



# Complete Agenda

**Democracy Service**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**STANDARDS COMMITTEE**

Date and Time

**10.30 am, MONDAY, 23RD FEBRUARY, 2026**

Location

**Cyfarfod Rhithiol / Virtual Meeting**

Contact Point

**Courtney Leigh Jones**

**Courtneyleighjones@gwynedd.llyw.cymru**

(DISTRIBUTED 16/02/26)

# **STANDARDS COMMITTEE**

## **Membership**

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

Councillors

Anne Lloyd-Jones

Beth Lawton

Dewi Owen

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

Aled Jones

Hywel Eifion Jones

Mark Jones

Non Gibson

Vacant Seat

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

Richard Parry Hughes

# **A G E N D A**

## **1. TO ELECT A CHAIR**

To elect a Chair for this committee.

## **2. TO ELECT A VICE CHAIR**

To elect a Vice Chair for this committee.

## **3. APOLOGIES**

To receive any apologies for absence.

## **4. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

## **5. URGENT ITEMS**

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

## **6. MINUTES**

5 - 8

The Chair shall propose that the minutes of the previous meeting of this committee held on 3 November 2025 be signed as a true record (attached).

## **7. STANDARDS COMMITTEE MEMBERSHIP**

9 - 10

For information.

## **8. PROPOSED WORK PROGRAMME FOR 2026-27**

11 - 12

To consider a draft programme for the work of the Committee for 2026-27

## **9. ALLEGATIONS AGAINST MEMBERS**

13 - 37

For information.

## **10. AMENDMENTS TO THE MEMBERS CODE OF CONDUCT AND THE COUNCILS WHISTLE BLOWING POLICY**

38 - 65

To advise members of proposed amendments to the Members Code of Conduct and The Councils Whistle Blowing Policy.

## **11. THE GIFTS AND HOSPITALITY REGISTER FOR MEMBERS**

66 - 73

To consider options for publication of the Register on the Council's website



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## STANDARDS COMMITTEE, 03/11/25

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### **Present:**

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

**Independent Members:** Mr Hywel Eifion Jones (Chair), Mr Mark Jones, Ms Non Gibson and Mr Aled Jones.

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

**Also in Attendance:** Iwan Evans (Monitoring Officer), Sion Huws (Propriety and Elections Manager), Courtney Jones and Rhodri Jones (Democracy Services Officers).

### **1. APOLOGIES**

An apology was received from Ms Sonya Khade (Independent Member).

### **2. DECLARATION OF PERSONAL INTEREST**

None to note.

### **3. URGENT ITEMS**

There was no urgent matter to be discussed.

### **4. MINUTES**

The Chair signed the minutes of the meeting of this Committee held on 9 June 2025 as a true record.

### **5. THE GIFTS AND HOSPITALITY REGISTER**

The report was submitted by the Propriety and Elections Manager. This was confirmed to be a regular report to the Committee, in accordance with its work programme. It was noted that it related to the Code of Conduct for Councillors, which requires members to provide written notice to the Monitoring Officer of any offer of hospitality, material benefit or advantage valued at more than £25, which is the threshold amount set by Cyngor Gwynedd. It was confirmed that the principles were outlined in the protocol, which provided guidance to members as to what was appropriate to accept. It was noted that gifts rejected by members were also registered, in order to analyse patterns, etc.

It was confirmed that there had been a low number of gift registrations this year, which was similar to the previous year of 2024/25. It was reported that only three new registrations had been received since the last meeting, and those related to the same event.

Gratitude was expressed for the report and Council members were commended on their compliance with the policy. It was suggested that consideration should be given to publishing a gifts and hospitality register on the Council's website, to reflect public confidence and ensure transparency. It was noted that data security issues were also important and this would need to be taken into account when considering options for publishing information online. It was decided that the Monitoring Officer would prepare a report on options for entering the information online by the next meeting of the Committee.

## **DECISION**

**To accept and note the contents of the report.**

**To accept the Monitoring Officer's proposal to prepare a report on options for entering information on the Council's website, to be presented to Members at the next meeting of this Committee, which is scheduled for 23 February 2026.**

## **6. THE OMBUDSMAN'S ANNUAL REPORT**

The report was presented by the Monitoring Officer.

Concern was expressed that a significant number of cases were forwarded to the Ombudsman which therefore resulted in a slippage in the Ombudsman's work. It was stated that the Ombudsman was not meeting targets due to such an obviously heavy workload. The Ombudsman's workload was highlighted, and it was stated that this should be taken into consideration.

It was noted that 315 complaints related to the code of conduct and that as few as 49 had been investigated. It was suggested that it would be useful to try to resolve more issues internally before they had to be submitted to the Ombudsman so that the workload could be better managed and more cases dealt with efficiently.

In response to an enquiry from a Member regarding the need for a finding of guilt as an evidential basis to suspend councillors from their work, the Monitoring Officer confirmed that criminal matters were dependent on a finding of guilt in order that appropriate action be taken.

## **DECISION**

**To note and accept the contents of the report.**

## **7. ALLEGATIONS AGAINST MEMBERS**

The report was presented by the Propriety and Elections Manager. The Committee was briefed on 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 no decision notices had been received from the Ombudsman since the previous report.

In response to an enquiry, it was confirmed that a complaint against a former member of the Council had been referred directly to the Adjudication Panel for Wales by the Ombudsman. It was noted that it was hoped that further details on this matter would be available by the next meeting of the Committee, so it would be possible to elaborate on it at that time.

It was asked what Members' position was regarding declaring an interest in relation to decisions when they were members of trust boards. It was explained that this issue was part of the statutory and legal duties towards that company or charity to promote the success of the relevant company but that the issue of conflict of interest also needed to be considered and that there was a need to be careful not to go against either duty. It was noted that the unique issue needed to be dealt with in accordance with the requirements and the trust or company and to follow the appropriate guidelines. It was detailed that the code of conduct generally stated that the code of conduct of the organisation of which the member is a part should be followed. It was explained that it was possible to work with the Democracy Team to create an explanatory specific designation detailing this issue in the member induction pack by the next Elections period in 2027 to ensure an understanding of the nature of the code and the relevant guidelines.

## **DECISION**

**To note the information.**

### **8. LOCAL RESOLUTION PROCEDURE**

The report was presented by the Monitoring Officer. It was explained that the Local Resolution Procedure had been in place in Gwynedd since 2013, and created an informal process for dealing with low-level complaints without the need for a formal complaint to the Public Services Ombudsman for Wales. It was noted that the Ombudsman had reviewed all local resolution elements and protocols in Wales, and had highlighted Gwynedd's work as good practice in the field. Members were reminded that this Committee had modified Gwynedd's local resolution procedure about two years ago to give group leaders at the time a greater role in the local resolution process. It was noted that this promoted local resolution and reinforced the process.

Reference was made to the challenges that faced town and community councils and the pressure on monitoring officers to resolve allegations and breaches of the code of conduct. It was noted that the structure was laborious, but that it took significant pressure off the Ombudsman. It was highlighted that this freed up the Ombudsman's resources to deal with matters in accordance with the constitution.

## **DECISION**

**To note the report.**

**9. NATIONAL STANDARDS COMMITTEES FORUM MINUTES**

The minutes were referred to by the Chair. It was highlighted that this was an item for information and therefore there was no discussion.

**DECISION**

**To accept the information.**

The meeting commenced at 10.30am and concluded at 11.20am.



<b>Committee :</b>	<b>The Standards Committee</b>
<b>Date</b>	<b>23 February 2026</b>
<b>Title</b>	<b>The Standards Committee's Membership</b>
<b>Author</b>	<b>Siôn Huws, Propriety and Elections Manager</b>
<b>Purposes</b>	<b>For Information</b>

1. Gwynedd Council's Standards Committee is made up of five 'independent members' (individuals who have no connection with local government), plus one community council member and three elected members of Gwynedd Council.

2. The Standards Committees (Wales) Regulations 2001 ("the Regulations") allow the authority to appoint independent members for an initial term of between four and six years and to re-appoint them for a further consecutive period, of not more than four years. The ability to re-appoint allows for continuity but at the same time prevents an individual from becoming too embedded in the committee. It also means that the Committee does not lose the experience and expertise that a member has gained during his/her service.

3. A statutory procedure is laid down for the appointment of independent members, which includes the advertisement of the vacant seat and the interview of candidates by an appointment panel. The panel will make a recommendation to the Full Council, which has the right to make the appointment. Nevertheless, there is no need to follow this advertising and interview process when reappointing independent members.

### **The Current Situation**

4. At its meeting on 5 February 2026 the Full Council re-appointed Hywel Eifion Jones was a further period of four years as an Independent Member of the Committee.

5. A vacancy has arisen following the recent resignation of one of the Independent Members, Sonya Khade. In addition, following 10 years of valuable service to the Committee, Aled Jones' second term of membership will come to an end in March this year. We will therefore be advertising the two vacant seats with the intention of presenting the recommendations of the Appointment Panel to the Full Council meeting on 14 May 2026.

6. The Regulations have recently been amended to relax somewhat the rules which prevented former members and former officers of the Committee's authority from being appointed as independent members. From now on, therefore, a person may not become an independent member if:

- a member or officer (or the spouse or civil partner of a member or officer) of any county/county borough council, fire authority, national park authority, or a community/town council
- a former member of Cyngor Gwynedd until the expiry of the period of two years since the date on which that person ceased to be a member or, if he/she held a senior, cabinet or executive post, the expiry of the period of five years since that person last ceased to hold such a post.
- a former officer of Cyngor Gwynedd if that person held a politically restricted post, or the post of registration officer, until the expiry of the period of two years from the date which that person last ceased to hold such a post

### **Recommendation**

7. The Committee is asked to note the information

# Agenda Item 8

<b>MEEETING</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>23 February 2026</b>
<b>TITLE</b>	<b>Proposed Work Programme for 2026-27</b>
<b>AUTHOR</b>	<b>Monitoring Officer.</b>

1. The objective of this report is to propose a draft programme for the work of the Committee for 2026-27
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

<b>Gwaith Pwyllgor Safonau 2026/27</b>	<b>Standards Committee Work –2026/27</b>
<b>8 Mehefin 2026</b> Adroddiad Blynyddol Adolygu gweithrediad Protocol Arweinyddion Grwpiau Gwleidyddol Honiadau yn erbyn aelodau Hunan Asesiad Adolygiad trefniadau cofrestrau buddiannau	<b>9 June 2026</b> Annual Report Review the operation of the Group Leaders Protocol Allegations Against Members Self-Assessment Review of registers of interest arrangements
<b>2 Tachwedd 2026</b> Cofrestr Rhoddion a Lletygarwch Cofrestr Datgan Buddiant Adroddiad Blynyddol yr Ombwdsman Honiadau yn erbyn Aelodau Derbyn adroddiad o Fforwm Safonau Cymru	<b>2 November 2026</b> Gifts and Hospitality Register Declaration of Interest Registers Ombudsman's Annual Report Allegations Against Members Receive report from the Wales Standards Forum
<b>22 Chwefror 2027</b> Adroddiad Blynyddol y Panel Dyfarnu Honiadau yn erbyn aelodau Rhaglen Waith Trefniadau Anwytho Aelodau Newydd .	<b>22 February 2027</b> Annual Report of Adjudication Panel Allegations against members Work Programme Induction Arrangements for New Members

<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>23 February 2026</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Siôn Huws, Propriety and Elections Manager</b>
<b>Purpose:</b>	<b>For information</b>

## 1. Background

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

## 2. Decisions

2.1 Summaries of the decisions received from the Ombudsman are attached as an **Appendix 1**.

2.2 The Adjudication Panel for Wales' Decision Notice on a complaint against a former Cyngor Gwynedd member is attached as **Appendix 2**. The Panel has published a Decision Report setting out the full reasoned decision on its website [Welcome to the | The Adjudication Panel for Wales](#)

## 3. Recommendation

3.1 The Committee is asked to note the information.

**Summary of a report issued under section 69 of the Local Government Act 2000**  
**Case Number: 202501611**

The Ombudsman received a complaint that a Former Member (“the Former Member”) of a community council (“the Council”) had breached the Code of Conduct (“the Code”). It was alleged that the Former Member had failed to declare an interest at a Council meeting in March 2025, regarding her association with a school (“the School”) and a charity (“the Charity”).

