workings of the Panel, or as to the contents of the Report, are most welcome and should in the first instance be addressed to the Registrar.

Claire Sharp
President, Adjudication Panel for Wales

Section 1 – About Us

In this section:

- Basis for the APW
- The APW's Function
- The APW's Regulations
- The APW's Process
- Members of the APW
- Appointments
- Training
- Contacting the APW
- Accessing the APW

Basis for the APW

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

The APW was established under Part III of the Local Government Act 2000.

The APW's Function

The Code of Conduct for an authority provides its members with a set of standards expected of them in public life. The code of conduct covers various requirements as to how members should conduct themselves and includes requirements in relation to equality, personal and prejudicial interests, confidential information, their authority's resources and the need to avoid bringing their office or authority into disrepute.

The APW has two statutory functions in relation to breaches of the Code of Conduct:

- to form case or interim case tribunals ("Case Tribunals") to consider **references** from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority's Code of Conduct; and
- to consider **appeals** from members against the decisions of local authority standards committees that they have breached the Code of Conduct ("Appeal Tribunals").

The APW's Regulations

The APW operates in accordance with its procedural regulations and other associated legislation. The regulations ensure that all cases heard by the APW are treated fairly, consistently, promptly and justly. They ensure that everyone who comes before the APW clearly understands the steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the APW. They also ensure that every party to a case understands the arguments of the other party and can respond to them.

APW's procedures are governed by the following legislation:

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

The APW's Process

Anyone wishing to respond to a reference from the PSOW or to make an application for permission to appeal to the APW must complete and send the relevant form to the APW.

At an APW hearing the panel is composed of a legally qualified chairperson and 2 lay members. Legally qualified members can also sit as a lay member. APW hearings are normally held in public and take place near to the authority area.

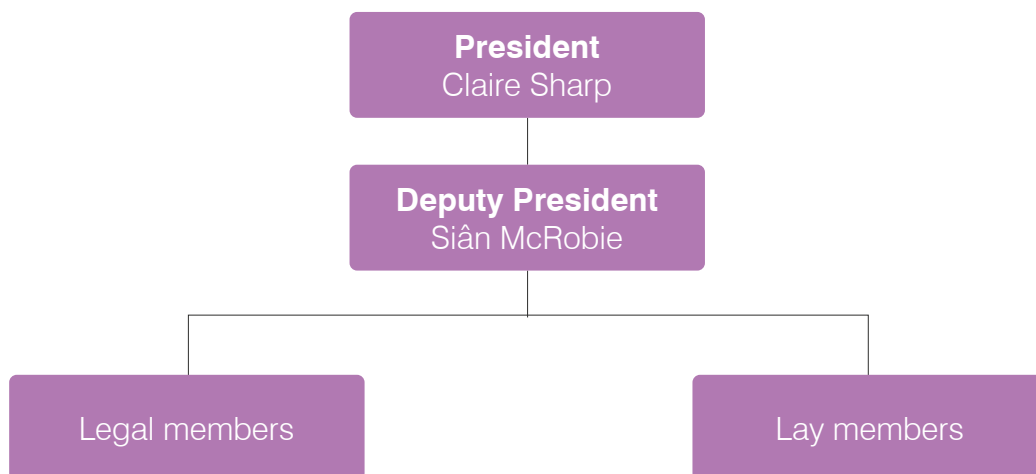
The APW publishes its decisions on the website for the APW. Decisions of Case Tribunals can be appealed on limited grounds to the High Court. Permission to appeal to the High Court must first be sought from the High Court.

Full information and guidance about the APW and its procedures, are provided on the website for the APW. Alternatively, please contact the APW administration for further information or if you would like to receive publications in a different format. The contact details can be found on page 6.

Members of the APW

Appointments to the APW are made by the First Minister after consideration of recommendations made by the Judicial Appointments Commission.

| | |
|-------------------------|--|
| President | The President has judicial responsibility for the APW and its members. |
| Deputy President | The Deputy President supports the President and fulfils the duties of President if the President is unable to carry out her duties, either temporarily or permanently. |
| Legal Members | Legal members are qualified lawyers and have responsibility for conducting proceedings at hearings and advising the administration on matters of law. Legal members write APW decisions and give directions where necessary. |
| Lay Members | Lay members have a wide range of knowledge and experience relevant to the work of the APW. |
| Administration | The day-to-day administration is largely delegated to the administration which deals with all the preliminary paperwork and the processing of applications to the APW. The administration consults the President and/or legal members on all legal points arising during the preliminary pre-hearing stages of the proceedings and sends rulings and directions in writing to the parties. The administration acts as a point of contact for chairpersons, members and APW users and attends hearings to help with the efficient running of proceedings. |



Appointments

During this period, we have appointed 2 new legal members, who are due to be appointed President and Deputy President in the following financial year.