The Ombudsman’s Office started an investigation to consider paragraphs 11(1) and 12(1) (personal and prejudicial interests) of the Code. Information was obtained from the Council and the Charity. Comments were provided by the Clerk, the Complainant and the Former Member. The Former Member resigned from the Council during the investigation.

The investigation found that the Council made annual donations to the Charity (which supported the School) in 2024 and 2025, and the Former Member had been an employee of the School and a trustee of the Charity at the time. It was found that whilst the Former Member had declared an interest regarding the matter in 2024, she failed to do so for the same matter in 2025 and therefore, may have breached paragraphs 11(1) and 12(1) of the Code. It was also found, however, that her presence did not impact the outcome of the decisions made, and there was no evidence of direct financial or other gain to the Former Member and no evidence of harm to another because of her involvement in the meetings.

The Ombudsman found that given the facts around the business being considered, the breaches appeared technical in nature. Therefore, on balance, taking into account the limited nature of the matter, a lack of training or intent, incorrect advice and the Former Member’s resignation, the Ombudsman was satisfied that any suggested breaches were not Page 1 of 2 sufficiently serious to warrant a referral to the Standards Committee in the public interest.

The Ombudsman found that no action needed to be taken in respect of the matters investigated.

**Decision issued under paragraph 69(2) of the Local Government Act 2000 Case Number: 202506877**

**Summary of complaint**

It was alleged by a member of the public (“the Complainant”) that the Member had breached the Code by posting hateful and fear-mongering statements on social media relating to immigration.

**How we decide whether to investigate**

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

**My Decision**

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

The Complainant provided supporting documentation comprising of screenshots of 2 social media posts made by the Member. The nature and content of the posts relate to illegal immigration and are clearly aimed at the Council and the Police.

When assessing Code complaints, it is necessary to consider the nature of the allegations made against the Member complained about, in the context of the duties and obligations placed on them under the Code for elected/co-opted members. The Code usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. This is relevant because, based on the information presented and the context of the

comments made, it appears the Member was acting in an official capacity in at least one of the social media posts.

It is acknowledged that the Complainant considers the Member's comments to be hateful and fear-mongering. However, the posts appear to represent the Member's views and opinion. The comments are not directed at a specific individual and focus mainly on what he believes, the Council and the Police should be doing about illegal immigration. The Member is entitled to hold and share his views, even if others do not agree, or indeed, are offended by them.

Article 10 of the European Convention on Human Rights ("ECHR") (as incorporated in the Human Rights Act 1998) concerns freedom of expression. It states:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society...for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others".

Article 10 is a qualified right and as such the right to freedom of expression may be limited by imposition of sanctions in respect of provisions prescribed by law, such as ones contained in the Code, provided the restrictions are necessary and proportionate and are in pursuance of a legitimate aim.

This means that even if a breach of the Code were to be proven in relation to anything that the Member is alleged to have said, in order for a sanction to be justified, it would need to be a proportionate interference with the Member's right to freedom of expression. Caselaw on this issue has found that such interference is only likely to be proportionate if the language used was extremely serious.

That said, 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 egregious the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code.

The Member's comments relate to a political matter and therefore it is likely the Member would have enhanced protection under Article 10. In this case it is unlikely the



Member's posts, would be considered sufficiently serious that an investigation and/or sanction would be considered a proportionate interference with the Member's right to freedom of expression.

High standards of behaviour are expected of local councillors in Wales. Councillors must balance their right to freedom of expression with their responsibilities to maintain respect and integrity. Councillors must treat others with respect and avoid personal attacks, harassment, or discriminatory comments. While the comments the Member made have caused some concern to the Complainant, the evidence provided is not indicative of outrageous or offensive behaviour which would be suggestive of a breach of the Code and/or warrant interference with the Member's right to political speech on this occasion.

## **(2) Whether an investigation is required in the public interest**

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

## **Outcome**

The complaint should not be investigated.

**Decision issued under paragraph 69(2) of the Local Government Act 2000 Case Number: 202508404**

**Summary of complaint**

It was alleged that during a Council meeting, when discussing an update on a local business and its Trust Committee, the Member made misleading and upsetting comments about a Trustee (“the Complainant”).

How we decide whether to investigate

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

**My Decision**

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

The Complainant alleges that the comments made by the Member during the Council meeting on 10 December 2025 are misleading and humiliating. In particular, the Complainant raised concerns that the Member had said ‘a letter has been sent to [the trustees] explaining the issues in simple terms, that every person would understand’. The Complainant’s view however was that the letter the Member referred to is highly technical, legal and requires expert interpretation. The Member further expressed the view that the Complainant had cost the Council thousands of pounds in legal fees. The Complainant said this was untrue and malicious.

Everyone has the right to the freedom of expression under Article 10 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. It may be helpful to explain that, 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. Political comments are not confined to the Council chamber and can include comments members may make generally about their authority's policies or government policies. Political expression extends to all matters of public administration. 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 egregious the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code.

I am not persuaded that the comments unfairly discredit the Complainant, it appears to me that they represent an opinion rather than a statement of fact. I am of the view that such comments can reasonably be regarded as political expression and would therefore benefit from enhanced freedom of expression.

Appreciating that the Complainant disagrees with the comments made, they are not sufficiently egregious or disproportionate that a restriction is necessary for the protection of the rights and interests of others. Criticism and disagreement of views forms part of democratic discourse and does not, in itself, amount to a failure to treat someone with respect. The Member is entitled to hold and share his views, even if others do not agree, or indeed, are offended by them. It is not uncommon for elected members to say things which others may consider to be rude or offensive however it is not the purpose of the Code to inhibit free speech and the robust expression of political differences. The Complainant said he considered the Member's comment to be slanderous, this however is a legal issue and the Complainant would need to seek legal advice regarding allegations of slander.

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 may have breached the Code.

## **(2) Whether an investigation is required in the public interest**

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

## **Outcome**

The complaint should not be investigated.

## DECISION REPORT

**TRIBUNAL REFERENCE:** APW/001/2025-026/CT

**RESPONDENT:** Former Councillor Iwan Huws

**RELEVANT AUTHORITY:** Gwynedd County Council

### 1. INTRODUCTION

1.1 A case tribunal convened by the President of the Adjudication Panel for Wales (APW) met remotely to consider the referral made to it in respect of the above Respondent.

1.2 The Case Tribunal considered the documentary evidence presented by the parties on the 17 December 2025, in a hearing held remotely by video platform.

1.3 The APW received a referral from the Public Services Ombudsman for Wales (PSOW) in a letter dated 3 July 2025, in respect of a complaint made against the Respondent.

1.4 It was alleged that the Respondent was in breach of paragraph 6(1)(a) of the Gwynedd County Council Code of Conduct which states: *“Members must not conduct themselves in a way which could reasonably be considered to bring their role or their authority into disrepute.”*

1.5 Put succinctly the allegation was that the former councillor accepted a Conditional Caution for the offence of *“Fraud through misuse of position”* when he attempted to defraud his employer by misusing money. It was alleged that that it was reasonable to conclude that the Conditional Caution and the misconduct of the member had brought his office as a member and his County Council into disrepute suggesting a failure to comply with paragraph 6(1)(a) of the Code.

1.6 The Respondent did not complete an APW response form in response to the allegation. The bundle of documents prepared for the Case Tribunal's consideration included the report of the PSOW and its supporting documentation gathered in the course of the investigation, correspondence received from the respondent and the PSOW in the course of the proceedings. These were carefully considered by the Case Tribunal when discussing the case.

1.7 Listing Directions were issued by the Case Tribunal on the 24 November 2025, providing the parties with another opportunity to submit further information in response to every step of the adjudication process. The relevant steps were to determine the facts, conclude whether there had been a failure to comply with the Code of Conduct and decide on any relevant sanction. The Tribunal received written submissions from the Respondent and PSOW.

## **2. PRELIMINARY ISSUES**

2.1 No response was received from the Respondent to the referral within the allocated time limit, but an email was received dated 4 September 2025, offering comments on it. Since it was presented out of time, the Case Tribunal concluded that it could not be accepted as a response to the reference but that the email would be admitted as the Respondent's comments for consideration in the final hearing.

2.2 The email offered an explanation for the Respondent's failure to respond in time and apologies for his conduct.

## **3. PSOW'S REPORT**

3.1 A report was prepared by the PSOW in response to a complaint that the Respondent had failed to comply with the Code of Conduct. The allegation was that he had breached Gwynedd County Council's Code of Conduct by accepting a Conditional Caution for the offence of "*Fraud through abuse of position*" when attempting to defraud his employer through the misuse of funds.

3.2 The date of the offence was July 2023. The Respondent accepted the Conditional Caution on 19 December 2023. The condition imposed was that the Respondent should write a letter of apology to his employer, Isle of Anglesey County Council. The Respondent had resigned from his employment with Isle of Anglesey County Council on the 15 September 2023. He sent a letter of explanation to his employer dated 1 November 2023. The conclusion of the report was that the misconduct by the former member and the Conditional Caution he accepted, fell short of the expected standard of behaviour.

3.3 The report noted that the Respondent, during the investigation, had held various roles within Gwynedd County Council, including serving as a member of the Education and Economy Scrutiny Committee and a member of the Pensions Committee. The PSOW was of the opinion that a member of the public could reasonably question how a member could hold such roles, having demonstrated a failure in integrity and an attempt to dishonestly obtain public funds for himself.

3.4 The report concluded that the Respondent had demonstrated a lack of insight into the impact of his criminal behaviour on the reputation of the Relevant Authority. Although the offence had taken place within the Respondent's employment by a neighbouring local authority, the report noted the nature and seriousness of the offence which led to the acceptance of a criminal caution for fraud through misuse of position and it could reasonably be considered that the caution and the misconduct had brought the office of member of the county council and the county council into disrepute. Although the story was not reported in the media, the incident was so serious that the story would have brought into disrepute both the office of councillor and the council if it had been brought to the public's attention.

3.5 Although the Respondent expressed his regret for the offence and his conduct to the PSOW, the conclusion of the investigation and the report was that it was reasonable to conclude that the acceptance of a Conditional Caution and the conduct of the former member had brought his office and the county council into disrepute, suggesting a breach of paragraph 6(1)(a) of the Code of Conduct.

## **4. FINDINGS OF FACT**

### **Undisputed facts**

4.1 The Case Tribunal noted the following undisputed facts:

4.1.1 The Respondent signed an acceptance of office as a county councillor and undertook to comply with the Code of Conduct on the 10 May 2022.

4.1.2 The Respondent completed training on the Code of Conduct on the 10 May 2022 and 21 September 2022.

4.1.3 The Respondent was also a member of Y Felinheli Community Council, having been co-opted there in 2018. He resigned from that role in September 2023.

4.1.4 The Respondent had been employed by Isle of Anglesey County Council as a Senior Maritime Officer since 2011, until his resignation in September 2023.

4.1.5 A production company was referred to the Respondent on the 30 June 2023, to seek permission to hire Beaumaris pier for two days. The company stated that it would pay a “*total fee*” to include all costs and parking.

4.1.6 The Respondent agreed a fee of £3,000 to include VAT and stated that this would cover all the costs. The Respondent asked for the payment to be made through a BACS transfer.

4.1.7 On the 10 July 2023, the Respondent sent an invoice to the company by email for the cost of the hire. He attached a mooring receipt which included a handwritten document setting out the details of the pier hire and his own personal bank account details as the appropriate account for receiving payment.

4.1.8 On the 13 July 2023, the company sent a purchase order to the Respondent’s email address at Ynys Mon County Council.

4.1.9 On 24 July 2024, the Respondent sent an email demanding payment of the fee by the production company. Once again, the email attached a copy of the mooring receipt containing the Respondent’s own handwritten bank details.

4.1.10 The Respondent deleted both emails dated the 10 and 24 July from his email box.

4.1.11 On 26 July 2023, the production company made enquiries of the Employer’s Finance Department regarding the invoice and they confirmed that the payment details were incorrect.

4.1.12 The Employer conducted an investigation that disclosed that the bank details were those of the Respondent.

4.1.13 Because of the inconsistencies the Respondent was suspended from his employment and the matter referred to the police.

4.1.14 The Respondent resigned from his post with Isle of Anglesey County Council on the 15 September 2023.

4.1.15 The Respondent was interviewed by the police. He confessed that he had sent the handwritten invoice demanding payment and agreed that he had attempted to defraud through the abuse of his position. During an interview with the PSOW interviewing officer, the Respondent made the same admissions.

4.1.16 The Respondent did not get any personal cash benefit as a result of his actions.

4.1.17 On 19 December 1023, the police gave the Respondent a Conditional Caution for the offence of fraud through misuse of position, the only condition being that he should write a letter of explanation to the Isle of Anglesey County Council, an action that he had already completed.

### **Disputed Facts**

4.2 There were no disputed facts for determination by the Case Tribunal.

## **5. THE RESPONDENT'S COMMENTS IN INTERVIEW WITH THE PSOW**

5.1 The Respondent admitted in the course of the interview with the PSOW that he had committed the offence but his mitigation was that he had tried to resolve the problem in his own way. He alleged that the request from the company had put him under time constraints to process the request. He stated that he had responded on the same day to inform them that the sum offered would cover all the costs and he asked whether the company could make the payment by BACS. He also asked whether the fee could be paid on an official receipt, otherwise it would be necessary to set up the company as a supplier which could take some time. The Member explained that this wasn't the correct process to follow with this type of request. Instead, the usual practice would be to raise an official purchase order through the Employer's Finance Department, which would then send an invoice to the company. He said that this process would take some time and because he wanted to be helpful in expediting the process for the company, he had not followed the correct process. He said that he now acknowledged that that was a mistake.

5.2 He explained that the relevant fee rates would be about £900 for a full day to include VAT so that the fee for two days would be £1,800. When asked whether the remaining £1,200 was to pay for the parking, he stated:

*"I'm not sure what the charges are that Beaumaris Town Council charge for parking in that area. My intention was to pay a proportion to the Town Council after the weekend but after the weekend everything accelerated."*

The Member explained that he had subsequently received a telephone call from the company who were unhappy that the Town Council had not been consulted about the parking prior to their arrival. He stated that once he heard about the company's dissatisfaction, he decided to pay half the fee to the Town Council to reimburse the cost of parking. To do that, he decided to send the mooring receipt with his own bank details, with the intention of keeping half the payment for himself and giving the other half to the Town Council.



5.3 He stated that he had admitted to the police that it was an attempt to defraud in a public office and that he had used an old receipt book to facilitate this. He admitted that he had sent the handwritten invoice to the company with the details of his own personal bank account and that he had not presented a purchase order to the Finance Department until the 26 July 2023. The member admitted that he had deleted the email messaged dated 10 and 24 July 2023. He also confirmed that despite the purchase order from the company (which would have been the correct process to follow) on the 13 July 2023, he sent a further email on the 24 July to the company demanding payment to his own personal bank account.

5.4 When he was asked to explain why he had deleted the email, he stated:

*“...I started to panic then having realised what I had done and having understood that the company had phoned the finance department and the finance department had called the officer who deals with this type of thing and then phoned me to ask what was going on and how I was going to sort it out, I started panicking and deleted the emails containing the invoice.”*

5.5 During the interview, the Member stated in a way which could be interpreted as joking, that he should have thrown his laptop into the Menai [the straits separating the Isle of Anglesey from Gwynedd] since his Employer could not then have retrieved the email messages which had been deleted.

5.6 The Member could not recall when the Employer had first raised their concerns with him, but he could recall that there had been a telephone conversation with a colleague when he said:

*“I sent that [the purchase order sent to the Member on the 13 July 2023] to the relevant officer saying that was the one to be used. [Asking the Finance department and the company] to ignore the other one, the handwritten invoice dated 10 July and pursued on the 24 July.”*

5.7 He alleged that he did not realise that accepting a caution for fraud through misuse of position was an admission of guilt. However, he accepted that he was guilty of the offence. He stated that he had decided to accept the caution and resign from his employment because at the time he did not want to go through an internal investigation. He accepted that he had made a major mistake and stated that he wanted to move on from the incident. He believed that by resigning when he did, that he was doing the honourable thing at the time. He said that the embarrassment of facing his colleagues and his guilt about what he had done had led him to co-operate with the Police.

5.8 He confirmed that he had not been arrested by the police and that he had not obtained any financial gain through his actions. He said that he didn't have any financial motives for the fraud and that he had never done anything like that previously. He referred to problems in his personal life but he could not provide a specific reason why he acted as he did, other than its being an attempt to resolve the issue of keeping the Beaumaris Town Council happy and assisting the Film Company.

5.9 The Respondent stated that as a result of this issue, he had sought medical advice for stress and had been very anxious about the potential for details about him to be disclosed and the bad press that could attract. He stated that he had been very close to an offer of a cabinet post in Gwynedd County Council but had declined to accept because of the situation.

5.10 He stated that he had contemplated resignation from the county council and that he might do so yet, depending on the decision of the PSOW. He did not wish to undergo a Standards Committee hearing nor attend a hearing before the APW.

5.11 The Respondent expressed his remorse for his actions and his inability to explain them. He said that if he was able to repeat the events, he would have used the usual process of presenting an official purchase order, without seeking to help. He said that he had looked forward to developing his political career and that he still hoped to be able to do so. He regretted the whole incident and the impact it had on him. He said that he had co-operated fully with his Employer and the police and that he did not want to cause further embarrassment to anyone. He said in the interview:

*"Yes, its obvious that I've been under a bit of stress, worrying daily that something else would be exposed and me being a county councillor, like. Nothing has come out so far as I know – you know that – it isn't public knowledge in my village, it isn't causing me embarrassment in my ward but its obvious and I'm conscious that one or two colleagues in Ynys Mon who were friends are aware and in Gwynedd Council, the leader and ,,,the Monitoring Officer and his Deputy are making the investigation aware."*

5.12 He said that he understood paragraph 6(1)(a) of the Code and that high standards are a requirement when someone holds public office. He said that he wished to emphasise that although he was a Gwynedd County Councillor at the time, he was employed by Isle of Anglesey County Council as an officer and undertaking his duties in that capacity at the time. He stated that he felt that his conduct could have brought Isle of Anglesey County Council into disrepute and his office as a councillor.

5.13 The Respondents stated that he enjoyed being a councillor and that this incident was an obstacle. He hoped that it would not reach a stage where he would be required to resign.

5.14 The Respondent stated that he had not considered a self-referral to PSOW but that he realised that he should probably have done that. He stated however that he had reported the incident to the Leader of the Council at the time.

#### **The Respondent's comments in his email of the 4 September 2025.**

5.15 In his email to the APW dated 4 September 2025, the Respondent stated that he accepted the conclusions of the PSOW and thanked them for their thorough investigation. He confirmed that he was the Chair of the Felinheli Community Council until September 2023. He sought the understanding and mercy of the APW *“from considering the context and my personal circumstances at the time of the offence”* together with the impact any suspension would have on the case work he was undertaking on behalf of his constituents. He apologised profusely for his conduct.

5.16 The Respondent sent a further email dated 13 October 2025, correcting the reference to the date “2022” in his previous email to “2023” and confirmed that he had now resigned from his office as a County Councillor, stating that the media in Wales had run a very negative story about him the previous Friday and that his good name was now tarnished.

## **6. THE PSOW'S COMMENTS**

6.1 The PSOW noted in her further comments that the Respondent had held a number of roles within the Relevant Authority, including being a member of the Education and Economy Scrutiny Committee and the Pensions Committee. It was her opinion that it would be reasonable for a member of the public to question how a member could hold such offices, having demonstrated a lack of integrity in an attempt to dishonestly acquire public funds for their own benefit.

6.2 Despite his remorse, the PSOW noted that the Respondent had shown a lack of insight into the impact of his criminal behaviour on the reputation of the Relevant Authority. The PSOW's guidance notes that she considers a member's conduct from the standpoint of a reasonable member of the public. Despite the conduct having occurred in the course of the Member's employment by a neighbouring council, she noted the nature and seriousness of the offence which led to the criminal caution for fraud through misuse of position. She was of the opinion that it could reasonably be considered that a Conditional Caution and misconduct by the Respondent had brought his office and the Responsible Authority into disrepute, suggesting a breach of paragraph 6(1)(a) of the Code of Conduct.

## 7. THE CASE TRIBUNAL'S DELIBERATION

7.1 The Case Tribunal noted the following facts:

7.1.1 The Respondent was notified of the PSOW investigation on the 24 May 2024.

7.1.2 In the course of the investigation, the investigating officer received documentation from the Relevant Authority and from the police.

7.1.3 During the course of the investigation, the Respondent volunteered to take part in an interview with the Investigating officer and the transcript of the interview was in the Case Tribunal's bundle of documents.

7.1.4 Following the interview, the Respondent produced further evidence for the investigating officer which was also within the hearing bundle before the Case Tribunal.

7.2 The Case Tribunal also noted the following events:

7.2.1 The Respondent was suspended from his employment with Isle of Anglesey County Council by letter received by the Respondent on or about the 6 August 2023.

7.2.2 On the 14 September, the police wrote to the Respondent inviting him to attend a voluntary interview regarding the offence of *"fraud through misuse of position"*.

7.2.3 On the 15 September 2023, the Respondent resigned from his employment with Isle of Anglesey County Council.

7.2.4 On the 4 October 2023, the Respondent attended a voluntary interview with the police where he admitted the offence in full of attempt to defraud by misuse of position and that he had not received any payment as a result of the offence.