Contacting the APW

To contact the APW Administration:

APW Address: Registrar to the Panel
 Adjudication Panel for Wales
 Welsh Tribunals Unit
 PO BOX 100
 Llandrindod Wells
 LD1 9BW

APW Telephone Helpline: 03000 259805

APW E-mail: adjudication.panel@gov.wales

Accessing the APW

The APW is happy to communicate with you in Welsh or English. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of staff to phone you back.

You can choose to have your hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing, we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provisions will be made.

To enable arrangements for interpreters or to make provisions for any additional needs of attendees, sufficient notice must be given to the administration.

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Hearings Data
- Onward appeals
- Achievement against key performance indicators
- Complaints

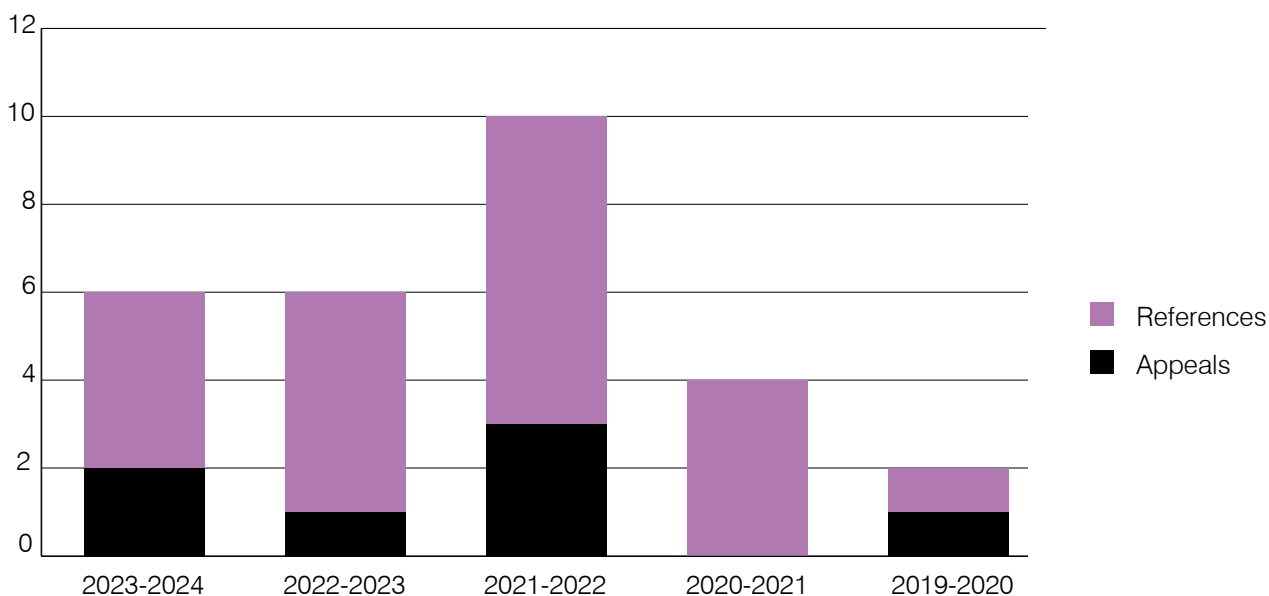
Numbers and Statistics

A Tribunal year runs from April to March. As the numbers of cases received are relatively low, figures are given for a 5-year period to allow for comparison.

The following statistics are collated:

- Number of references and appeals received
- Type of applications received and registered
- Number of applications finalised
- Outcome of applications.