7.2.6 On 19 December 2023, the police gave the Respondent a Conditional Caution for the offence, the condition being that he wrote a letter of explanation to his employer. The police recorded the caution and the offence on the 3 July 2023 as follows:

*"Fraud by abuse of position...namely a Senior Maritime Officer, in which you were expected to safeguard or not to act against the financial interests of Ynys Mon Council, you dishonestly abused that position intending thereby to cause a loss of £2,500 in mooring fees from the film company. This was contrary to sections 1 and 4 of the Fraud Act 2006."*

7.2.7 The Respondent had already written a letter to his employer dated 1 November 2023 apologising for his conduct. He had prepared the letter following the police interview and the police and seen a draft of it on the 19 October 2023, before it was sent to the employer.

7.2.8 The Respondent during the period of the investigation by the PSOW held a number of different roles within the Relevant Authority including being a member of the Education and Economy Scrutiny Committee and the Pension Committee.

7.2.9 The Respondent did not notify the Monitoring Officer of the Conditional Caution. The Monitoring Officer was notified on the 26 January 2024 by the Leader of the Council's Plaid Cymru group.

7.2.10 On the 9 February 2024, the Monitoring Officer contacted the Respondent directly by email to seek formal confirmation of the facts.

7.2.11 Confirmation was not received until the Respondent emailed on the 2 February 2024 with the details. In that email, the Respondent confirmed that he had resigned from his employment on the 15 September 2023 but that he was on the verge of retiring then anyway.

7.2.12 The Respondent did not consider referring himself to the PSOW.

7.2.13 The Monitoring Officer confirmed that he referred the matter to the PSOW on the 29 February 2024.

7.2.14 On the 24 May 2024, the PSOW confirmed that a decision had been made to investigate the complaint.

7.2.15 On the 13 January 2025, the Respondent was interviewed by the PSOW Interviewing Officer.

7.2.16 On the 3 July 2025, the PSOW referred the allegations made against the Respondent to the APW. The allegation was that he had failed to comply with paragraph 6(1)(a) of the Gwynedd County Council Code of Conduct which states: *"6.—(1) You must — (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;"*

7.2.17 On the 30 July 2025, the APW sent a copy of the reference to the Respondent, inviting his response to the referral within 21 days.

7.2.18 The Respondent tendered the resignation of his office as a member of Gwynedd County Council by email dated 18 September 2025.

## **8. THE CASE TRIBUNAL'S FINDINGS**

8.1 This is a relatively unusual case since there are no disputed facts and only one incident to consider, namely the conduct of the Respondent in June/July 2023 in the context of his employment as a Senior Maritime Officer employed by Isle of Anglesey County Council.

8.2 When considering the conduct, the Case Tribunal has reminded itself of the relevant provisions in this context.

8.3 Pursuant to Part III of the Local Government Act 2000, local councils must adopt a Code of Conduct for members which incorporates the provisions of the Model Code, which is contained in an order made by the Welsh Ministers.

8.4 It is a requirement that members of councils sign an undertaking that they will, in fulfilling their roles, comply with the council's Code of Conduct. The Respondent gave such an undertaking on the 10 May 2022. He attended two training courses on the Code of Conduct on the 10 May and 21 September 2022.

8.5 The Code of Conduct incorporates the compulsory provisions of the Welsh Model Code of Conduct, which is consistent with the ten principles of behaviour derived from the Nolan principles for conduct in public life.

8.6 Part II of the Code notes that members must comply with the code in relation to their behaviour as noted in paragraphs 6(1)(a) and 7 at all times and in all capacities.

8.7 The relevant provision of the Code in this case is paragraph 6(1)(a):

“6.—(1) *You must —*

*(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;”*

8.8 Normally, the Case Tribunal would also consider Article 10 of the European Convention on Human Rights and the right to express an opinion but no question is raised about that right in this case.

### **PSOW's Guidance**

8.9 The PSOW has published guidance for councillors and in it is states:

*“2.33 Dishonest and fraudulent behaviour will bring the council into disrepute, as well as conduct which leads to a criminal conviction especially if it includes dishonest threatening or aggressive behaviour even if that conduct has taken place in your private capacity.”*

8.10 In this case, on the basis that the Respondent has admitted an offence of dishonesty and fraud and that he does not disagree with the conclusions of the PSOW nor does he disagree with the facts as presented by the PSOW, the Case Tribunal unanimously concluded that the conduct of the Respondent breached paragraph 8(1)(a) of the Code.

8.11 Although the offence happened in the context of his employment as a Senior Maritime Officer for the Isle of Anglesey County Council, he was at the time a member of the Relevant Authority and held very responsible roles within that Council. The fact that he broke the law and attempted to defraud his employer, which was itself a public authority, and tried to steal money which was due to Beaumaris

Town Council and to Isle of Anglesey County Council, means that the offence demonstrated a lack of respect towards the public on several levels.

8.12 The attempt to defraud took place over a number of days and does appear to include an element of premeditation in its preparation. Despite the Respondent's explanation that he had to make a decision under time pressures and that he sought to secure the interests of the Town Council and the film production company, he had enquired whether the company could make the payment through a BACS transfer on the 30 June. On Monday 10 July, he sent a handwritten invoice including his own bank details to the company for the sum of £3000. The page on which he had written his own bank details had been torn from inside a book of Isle of Anglesey County Council Mooring Receipts, with the attached carbon copies also removed, so that the removal of the page could not be detected unless someone noticed that the numbers were out of sequence. On the 24 July, the Respondent emailed the company demanding payment and attaching another copy of the invoice. The emails were subsequently deleted from the Respondent's email account and the IT department had to restore them from the system, following his suspension from work. Only once the company had made enquiries about the accuracy of the handwritten invoice did the Respondent send a purchase order to the finance officer in Isle of Anglesey County Council.

8.13 The Case Tribunal came to the conclusion that the behaviour displayed was not a moment of madness but a series of events which included an element of planning and premeditation, including ensuring that the company could pay through a BACS transfer, ensuring that the absence of the invoice from the book was not apparent and deleting the emails from his own account. The attempt was ongoing for a period of about three weeks and during that period, there were ample opportunities for the Respondent to withdraw from the attempt and arrange for the payment to be properly made to Isle of Anglesey County Council.

8.14 This was a serious attempt to defraud in the capacity of his employment within a public body, an offence which brought the Respondent himself into disrepute. Despite his attempts to cover up the offence and the Conditional Caution, the seriousness of the offence means, despite its being conducted in his personal role as an officer, it also brought his office as a councillor and the Relevant Authority into disrepute.

8.15 We noted with interest that it was not until the 16 October 2025 that the Respondent considered his reputation besmirched. A number of people within Isle of Anglesey County Council were aware of the offence, along with members of North Wales police and some in Gwynedd County Council. The Respondent's main interest in this process was to admit the offence and move on. He said as much in his interview with the PSOW and he has done as much as he can to ensure that the offence did not become known. His comments in the PSOW that he should have thrown his laptop into the Menai Strait, even if intended in jest, were inappropriate

and demonstrated a lack of understanding of the seriousness of the situation. It suggests that covering up the offence and moving on as if it had never happened was the objective. His comment in the PSOW interview praising the fact that the story had not become public because that would cause him embarrassment, reflects his lack of understanding of the seriousness of the offence he committed.

8.16 It is striking that he didn't resign as a member of Gwynedd County Council until September 2025, by which time, the case was under consideration by the Case Tribunal. He had mentioned in his PSOW interview that his intention was to retire from his role with Isle of Anglesey County Council anyway, in order to focus on his political career. It is apparent that he intended to continue as a member of the County Council, despite his conduct and to all intents and purposes without acknowledging the seriousness of the offence but rather seeking to cover up the offence from his constituents. Although he apologised and asked for mercy, his main objective was to keep it all quiet and to ensure that his reputation and his political career were not affected by his conduct. That suggests that the Respondent did not have any real insight into the seriousness of his conduct nor regret for what he did, but rather that he regretted being caught in the act and had acknowledged the offence. Above all, his conduct does not indicate that he has a full understanding of the high expectations of good behaviour that are imposed on those holding public office.

8.17 Despite his assertion that he did not appreciate that accepting a Conditional Caution would mean that he admitted the offence, the papers prepared by the police in such circumstances and in this case specifically, as they were presented in evidence, confirm to the offender precisely what was the status of a confession and what the acceptance of a conditional caution signifies. It is also clear from the documentary evidence that the Respondent was legally represented at the time and his legal representative would have explained the position to him. Consequently, we cannot accept that the Respondent did not appreciate what he was doing by confessing to the police that he committed the offence.

8.18 The Nolan Principles, as extended in the principles governing elected members in Wales, are the basis of the Code of Conduct and underline the importance of integrity and propriety, the duty to maintain the law and to lead by example to promote public confidence in their office and authority. The Case Tribunal has concluded that the Respondent did not maintain those principles.

8.19 To conclude, the Case Tribunal decided that it could reasonably be perceived that the conduct to which the Respondent admitted brought his office and authority into disrepute. He admitted to a serious offence where he sought to use his role working for a public authority to steal money owed to that authority and Beaumaris Town Council, for his own benefit and accepted a conditional caution from the police regarding that offence.



## **9. FINDINGS AS TO SANCTION**

9.1 Listing Directions provided an opportunity for the parties to make further representations regarding the appropriate sanction should the Case Tribunal find that there had been a breach of the Code and that it was necessary to consider the appropriate action to be taken.

9.2 The PSOW offered written submissions following the issue of the Listing Directions. Referring to the necessary action should the Case Tribunal decide that the Respondent had breached the code, she provided a list of the relevant factors for consideration, reminding the Case Tribunal that the purpose of the ethical standards framework was to facilitate the highest standards among council member in Wales and to maintain the confidence of the public in local democracy,

9.3 The PSOW acknowledged that the nature of any sanction is a matter for the Case Tribunal, having considered the facts of the case and the seriousness of the breach but in order to offer assistance, set out a list of mitigating and aggravating factors noted during the investigation and report. The PSOW concluded that the nature of the breach was serious and that a sanction would be fair, proportionate and in the public interest to maintain confidence in local democracy.

9.4 The Respondent requested the understanding and mercy of the Case Tribunal, taking into consideration his personal circumstances at the time of the offence together with the impact his suspension would have on his ability to understand his constituents' case work.

## **10. THE CASE TRIBUNAL'S FINDINGS ON SANCTION**

10.1 The Case Tribunal concluded as follows regarding the appropriate sanction:

10.1.1 The Case Tribunal took into consideration all the documentation, the facts and the submissions received in the case. It was noted that the Respondent had sought to refer to his personal circumstances at the time of the offence but did not offer sufficient detail to explain why that would lead to his offending. He also claimed to have received medical advice at about the time that he was interviewed by the police but no medical evidence was provided to the Case Tribunal to consider, to explain why that was necessary.

10.1.2 The Tribunal has taken into consideration the current Sanctions Guidance issued by the APW. It has reminded itself of the provisions of paragraphs 44 and 47 particularly:

*"Public interest*

*44. The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.”*

And also:

*“Former members*

*47. In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate (this can only apply in case tribunals). This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected.”*

10.1.3 The Registrar to the Tribunal confirmed that the Assistant Monitoring Officer had confirmed that there had been no previous complaint against the Respondent during his tenure as a member.

10.1.4 The Case Tribunal’s starting point when considering sanctions is the seriousness of the breach. Paragraph 35 of the guidance states:

*“35. The tribunal will assess seriousness with particular reference to:*

- the nature and extent of the breach, and number of breaches;*
- the member’s culpability, their intentions in breaching the Code, and any previous breaches of the Code;*
- the actual and potential consequences of the breach – for any individual(s), the wider public and/or the council as a whole;*
- the extent to which the member’s actions have, or are likely to have the potential to, bring his/her office or the relevant authority into disrepute.*

*36. Examples of the way in which tribunals might weight seriousness include:*

- a breach involving deliberate deception for personal gain or discrimination is likely to be regarded as more serious than that involving the careless use of a council email address on a personal social media profile;....”*

10.1.5 The Case Tribunal concluded that this was serious misconduct – a deliberate offence, an attempt to dishonestly defraud for personal benefit. This was not a case where taking no action was appropriate.

10.1.6 Since the Respondent had ultimately resigned from his office as a member of the Relevant Authority, the only appropriate action is a disqualification. A case tribunal can disqualify a member from being a member or becoming a member in future of the authority in question or any other relevant authority to which the Code of Conduct is relevant, for a maximum of five years. This is the most drastic sanction available to a tribunal. The guidance explains that disqualification is likely to be appropriate if the breach is so serious as to require a substantial disciplinary response to ensure that the same thing does not happen again, to demonstrate that conduct of this type in a public office is unacceptable and to emphasise the importance of the code and to maintain the public confidence in local democracy.

10.1.7 The Case Tribunal considered the following mitigating and aggravating factors whilst considering the sanction:

#### **Mitigating circumstances**

10.1.7.1 There is only one incident and one offence to be considered.

10.1.7.2 The Respondent was a relatively recent appointment to the Relevant Authority having been elected just over a year prior to the offence.

10.1.7.3 There were no complaints received or Standards committee consideration in respect of the Respondent's behaviour.

10.1.7.4 The Respondent co-operated fully with the police, admitted the offence and accepted a Conditional Caution.

10.1.7.5 The Respondent co-operated with the PSOW's investigation.

10.1.7.6 The Respondent resigned from his employment because of the offence.

10.1.7.7 The Respondent wrote to the employer council to apologise for the offence.

#### **Aggravating Circumstances**

10.1.7.8 The Respondent conducted himself in a deliberate attempt to attain personal benefit from the offence.

10.1.7.9 He misused his employment as an officer in a public authority to attain personal benefit and to defraud his employer and Beaumaris Town Council.

10.1.7.10 He had planned the offence in advance by removing a page from the centre of an invoice book and removing the carbon copy pages too in order to hide the removal.

10.1.7.11 He pursued the company to pay the sum due two weeks after sending the initial invoice.

10.1.7.12 He deleted the relevant emails from his account in an attempt to cover up the offence and stated in an interview that he should have thrown the laptop into the Menai Strait.

10.1.7.13 He did not consider referring himself to the PSOW and continued to be a member of the Relevant Authority until September 2025, with the intention of pursuing his own political career. Despite his notification of the position to the leader of the group, he was very slow in notifying the Monitoring Officer of the Conditional Caution.

10.1.7.14 The Respondent had been working as an officer within a public authority for about 12 years and had been a local councillor since 2018. He had attended Code of Conduct training recently and was therefore familiar with the expected standards.

10.1.8 Having considered all the circumstances and the evidence presented, the Case Tribunal concluded that the Respondent had very limited insight into the seriousness of the offence and the situation in the context of the Nolan Principles. His behaviour was contrary to the principles of selflessness; honesty; integrity and propriety; the duty to uphold the law; stewardship; openness; accountability and leadership. These are core principles for conduct in public life, yet the main concern for the Respondent appeared to be the impact on his reputation and making every effort to cover up his conduct. Despite his apology to Isle of Anglesey County Council for his conduct, he did so on advice from the police and to comply with the condition imposed by the Conditional Caution.

10.1.9 The Case Tribunal concluded that this was a serious case and that the disqualification period should be sufficiently long to enable the Respondent to reflect on his behaviour and to seriously consider his own suitability for seeking public office. It is essential that standards are maintained in public life and we therefore decided that a disqualification for three years reflected the seriousness of the offence and the limited or lack of insight by the Respondent to the seriousness of the breach he had committed.

10.1.10 The Case Tribunal unanimously decided that a three year disqualification from being or becoming a member of the relevant authority or any relevant authority as defined by the Local Government Act 2000.

10.1.11 The Gwynedd County Council and its Standards Committee are duly notified.

10.1.12 The Respondent may apply to the High Court for permission to appeal against this determination. Anyone considering such an application for permission is urged to seek independent advice immediately.

Signed: .....Judge Meleri Tudur.....

Date: 10<sup>th</sup> February 2026

Chair of the Case Tribunal: Judge Meleri Tudur

Member of the Case Tribunal: Dr Glenda Jones

Member of the Case Tribunal : Mrs Sian McRobie

<b>Committee</b>	The Standards Committee
<b>Date:</b>	23 February 2026
<b>Title:</b>	Amendments to the Members Code of Conduct and The Councils Whistle Blowing Policy
<b>Author:</b>	Iwan G D Evans – Head of Legal Services – Monitoring Officer
<b>Purpose:</b>	To advise members of proposed amendments to the Members Code of Conduct and The Councils Whistle Blowing Policy

## Background

Members will find attached in the Schedule a draft report to the Council highlighting changes to the Principles of Conduct, Members Code of Conduct and Whistleblowing Policy ,

## Decision Sought

**That the Committee accepts the information**

## **SECTION 18**

### **18. MEMBERS' CODE OF CONDUCT**

#### **18.1 THE PRINCIPLES**

The Conduct of Members (Principles)(Wales) Order 2001 sets out the principles which are to govern the conduct of members of a relevant authority in Wales. They are :

##### **18.1.1 SELFLESSNESS**

Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

##### **18.1.2 HONESTY**

Members must declare any private interests to their public duties and take steps to resolve any conflict in a way that protects the public interest.

##### **18.1.3 INTEGRITY AND PROPRIETY**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions, avoid the appearances of such behaviour

##### **18.1.4 DUTY TO UPHOLD THE LAW**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them

##### **18.1.5 STEWARDSHIP**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently

##### **18.1.6 OBJECTIVITY IN DECISION MAKING**

In a carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and if appropriate, how to vote on any issue.

#### 18.1.7 **EQUALITY AND RESPECT**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their ~~gender, race, disability, sexual orientation, age or religion~~ **protected characteristics or socio-economic circumstances, and** show respect and consideration for others.

#### 18.1.8 **OPENESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

#### 18.1.9 **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as it appropriate to their responsibilities.

#### 18.1.10 **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

### 18.2 **INTERPRETATION**

#### 18.2.1 In this code

"**co-opted members**" in relation to a relevant authority, means a person who is not a member of the authority but who :

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee:

"**meeting**" means any meeting :

- (a) of the relevant authority;
- (b) of any executive or board of that relevant authority;
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, joint committee or joint sub-committee of any executive or board of the authority, or



- (d) where members or officers of the relevant authority are present other than a meeting of a Political Group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990 and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

**"Member"** includes, unless the context requires otherwise a co-opted member;

**““protected characteristics” (“nodweddion gwarchodedig”) has the meaning given by section 4 of the Equality Act 2010**

**"Relevant authority"** means:

- (a) a county council;
- (b) a county borough council;
- (c) a community council
- (d) a fire and rescue authority constituted by a scheme under Section 2 of the Fire and Rescue Service Act 2004 or a scheme to which 4 of that Act applies;
- (e) a National Park Authority established under Section 63 of the Environment Act 1995;

**"you"** means you as a member or co-opted member of a relevant authority; and

**"your authority"** means the relevant authority of which you are a member or co-opted member.

- 18.2.2 In relation to a community Council, references to an authority's monitoring officer and an authority's Standard Committee are to be read, respectively, as references to the Monitoring Officer and the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under Section 56(2) of the Local Government Act 2000.

### **18.3 GENERAL PROVISIONS**

- 18.3.1. Save where paragraph 18.3.3 applies, you must observe this code of conduct :
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

- (c) whenever you act; claim to act or give the impression you are acting as a representative of your authority; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 18.3.6(a) and 18.3.8
- 18.3.2 You should read this code together with the general principles prescribed under Section 49(2) of the Local Government Act 2000 in relation to Wales.
- 18.3.3 When you are elected, appointed or nominated by your authority to serve
  - (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
  - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 18.3.4 You must :
  - (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their ~~protected characteristics or socio-economic circumstances gender, race, disability, sexual orientation, age or religion;~~
  - (b) show respect and consideration for others,
  - (c) not use bullying behaviour or harass any person; and
  - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
- 18.3.5 You must not :
  - (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
  - (b) prevent any person from gaining access to information to which that person is entitled by law.
- 18.3.6 You must :
  - (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by a member or anyone who works for, or on behalf of, your authority

which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to the Public Services Ombudsman for Wales and to your authority's Monitoring Officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for or on behalf of your authority.

18.3.7 You must comply with any request of your authority's Monitoring Officer or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

18.3.8 You must not :

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority :
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

18.3.9 You must :

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by :
  - (i) the authority's chief executive;
  - (ii) the authority's Head of Finance;
  - (iii) the authority's Monitoring Officer;
  - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal

consequences of action or failure to act by the authority might have important repercussions);

- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

18.3.10 You must :

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

**18.4 INTERESTS**

**18.4.1 Personal Interests**

- (a) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (b) You must regard yourself as having a personal interest in any business of your authority if
  - (i) it relates to, or is likely to affect :
    - (A) any employment or business carried on by you;
    - (B) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (C) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
    - (D) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
    - (E) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (D) above;
    - (F) any land in which you have a beneficial interest which is in the area of your authority;

- (G) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (D) above.
- (H) any body to which you have been elected, appointed or nominated by the authority;
- (I) any:
  - 1. public authority or body exercising functions of a public nature;
  - 2. company, industrial and provident society, charity or body directed to charitable purposes;
  - 3. body whose principal purposes include the influence of public opinion or policy;
  - 4. trade union or professional association; or
  - 5. private club, society or association operating within your authority's area

in which you have membership or hold a position of general control or management.
- (J) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer).
- (ii) a member of the public might reasonably perceive a conflict between your role in taking a decision upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (iii) a decision upon it might reasonably be regarded as affecting :
  - (A) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (B) any employment or business carried on by persons as described in (A).
  - (C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;
  - (D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000, or
  - (E) any body listed in paragraphs 18.4.1(b)(i)(l)1 to 18.4.1(b)(i)(l)5 in which persons described in (A) hold a

position of general control or management to a greater extent than the majority of:

1. in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
2. in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### 18.4.2 **Disclosure of Personal Interests**

- (a) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (b) Where you have a personal interest in any business of your authority and you make :
  - (i) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
  - (ii) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representations and interest in writing within 14 days of the representation.
- (c) Subject to paragraph 18.4.5(a)(ii) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (d) You must, in respect of a personal interest not previously disclosed before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 18.4.2(a) submit a written notice to the authority in accordance with any requirements identified by your authority's Monitoring Officer from time to time, but as a minimum containing:
  - (i) details of the personal interest;
  - (ii) details of the business to which the personal interests relates; and
  - (iii) your signature.
- (e) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive

information, pursuant to paragraph 18.5.2(a), your obligations under paragraph 18.4.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

- (f) For the purpose of paragraph (d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (g) For the purposes of sub-paragraph (c) where no written notice is provided in accordance with the paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### 18.4.3 **Prejudicial Interests**