Graph 2.1: Number of references and appeals received by year April 2019 – March 2024



Graph 2.2: Number of references and appeals decided by year April 1919 – March 2024

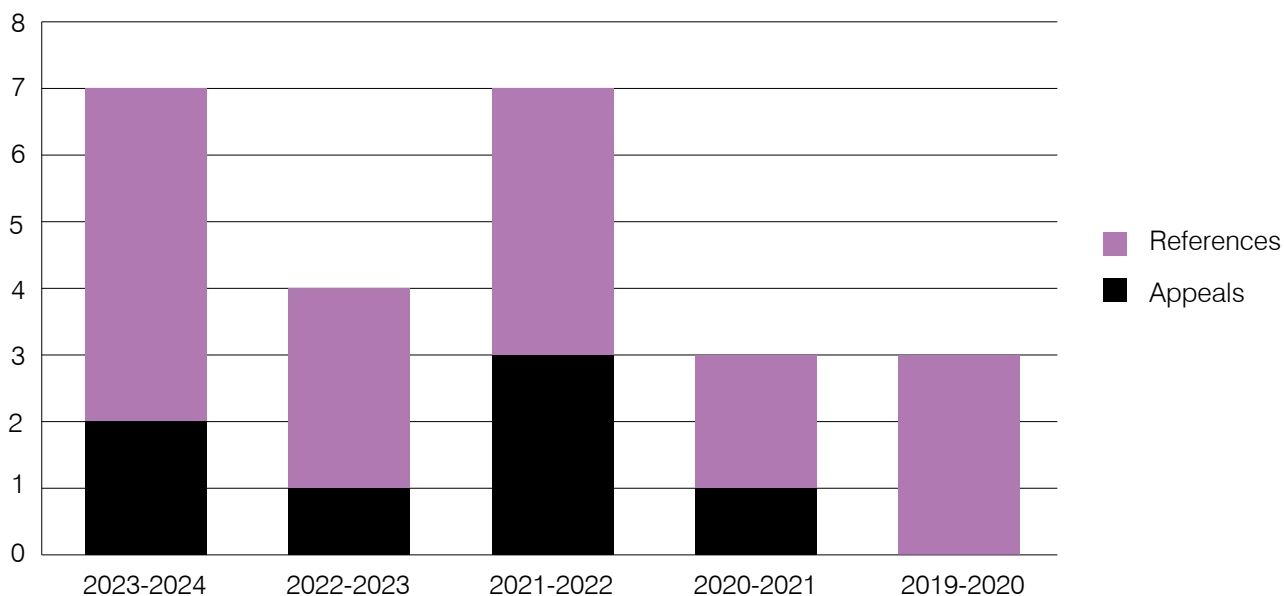
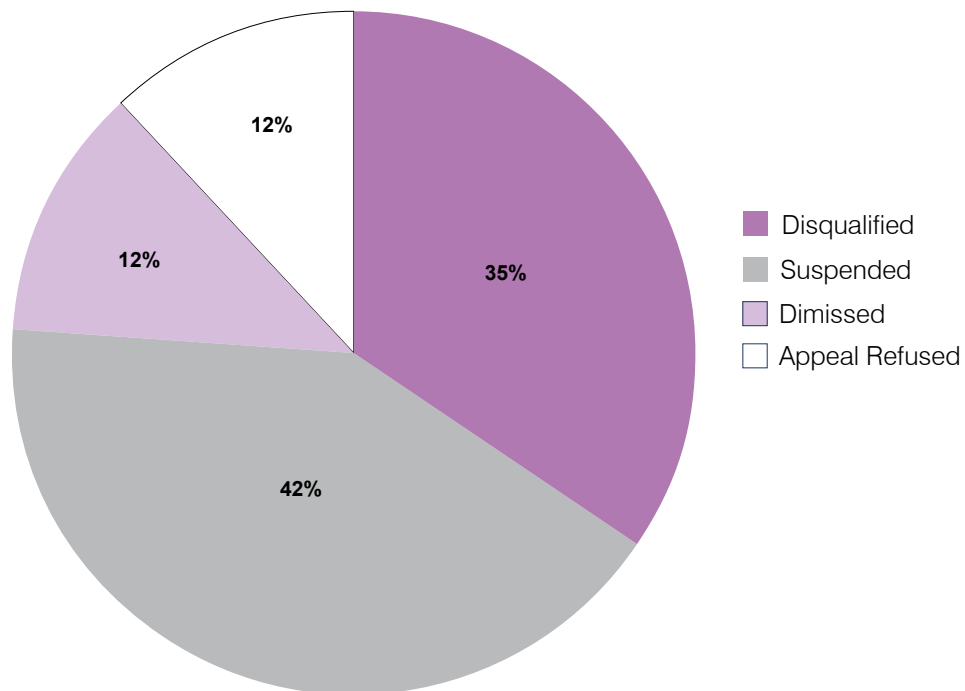
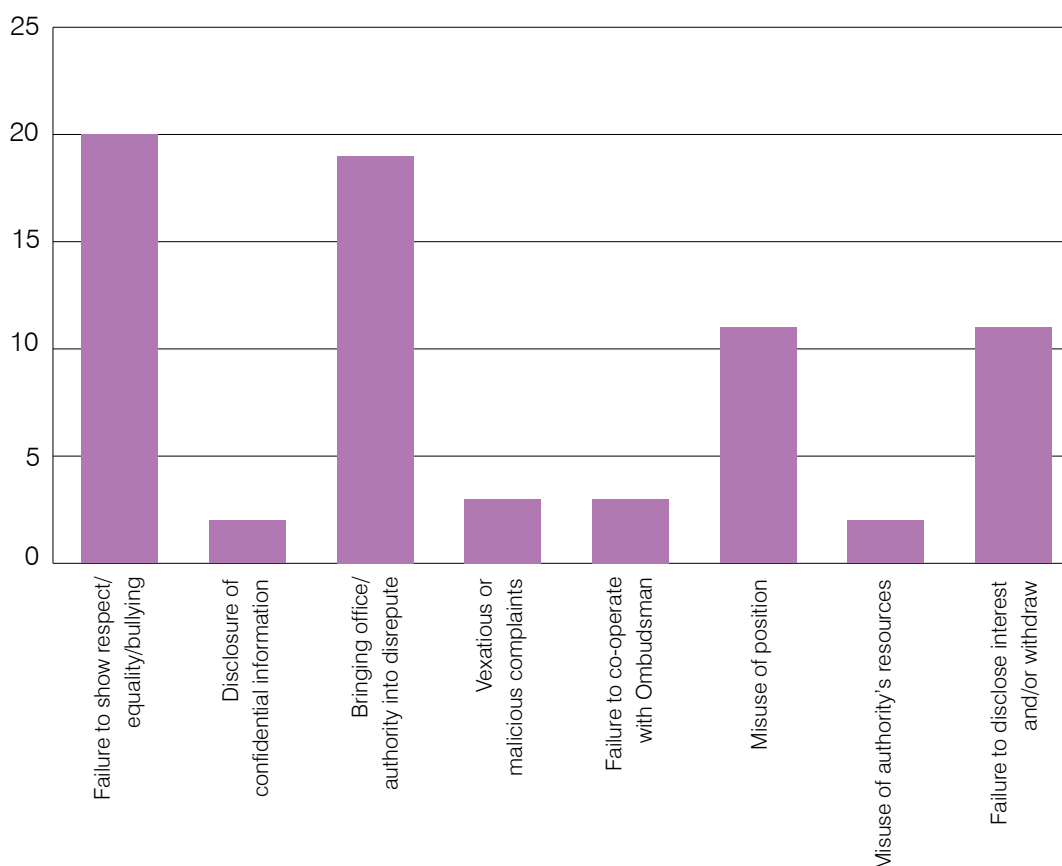