- (a) Subject to sub-paragraph (b) below, where you have a personal interest in any business of your authority, you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (b) Subject to paragraph (c), you will not be regarded as having a prejudicial interest in any business where that business :-
  - (i) relates to:
    - (A) another relevant authority of which you are also a member;
    - (B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (C) a body to which you have been elected, appointed or nominated by your authority;
    - (D) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
    - (E) your role as a member of the Local Health Board where you have not been appointed or nominated by your authority;
  - (ii) relates to
    - (A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more

than two months and provided that those functions do not relate particularly to your tenancy or lease;

- (B) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which the child attends;
  - (C) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are receipt of, or are entitled to the receipt of such pay from your authority;
  - (D) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972 an allowance or pension under Section 18 of the Local Government and Housing Act 1989 or an allowance or payment under Section 100 of the Local Government Act 2000;
- (iii) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (c) The exemptions in sub-paragraph 18.4.3.(b)(i) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### 18.4.4 Overview and Scrutiny Committees

You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your authority (or of a sub-committee of such a committee) where :

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### 18.4.5 Participation in relation to Disclosed Interests

- (a) Subject to paragraphs (b), (c) and (d), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standard committee :
  - (i) withdraw from the room, chamber or place where a meeting considering the business is being held -



- (A) where sub-paragraph (b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
    - (B) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
  - (ii) not exercise executive or board functions in relation to that business;
  - (iii) not seek to influence a decision about that business;
  - (iv) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (v) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (b) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (c) Sub-paragraph (a) does not prevent you attending and participating in a meeting if -
- (i) you are required to attend a meeting of an overview or scrutiny committee by such committee exercising its statutory powers; or
  - (ii) you have the benefit of a dispensation provided that you -
    - (A) state at the meeting that you are relying on the dispensation; and
    - (B) before or immediately after the close of the meeting give written notification to your authority containing -
      1. details of the prejudicial interest;
      2. details of the business to which the prejudicial interest relates;
      3. details of, and the date on which, the dispensation was granted; and
      4. your signature.

- (d) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 24 days of making the representation.

## **18.5 THE REGISTER OF MEMBERS' INTERESTS**

### **18.5.1 Registration of Financial and Other Interests and Memberships and Management Positions**

- (a) Subject to sub-paragraph(c) you must within 28 days of
  - (i) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (ii) your election or appointment to office (if that is later)register your financial interests and other interests where they fall within a category mentioned in paragraph 18.4.1(b)(i) in your authority's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to your authority's Monitoring Officer.
- (b) You must within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (a), register that new personal interest or change by providing written notification to your authority's Monitoring Officer.
- (c) Sub-paragraphs (a) and (b) do not apply to sensitive information determined in accordance with paragraph 18.5.2(a).
- (d) Sub-paragraph (a) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

### **18.5.2 Sensitive Information**

- (a) When you consider that the information relating to any of your personal interests is sensitive information and your authority's monitoring officer agrees, you need not include that information when registering that interest, or as the case may be a change to the interest under paragraph 18.5.1.
- (b) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (a) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (c) In this code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### 18.5.3 Registration of Gifts and Hospitality

You must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not.



## SECTION 22

### 22. WHISTLEBLOWING POLICY

#### 22.1 FREQUENTLY ASKED QUESTIONS

##### **What is Whistleblowing?**

Whistleblowing is when an employee, contractor or supplier shares a serious concern about malpractice, inappropriate behaviour or illegal activity within the Council.

##### **Why does this policy exist?**

The policy gives people a safe way to speak out if they have serious concerns. It helps to protect the Council's standards and to ensure that inappropriate actions are prevented.

##### **What can I raise a concern about?**

A concern can be raised about anything of public interest, such as:

- fraud or misuse of public funds
- abuse or neglect towards customers or clients
- corruption or abuse of authority
- risk to health and safety
- concealment of important information or malpractice

##### **Who can Whistleblow?**

This can be done by any employee, contractor, supplier, volunteer or consultant working for the Council.

##### **Will my name be kept confidential?**

Yes, where possible. Your name will not be disclosed without your consent unless there is a legal need to do so (e.g. in a court case).

##### **What if I don't want to give my name?**

You can make an anonymous disclosure, but it can be harder to investigate the matter if you can't be contacted for further details.

##### **Will I be protected from retaliation or persecution?**

Yes. The law (the Public Interest Disclosure Act 1998) protects you from any form of punishment, harassment or unfair treatment if you raise a legitimate concern.

##### **Who should I contact to share a concern?**

There are several different avenues for sharing your concerns, see clause 22.6 in this document for more information.

##### **What will happen after I raise a concern?**

The Council will confirm receipt of your concern, take steps to respond to the disclosure including initiating formal investigations and inform you of the outcome where possible. The nature of any investigation will vary depending on the disclosure.

**I do not work for the Council; can I raise a concern?**

This policy is relevant to Council employees. Nevertheless, the Council acknowledges that people who do not work for the local authority may wish to raise a concern. A guidance note can be found at the end of the policy, which explains how individuals who are not Council employees can raise a concern and who they should contact.

**22.2 Where can I get advice or support?**

Support is available through your Trade Union or through the Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)) charity, which offers confidential advice to whistleblowers

**POLICY STATEMENT**

- 22.2.1 Cyngor Gwynedd is committed to providing high quality services to the people of Gwynedd and relies on the quality of staff and management throughout the authority to do this. In the event of malpractice or a serious crime, it is vital that these activities are brought to light and resolved as soon as possible in order to protect the Council's high standards and maintain public confidence. The Council therefore promotes the highest possible standards of openness, honesty and accountability.
- 22.2.2 The Disclosure Policy has been designed to open up a safe and reliable way for employees to raise concerns, without fear that someone will retaliate, discriminate against them or put them at a disadvantage as a result. Cyngor Gwynedd will not tolerate harassment or persecution of an individual who raises a genuine concern.
- 22.2.3 The policy encourages employees to act responsibly in order to protect the Council's reputation and maintain public confidence. Individuals are expected to come forward and mention serious concerns they have about malpractice.
- 22.2.4 The policy is intended to encourage and enable employees to share serious concerns within the Council rather than opting to try to resolve things externally.
- 22.2.5 Cyngor Gwynedd will respond quickly and thoroughly to concerns raised under this policy, and act responsibly and positively to ensure that malpractice does not continue.
- 22.2.6 This policy has been developed together with the leaflet which provides information and advice to employees, as well as guidance for managers on how to respond to concerns mentioned. Copies of these documents can be obtained from the Corporate Services Department.

**22.3 PERSONS TO WHOM THE POLICY APPLIES**

- 22.3.1 This policy applies to all Council staff and contractors who carry out work for the Council on Council property such as agency employees or builders; suppliers and those who provide services under contract with the Council in premises such as care homes.

## **22.4 OBJECTIVES**

- 22.4.1 The policy seeks to

- encourage employees who are concerned about malpractice to feel confident enough to come forward and share their concerns
- ensure that employees understand what their responsibility is when it comes to reporting malpractice
- create reliable ways for them to report concerns and to receive full information on what happened next
- ensure that employees who share a concern are informed of the outcome of the issue, and also that they know how to take the matter further if they are not satisfied with the Council's response
- provide assurances that employees who mention a legitimate concern will be protected from any potential retaliation or persecution.

- 22.4.2 In order to do this the Council will:

- Promote this policy and the relevant guidelines for employees and managers as widely as possible to ensure that people are aware of its existence, scope and objectives.
- Include the Disclosure Policy as an essential part of the induction process for new employees.
- Promote the principles of openness and accountability in the workplace.
- Provide training to line managers on how to deal with concerns shared under this policy, support people involved in disclosure cases and the Public Interest Disclosure Act 1998 and the legal background of 'disclosure'.
- Ensure that all complaints are treated seriously and sensitively and are thoroughly investigated.
- Take steps to protect individuals who share concerns under this policy from any retaliation or persecution.
- Try to resolve the issue in the first place within the Council.

## **22.5 SCOPE**

- 22.5.1 The policy is primarily intended for concerns relating to situations where the interest of others or the interest of the Council itself is at risk. Employees should use this policy if they reasonably suspect that a

malpractice or crime has taken place, is about to occur or may be about to occur.

22.5.2 For the purposes of this policy, 'qualified disclosure' means any information disclosed by an employee which he or she honestly and reasonably believes to indicate malpractice or misconduct of the kind listed in section. 22.4.2 'Secure disclosure' means a disclosure made in accordance with the legal requirements in the Public Interest Disclosure Act 1998, so that the individual has the statutory protections.

22.5.3 Complaints can be about something that is thought to be in the public interest including something

- that is illegal, fraudulent or corrupt;
- which amounts to maladministration as defined by the Local Government Ombudsman. Maladministration encompasses, for example, unjustified delay, failure to follow the authority's rules or the law, prejudice, using inappropriate considerations, providing inaccurate information and several similar matters which cause injustice.
- that is contrary to, or is not in accordance with, the Council's Standing Orders, Financial Regulations or policies, codes of practice or legal obligations;
- which does not meet the established standards of practice;
- which is in breach of any statutory code of practice;
- which amounts to inappropriate behaviour;
- which amounts to sexual, physical, or emotional abuse of clients;
- which endangers the health and safety of an individual;
- which causes, or is likely to cause, harm to the environment;
- which is a miscarriage of justice;
- which is an abuse of power or the use of the Council's power and authority for some unauthorised purpose;
- which fails to rectify or take reasonable steps to report an issue which is likely to result in a large avoidable cost or loss of consequence to the Council or which would otherwise jeopardise the Council, or
- which is an attempt to hide any of the above examples.

The list is not exhaustive; it is intended to give an indication of the type of behaviour that could be considered a crime or a malpractice.

22.5.4 This policy cannot be used in relation to potential breaches of employment agreements, e.g. personal complaints or to challenge decisions, practices or policies with which individuals may disagree. The Disclosure Policy should therefore be regarded as being completely separate from processes that enable a member of staff to lodge a complaint in relation to their own employment.



## 22.6 HOW TO SHARE CONCERNS

### 22.6.1 Sharing a concern

22.6.1.1 Anyone who wants to whistleblow has a number of safe options to do so. The option that feels most appropriate should be chosen according to the nature of the concern and the circumstances.

Several avenues exist for sharing a concern. The different avenues are listed below:

- Line manager – for the line manager to refer the matter further (see below). All line managers need to be aware of the arrangements, so that they are at least in a position to be able to refer the matter to an appropriate officer.
- Head of Department / Corporate Directors / Chief Executive / Monitoring Officer. The exact avenue will depend on the nature of the concern.
- The Council's Whistleblowing Officers; namely the Council's Head of Corporate Services and Monitoring Officer. The Whistleblowing Officers are also responsible for organising a Response Group for any disclosure (see below).
- Any concern relating to the protection of children or adults will be referred immediately under the Council's safeguarding arrangements. Confidentiality should not prevent the sharing of information when there is a crime, risk of harm, or serious misconduct, and all practitioners are expected to act promptly to ensure safety.
- Any concerns about financial maladministration will be shared with the Internal Audit Service.
- If staff do not wish to use one of the above options directly, any concerns may be directed to an email address; [canurgloch@gwynedd.llyw.cymru](mailto:canurgloch@gwynedd.llyw.cymru)
- Whatever the method of sharing information, the information will be referred directly to the Response Group (see 22.6.2 below).
- Concerns can be shared in writing or verbally. If it is done verbally, the Executive Officer (namely the officer to whom the concern was originally addressed) will need to record as much detail as possible.
- While employees who share a concern will not be expected to provide evidence to show that the allegation is true, they will be expected to demonstrate to the Executive Officer that there are sufficient grounds to the allegation.
- Employees can seek confidential advice from a Trade Union on how to share a concern under this policy and can invite a representative to raise the issue on their behalf.
- The Council recognises that giving only one avenue for sharing concerns would not be suitable for all situations; that's why it

gives people more than one option for sharing information. You will not be at a disadvantage for choosing one of the above options over others, as long as you have acted with sincerity.