Chart 2.3: Outcomes of references and appeals April 2019 – March 2024

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



Graph 2.4: Breaches by type April 2019 – March 2024



Hearings data

During 2023-2024:

| Type | Length (in days) |
|-----------|------------------|
| Reference | 5 hearing days |
| Appeal | 1 hearing day |

0 listing conferences took place in relation to these cases.

Onward appeals

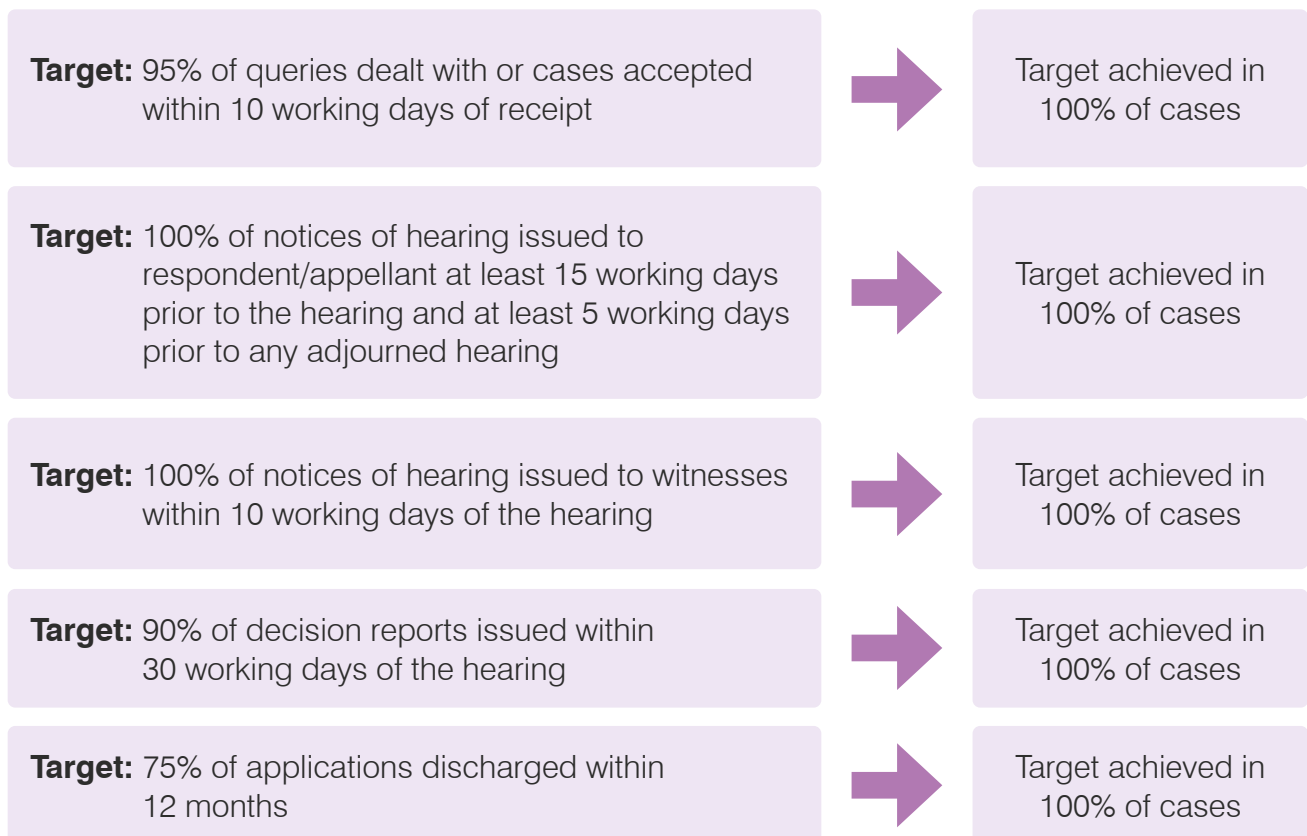
Applications for permission to appeal a decision of a Case Tribunal or Interim Case Tribunal can be made on limited grounds to the High Court. Over the period of this report, no applications for permission were made.

Achievement against key performance indicators

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

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal (see below).

Speed of our service 2023-2024



Complaints

The APW received and concluded 0 formal complaints during the reporting period.

Section 3 – Case summaries

In this section:

- References
- Interim Matters
- Appeals

References

[APW/015/2022-023/CT](#)
[Newport City Council](#)

The allegations were that the former councillor had conducted himself in a matter which could reasonably be regarded as bringing his office or the relevant authority into disrepute. The former councillor had been convicted of the criminal offence of soliciting (having pleaded guilty), and significant publicity had surrounded the conviction.

The case tribunal unanimously found that the former councillor had breached paragraph 6(1) (a) of the Code of Conduct; while the conviction arose from behaviour in his private capacity, the former councillor had failed to promote confidence in the role of councillor or the work of the relevant authority in preventing such activities. The Tribunal found that the former councillor's behaviour had brought both his office and the authority into disrepute. The case tribunal did not find additional breaches of paragraph 6(1)(a) by the councillor's failure to inform the relevant authority of his intention to plead guilty or his failure to resign immediately.

The case tribunal unanimously concluded that the former councillor should be disqualified for nine months from being or becoming a member of a relevant authority.

[APW/001/2023-024/CT](#)
[St Harmon Community Council](#)

The allegations were that the former councillor had conducted himself in a matter which could reasonably be regarded as bringing his office or the relevant authority into disrepute. It was also alleged that he had also acted in such a way as to create an advantage for himself or avoid a disadvantage for himself.

Audit Wales had submitted a report on the relevant authority, in which it criticised both the council and individuals, including the former councillor who was the chair. Audit Wales found that the former councillor had attempted to mislead it to cover up poor governance at the council and reduce the likely criticism of his own conduct. This was done in connection with the expenditure of council money; the former councillor was found to have failed to explain how a document incorrectly purported to be the original tender notice was provided to Audit Wales. The tribunal did not find that the former councillor had created the notice, but did find that he gave wholly different accounts about what had happened and had attempted to mislead Audit Wales. The Tribunal also found that the former councillor had misled Audit Wales about whether a document had been approved by the Council after it had been amended.

The case tribunal unanimously found that the former councillor's efforts to mislead Audit Wales brought both his office and the relevant authority into disrepute, and that he had done so in order to benefit himself and present a more positive picture of the council's governance and accounting practices. The tribunal found that the conduct was deliberate and was both a breach of paragraphs 6(1)(a) and 7(a) of the Code of Conduct. The case tribunal unanimously concluded that the former councillor should be disqualified for 15 months from being or becoming a member of a relevant authority.

APW/013/2022-023/CT
Powys County Council

The allegations were that the former councillor had breached several paragraphs of the Code of Conduct through sustained misconduct.

The former councillor had sent a large volume of emails to various members and officers within the relevant authority on a number of issues, making allegations of corruption and other complaints. As a result, the council provided the former councillor with a detailed written response (finding that the complaints were without merit) and asked her not to repeat such allegations without evidence to support them. The former councillor was directed to the Public Services Ombudsman for Wales and asked not to contact anyone below the level of Head of Service in the council to manage her correspondence.

The former councillor ignored the advice, and continued to send large numbers of emails to a variety of members and officers, making similar complaints, and demanding answers on the same day as sending her emails. The council gave the former councillor a single point of contact to deal with her correspondence and reminded that her behaviour could be viewed as harassment. The former councillor was told that substantial time and resources were being incurred by the council dealing with her repeated complaints and her behaviour was seen as intimidating. The former councillor continued making complaints and demanding responses, while refusing to accept the answers given.

The former councillor at a full Council meeting publicly made derogatory comments about the council and officers, and specifically named one, saying that he was not worth what he was paid and that he had bullied her. In addition, the former councillor was found to have disclosed confidential information provided to her as a councillor to third parties and other members on at least three occasions.

The case tribunal unanimously found that the former councillor had breached paragraphs 4(b), 4(c), 5(a), 6(1)(a), 6(1)(d), 7(b)(i) and 7(b)(iv) of the Code of Conduct. It unanimously concluded that the former councillor should be disqualified for 18 months from being or becoming a member of a relevant authority.

APW/0002/2023-024/CT
Mumbles Community Council

The allegations were that the former councillor had conducted herself in a matter which could reasonably be regarded as bringing her office or the relevant authority into disrepute.

The former councillor had abused two individuals on a public Facebook page. It appeared that there was a link to her role as a councillor from the wording of the exchange, and the exchange was later deleted. The former councillor also resigned from her role as councillor a few hours after the posts on Facebook. The language used by the former councillor was gratuitously offensive and abusive towards the individuals.

The case tribunal found that the former councillor had not intended to give the impression that she was acting in the role of councillor when abusing the two individuals, and she had acted in her personal capacity. It concluded that the exchange largely related to historical and personal animosity between those involved, and while the language could not be condoned in any circumstances, it did not bring the office of councillor or the relevant authority into dispute. This finding was because due to the nature of the exchange, a reasonable reader would conclude that a particularly unpleasant private dispute was being aired in public. It was a single incident followed by a swift resignation and with no press attention.

The case tribunal unanimously found that there had been no breach of paragraph 6(1)(a) of the Code of Conduct.

Interim matters

In addition, the Panel dealt with an interim case tribunal. Details are not provided within this report as a full case tribunal will be dealing with the case in the coming financial year.