## **22.6.2 Whistleblowing Response Group**

22.6.2.1 The Whistleblowing Response Group will act as a central forum to assess all concerns raised through the avenues referred to above, and then to determine the most appropriate way to deal with any concern or disclosure made under the Whistleblowing Policy. The role of the Response Group is to ensure that all disclosures are considered fairly, objectively and in accordance with the relevant legislation, before considering what action should be taken in order to respond.

22.6.2.2 The Council's Whistleblowing Officers, namely the Head of Corporate Services and the Monitoring Officer, are responsible for organising a Response Group for any disclosure that is made. If you therefore receive a relevant disclosure, the Officers who will arrange a meeting of the Group should be informed.

The Group will be responsible for:

- Reviewing the details of the initial disclosure;
- Deciding whether the matter falls within the scope of the Policy, or whether one of the Council's other policies should be used to address the concern;
- Deciding whether to carry out an initial assessment or a formal investigation;
- Allocating investigative responsibility to the relevant department or appropriate officer, keeping in mind the need to prioritise Whistleblowing issues;
- Ensuring that appropriate arrangements are in place to protect those who have raised the concern from any retaliation or disadvantage.
- Ensuring that contact arrangements are agreed with those who have raised the concern, and that this is implemented in accordance with the understanding.
- Confirming a designated point of contact for the individual who has made a disclosure.

22.6.2.3 The Group will consist of some or all of the following officers, depending on the exact nature of the concern.

- Chief Executive;
- Monitoring Officer;
- Corporate Directors;
- Relevant Head of Department;
- A representative from the Human Resources Advisory Service;

- A representative from the Legal Service;
- A representative from the Internal Audit Service.

22.6.2.4 No member of the Group will participate if they are directly involved in the matter in question.

## **22.7 How the Council will respond**

22.7.1 When a disclosure of concern is received, the Council will acknowledge receipt of the disclosure within 10 working days. This response will include:

- confirmation that the disclosure has been received; and
- a brief description of the next steps in the assessment or investigation process.

22.7.2 If additional information is needed to clarify the disclosure or to assist with the initial assessment, the relevant officer will contact the person who raised the concern as soon as reasonably possible.

22.7.3 The way in which the Council will operate depends on the nature of the concern. Where appropriate, the issues raised may be:-

- investigated internally by managers, internal auditors or through another policy or procedure held by the Council
- referred to statutory processes such as child protection arrangements
- referred to the police;
- referred to external enforcement agencies such as the HSE
- referred to the external auditor;
- go to an independent investigation.

22.7.4 In order to protect individuals and those who are accused of potential wrongdoing or malpractice, initial enquiries are made to determine whether it is appropriate to conduct an investigation, and if so, how to investigate.

22.7.5 Some concerns can be resolved by agreeing what action to take without the need for an investigation. If urgent action needs to be taken, this will be done before any investigation is carried out.

22.7.6 We will undertake to complete an initial assessment (i.e., an assessment by the Response Group) of the concern within 10 working days of receipt (where practicable), in order to determine:

- whether a formal investigation is required,
- which procedure is applicable, and
- who will be responsible for the investigation

- 22.7.7 Those who raised the concern will be informed when this assessment has been completed and what next steps will be taken recognising that the information that can be shared depends on the context and legal requirements. If possible, we will always commit to updating the person making the disclosure (subject to the limitations of the law).
- 22.7.8 If a meeting has been arranged, the employee raising the concern will have the right to bring a union representative with them, or a colleague who is not related to the field of work to which the concern relates. Albeit, it is not always possible to arrange a meeting, and the response and action can vary depending on the limitations of the law.
- 22.7.9 The Council will endeavour to provide regular progress updates to those who have raised the concern, in line with confidentiality requirements and data protection laws. However it cannot be guaranteed that progress can be provided on all occasions. Updates will usually be provided:
- when the investigation has formally commenced,
  - when an important step has been completed (e.g. interviews or evidence gathering), and
  - at the end of the investigation, when a decision or outcome has been made.
- 22.7.10 When the investigation is complete, the person who raised the concern will receive a final notice stating that the process has ended and, where appropriate, a general summary of the outcome (subject to the limitations of the law).
- 22.7.11 The Council will process any personal data collected during this process in accordance with the Data Protection Act 2018 and GDPR.
- 22.8 PREVENTING RETALIATION, PERSECUTION OR HARASSMENT**
- 22.8.1 It's understandable that whistleblowers sometimes worry about potential impacts. Our aim is to encourage the open sharing of information and will support staff who raise genuine concerns under this policy, even if they turn out to be wrong.
- 22.8.2 Employees who share legitimate concerns about instances of malpractice are protected from prosecution and dismissal under the Public Interest Disclosure Act 1998. The Council will not tolerate any attempt on the part of an employee, councillor, contractor or supplier to penalise or create a disadvantage for an individual who has shared a concern under this policy. Such an attempt will be treated as a serious disciplinary offence.
- 22.8.3 Every whistleblower has the right to contact the Whistleblowing Officers or the designated Contact Point directly if they receive any negative reaction, adverse treatment, or any form of detriment as a result of their

disclosure. Any such concerns must be considered confidential and in full fairness, without any prejudice to the individual raising the matter.

- 22.8.4 A confidential support and counselling helpline is available for whistleblowers who raise concerns under this policy. Their contact details are provided at the end of this policy.

## **22.9 CONFIDENTIALITY**

- 22.9.1 The Council encourages all employees who share a concern under this policy to put their name on the complaint as anonymous allegations are much weaker and can hinder the outcome of an investigation.
- 22.9.2 If a situation arises where it is not possible to resolve the matter without disclosing the name of the employee who shared the concern, e.g. if they are required to give evidence in court, the appropriate officers will discuss with the employee whether or not to proceed with the case and how that could be done.
- 22.9.3 We do not encourage staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that a proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also harder to establish whether any allegations are credible.
- 22.9.4 Confidentiality should not prevent the sharing of information where there is a known or probable risk to safety, crime, serious misconduct, or where there is a statutory requirement to do so. In such circumstances, practitioners are expected to share information appropriately and respond promptly in order to protect individuals and the public.
- 22.9.5 Practitioners, including employees, professionals and independent contractors, must be aware that they cannot be anonymous when making a referral to social services, except where that would mean they themselves will be at risk. In this case their concern for themselves should be discussed with social services.
- 22.9.6 Whistleblowers who are concerned about potential retaliation if their identity is revealed should come forward to the Whistleblowing Officers or your designated point of contact by the Response Group and appropriate measures can then be taken to maintain confidentiality. If in doubt, you can seek advice from Protect, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are at the end of this policy.

## **22.10 FALSE AND MALICIOUS CLAIMS**

- 22.10.1 If an employee shares a legitimate concern but the investigation does not confirm it, no action will be taken against them. However, if an

employee intentionally makes false or malicious claims under this policy, the conduct will be considered as a serious disciplinary offence.

## **22.11 HOW TO TAKE THE MATTER FURTHER**

- 22.11.1 If the employee who shared the concern is still dissatisfied after completing the internal process or does not feel it is appropriate to raise the matter within the Council, the employee can make an external disclosure in a safe and legal way.
- 22.11.2 The Council will respect the right of any employee to make an external disclosure and ensure that the act of doing so, if done in accordance with the Public Interest Disclosure Act 1998, does not result in any retaliation, harassment or disadvantage to the individual concerned.

## **22.12 EXTERNAL DISCLOSURE**

- 22.12.1 Any concerns are expected to be shared within the Council in the first instance. But there may be cases where an employee feels they cannot discuss the issue internally or where they do not feel it is appropriate to do so. In such cases, provided that the employee is acting sincerely and can demonstrate that there are reasonable and sufficient grounds for their concerns, they can raise the matter externally by contacting the following bodies:
- Protect – [www.protect-advice.org.uk](http://www.protect-advice.org.uk)
  - Local Government Ombudsman
  - Trade Union
  - Professional bodies or relevant management organisations
  - The Police
- 22.12.2 An employee who decides to raise a concern externally should ensure that they do not disclose confidential information to someone who is not entitled to it.
- ## **22.13 RESPONSIBLE OFFICER**
- 22.13.1 The overall responsibility for maintaining and implementing this policy and providing assurance as to its implementation rests with the Chief Executive.
- 22.13.2 The Whistleblowing Officers have a day-to-day operational responsibility for this policy and any questions about this policy should be directed to them in the first instance. Whistleblowing Officers must ensure that regular and appropriate training is provided to all other managers and staff who may deal with concerns or investigations under this policy.

### **RELEVANT LEGISLATION**

- **Public Interest Disclosure 1998**
- **Enterprise and Regulatory Reform Act 2013**
- **Employment Rights Act 1996**
- **The Data Protection Act 2018**
- **Health and Safety at Work Act 1974**
- **ACAS Code of Practice**
- 

### **COUNSELLING / SUPPORT**

To refer yourself for counselling:

Telephone Number: 01286 679329

E-mail: [iechydgallwedigaethol@gwynedd.llyw.cymru](mailto:iechydgallwedigaethol@gwynedd.llyw.cymru)

In an emergency where staff require urgent support/advice outside normal Council hours, MEDRA can be contacted directly on 0800 132 737 and a member of the team will be able to assist or refer you to appropriate agencies.

## **GUIDANCE NOTE**

The Council acknowledges that people can raise a concern that does not come under the formal definition of whistleblowing. This may include concerns raised by people who are not members of staff.

The Council will deal with these concerns carefully and fairly, with the same care as it deals with any whistleblowing concerns. However, it should be noted that the same duties or legal protections may not be applicable in every case.

### **Members**

You should raise your concern with the relevant Head of Service. You may also contact the Monitoring Officer. If the concern is related to the conduct of a Head of Service or Monitoring Officer, you can contact the Chief Executive.

### **School Governors**

You should usually raise your concern through the school's governance arrangements, for example with the Chair of the Governing Body or the School Head. If this is not appropriate, or if the concern involves the Chair or Head, you may contact a relevant officer in the Council, such as the Head of Education, the Monitoring Officer or the Audit Manager.

### **Partners**

You should usually raise your concern with your contract or project manager. Otherwise, you may contact the Chief Finance Officer or the Audit Manager.