Appeals

APW/003/2023-024/AT Mumbles Community Council

An appeal was received against the determination of the standards committee that the former councillor had breached the Code of Conduct. The grounds of appeal were limited to whether the facts as found at the standards committee meeting established on the balance of probabilities that the former councillor had made frivolous, malicious and vexatious complaints, whether the findings as a whole showed that the former councillor had breached paragraphs 6(1)(a) and 6(1)(d) of the Code of Conduct, and if a breach of the Code of Conduct was found, whether the sanction of censure was endorsed.

The appeal tribunal unanimously found that the facts found by the standards committee did establish that the facts found at the standards committee meeting established that the former councillor had made frivolous, malicious and vexatious complaints. The complaints were found to be complaints about council decisions and made without seeking any advice about the Code of Conduct in order to understand that it was not appropriate to complain about council decisions in such a way. The appeal tribunal further found that the remaining complaints had been malicious and vexatious, as well as frivolous, as the former councillor failed to follow the guidance she had received and wasted the Ombudsman's time and resources on complaints that were made without sufficient grounds. The complaints were not made in the public interest. The appeal tribunal also noted that the former councillor was willing to breach confidentiality knowingly and flagrantly.

The appeal tribunal unanimously found that the former councillor had breached both paragraphs 6(1)(a) and 6(1)(d) of the Code of Conduct, and endorsed the censure imposed by the standards committee. It added that it was concerned that the former councillor had repeatedly mentioned her appointment as a current Justice of the Peace but had behaved in a way found to be inappropriate for someone holding a judicial office.

APW/005/2023-024/AT

One application for permission to appeal was refused by the President on the basis that it had no reasonable prospect of success.

Section 4 – Business Priorities

In this section:

- Business priorities for 2024-2025

It is important that the APW continues to develop in order to deliver the best possible service for our customers. This section is about how the APW will build on its achievements through focusing on business priorities and our commitment to our customers.

Business Priorities 2024-2025

- Plan and deliver an all-members training event;
- Continue to deliver an effective and efficient service, meeting key performance indicators;
- Following the outcome of the Law Commission report on Welsh tribunals and the review of the Ethical Framework, and the Welsh Government White Paper in response, action any changes as required by the legislature.

Section 5 – Expenditure

In this section:

- Expenditure for 2023-2024

Expenditure for 2023-2024

| Content | Amount |
|--|----------------|
| Members Fees and Expenses (proceedings and training) | £33,593 |
| Tribunal events (hearing and other costs) | £270 |
| Total | £33,863 |

Rounded to the nearest £1

| | |
|-------------------|---|
| Committee: | The Standards Committee |
| Date: | 17 February 2025 |
| 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 We have not been notified by the Ombudsman of any decisions since the previous report. We are currently aware of seven complaints, relating to four different councils, that are currently under investigation by the Ombudsman.

3. Recommendation

3.1 The Committee is asked to note the information.

Agenda Item 9

| | |
|--------------------|---|
| Committee : | Standards Committee |
| Date : | 19 February 2024 |
| Title : | Training for Community Councils |
| Author : | Siôn Huws, Propriety and Elections Manager |
| Purpose : | Presented for information |

Background

1. Training or organising to train community councillors on matters relating to the Code of Conduct is one of the Standards Committee's statutory functions. The Committee has identified the need to provide such training but has accepted that its delivery has been challenging recently due to the lack of resources.
2. We already have a training session for community councils that has already been piloted. The aims of the session are to enable members and clerks to gain an understanding of the basics of the Code of Conduct, to equip members to operate within the framework and highlight where further guidance and information can be obtained. It will include a presentation with slides and an opportunity for questions and a discussion afterwards.
3. The sessions will be held virtually via Zoom and two dates have been arranged so far namely on 18/03/25 and 27/03/25 at 18:30. The presentation will be in Welsh but simultaneous translation into English will be provided for the presentation and the discussion.
4. There are practical restrictions on how many people may attend, particularly in terms of allowing an opportunity for questions and discussion. It is also difficult to predict how many will be interested in attending, as this is the first time we have scheduled sessions like this. For the first two sessions therefore, the invitation has been sent to the community council clerks in the Arfon area. There will be an opportunity to adapt the arrangements in light of our experience of these first two if necessary.
5. As well as arranging more sessions, we will also be recording a presentation and placing it on Cyngor Gwynedd's website. It would therefore be available at any time and would be useful for new members following their election or for those unable to attend the live sessions.

Recommendation

6. The Committee is requested to note the information.