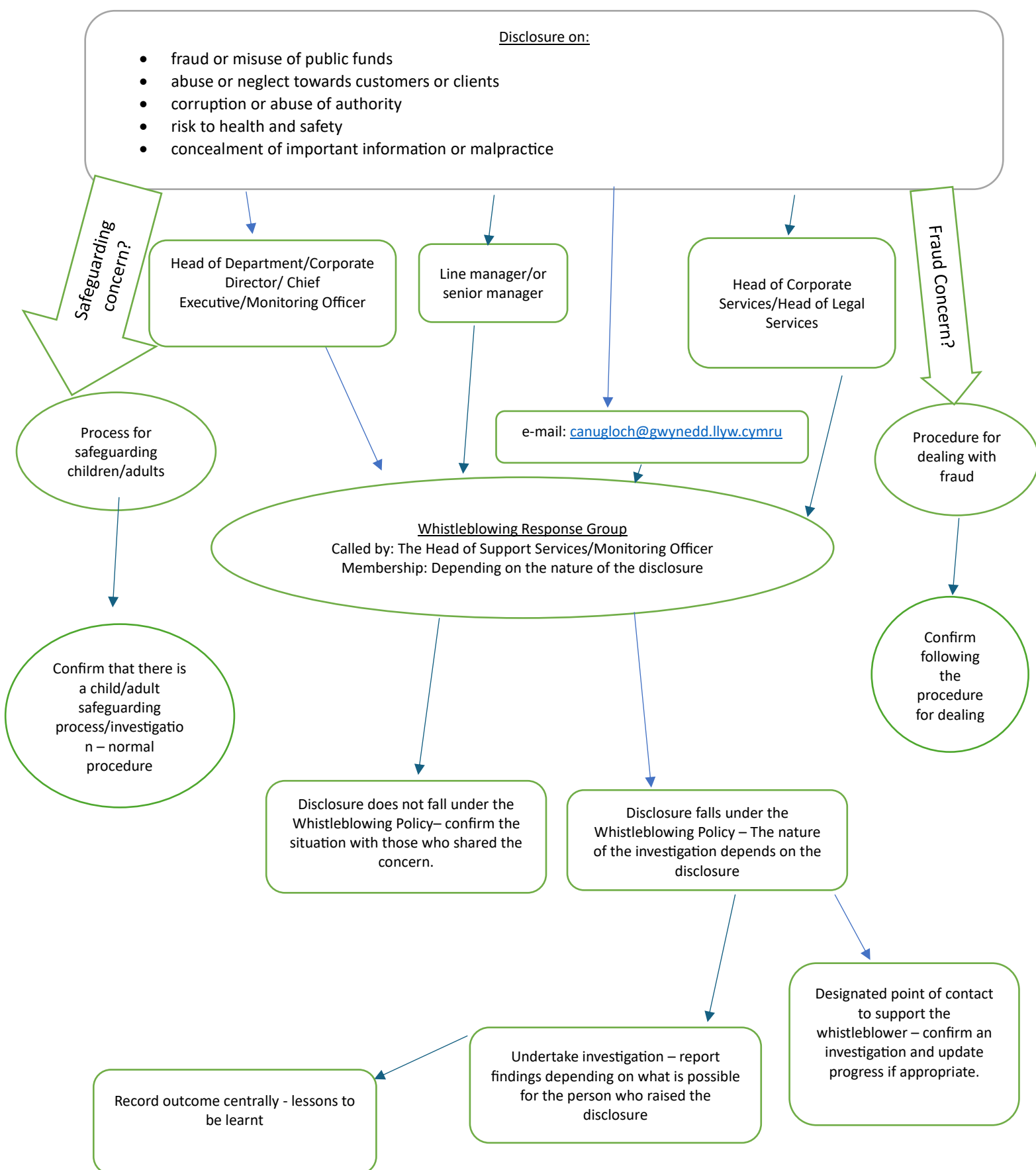
### **The Public**

You should usually use the Council's complaints process. You may also contact the Council to ask for the contact details of the Chief Finance Officer or the Audit Manager and then contact them directly.

If you do not feel comfortable informing the Council of your concern, you may refer it to the relevant external body. If you have made a complaint to us and are dissatisfied with our response, you may refer your complaint to the Public Services Ombudsman for Wales.



## Whistleblowing Process



<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>23 February 2026</b>
<b>Title:</b>	<b>The Gifts and Hospitality Register for Members</b>
<b>Author:</b>	<b>Siôn Huws, Propriety and Elections Manager</b>
<b>Purpose:</b>	<b>To report on options for publication of the Register on the Council's website</b>

## Background

1. . This report is presented in accordance with the Committee's decision at its meeting on 3 November 2025 to receive a report on options to publish details of the Gift and Hospitality Register on Cyngor Gwynedd's website.

2. The Model Code of Conduct for Members makes it compulsory for members to provide written notification to the Monitoring Officer of any offer of a gift, hospitality material benefit or advantage above a value set by the authority and do so within 28 days. Gwynedd has decided that the value should be £25, and furthermore that such offers must be registered whether accepted or not.

3. A form is available for registering offers and a copy is attached as **Appendix 1**.

## The Protocol

4. The Council adopted a Protocol for Members on Gifts and Hospitality in 2004. Following the publication of a new Code of Conduct and Guidelines by the Ombudsman the Standards Committee reviewed the Protocol and presented its recommendations to the Council. The Council adopted the current Protocol, incorporating the Committee's suggested amendments on 2 May 2013.

5. A copy of the Protocol is attached as **Appendix 2**.

## The Register

6. This Committee has in past discussed whether the register should be published on the Council's website. It was decided then that it should not be. Whilst the Council must publish its register of Members' Interests on the website but no such obligation exists in respect of the register of Gifts and Hospitality.

## Considerations

7. At present regular public reports are submitted to the committee setting out what is on the register but without naming the councillors concerned.

8. The Protocol states that " *the register shall be available to the public for inspection*" (para 6.2). It is also included in the Council's Publication Scheme as one of the Registers which are public, but only available in paper form.

9. The Code of Conduct for Members is based on the Nolan Principles, which are also specifically included in Gwynedd Council's Code of Conduct. These principles include:

### ***"Integrity and Propriety***

*Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions, avoid the appearances of such behaviour...*

### ***Openness***

*Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.*

### ***Accountability***

*Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as it appropriate to their responsibilities."*

10. Some registrations may contain personal data (e.g. details of the person who made the offer) or other information that would not be appropriate to disclose due to certain circumstances.

### **Conclusions**

11. A procedure for registering gifts and hospitality is a core part of the ethical framework and promotes transparency and accountability by enabling the public to see what offers gifts and hospitality have been received by members by virtue of their position. It helps to strengthen and maintain public confidence in the way decisions are made while also protecting the members themselves from any baseless accusations. Full disclosure of the details (subject to any data protection considerations or particular special circumstances) is believed to be necessary to achieve these purposes.

12. In light of the above we consider that the publication of the Register on the Council's website would be appropriate and in line with the fundamental principles of the Ethical Framework. Nevertheless it would be necessary to ensure that any public disclosure meets the relevant data protection provisions.

**Recommendation**

13. The Committee is asked to consider the above conclusions

# Ffurflen cofrestru rhoddion a lletygarwch aelodau

## Members' gifts and hospitality registration form



Enw.....

1. Manylion y rhodd neu'r lletygarwch a gynigwyd / Details of gift or hospitality offered:

.....

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.....

2. Y person neu'r corff a wnaeth y cynnig / Person or organisation who made the offer:

.....

.....

3. A dderbyniwyd y cynnig? / Was offer accepted?

Derbyniwyd/Accepted	<input type="checkbox"/>
Gwrthodwyd/Refused	<input type="checkbox"/>

4. Gwerth y rhodd neu letygarwch / Value of gift or hospitality:  
(Rhowch amcangyfrif os na fedrwch roddi ffigwr pendant / Put estimate if you cannot provide precise amount)

.....

Arwyddwyd/Signed..... Dyddiad/Date.....

(I'w dychwelyd i'r Swyddog Monitro / To be returned to the Monitoring Officer)

## **PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY**

### **1. Introduction**

- 1.1 You should treat with extreme caution any offer or a gift or hospitality made to you personally. You are responsible for any decision to accept an offer of a gift or hospitality, and your personal reputation and that of the Council could be seriously jeopardised by the inappropriate acceptance of such an offer.
- 1.2 No hard and fast rules can be laid down to cover every circumstance but this protocol offers guidelines to assist you in making a decision.

### **2. The Law**

- 2.1 Accepting a bribe is an offence. If it is proved that you have received any gift, loan, fee, reward or advantage by somebody seeking to obtain a contract from the Council then the onus will be on you (and the person making the offer) to prove that you have not acted dishonestly.
- 2.2 The Members Code of Conduct states ..... "That you must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation."

"You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

"You must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25 provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not."

### **3. Principles**

- 3.1 Improper obligation – A gift or hospitality should never be accepted as a reward or inducement to act in a particular way as a councillor or as a means of obtaining influence.

- 3.2 Benefit to the Council – Gifts or hospitality should only be accepted if there is a benefit to the Council of so doing. The benefit should be proportionate with the gift.
- 3.3 Misinterpretation – Gifts or hospitality should not be accepted if to do so would leave the council or member open to accusations of misconduct. Members must not only conduct themselves properly, they also be seen to be conducting themselves properly.
- 3.4 Soliciting a gift or hospitality – Gifts or hospitality should never be sought or invited in connection with a role as a councillor.

#### 4. Gifts

- 4.1 A “gift” includes free goods and services, the opportunity to buy goods/services subject to a discount or terms which are not available to the public, or the opportunity to buy goods/services that are not available to the public. Care should be taken in situations where work or goods are ordered but no invoice is presented.
- 4.2 You may accept civic gifts on behalf of the Council. This protocol is not applicable to such gifts and neither do they need to be registered.
- 4.3 You should not accept personal gifts that are relevant to your position as a member or arising from that position, from anyone. However, it would be appropriate for you to keep small and insignificant gifts such as diaries etc. You may also accept raffle prizes.
- 4.4 You should refuse any gift offered to you, or to a member of your immediate family, from any person or organisation doing business or seeking to do business with the Council or applying to the Council for some sort of decision.
- 4.5 When a gift has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the Council. If such a gift is delivered :
- it must be returned immediately to the sender giving reason.
  - the acceptance and return of gifts over £25.00 should be registered
  - where an offerer insists that you accept the gift, you should contact the Monitoring Officer for advice on further appropriate action.

## **5. Hospitality**

- 5.1 You should not accept hospitality from a person or organisation that is seeking a decision from the Council or is doing business or seeking to do business with the Council, unless it is part of a general public presentation.
- 5.2 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.
- 5.3 You should avoid hospitality in a situation where you would be the sole guest.
- 5.4 Offers to attend social or sporting functions should only be accepted where these are part of the life of the community or where the Council should be seen to be represented.
- 5.5 Where visits are required as part of the process of making decisions you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.
- 5.6 You may accept hospitality through attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal, where the Council has given permission beforehand and where the Council is satisfied that any of its decisions will not be compromised.
- 5.7 You may accept normal refreshment in connection with your work as a member (tea, coffee, biscuits etc.)

## **6. Registration**

- 6.1 Under the Council's Code of Conduct you must register any gift or hospitality that you receive that is worth more than £25.00. You should also register any such offer that you have refused.
- 6.2 The gift and hospitality register is kept by the Monitoring Officer who should be informed in writing of any gift or hospitality that you receive or refuse that is worth more than £25.00. The register will be available for public inspection.
- 6.3 The figure of £25.00 is of course relevant in considering what should be registered, it does not mean that you can accept all gifts or hospitality that are worth less than that. You must consider carefully every offer whatever its value.

## **7. Further Advice**

- 7.1 If you have any doubt concerning an offer of a gift or of hospitality, you should seek the advice of the Monitoring Officer.
- 7.2 The Ombudsman has issued statutory guidance on the Code of Conduct and its interpretation. It can be seen on his website – [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)



