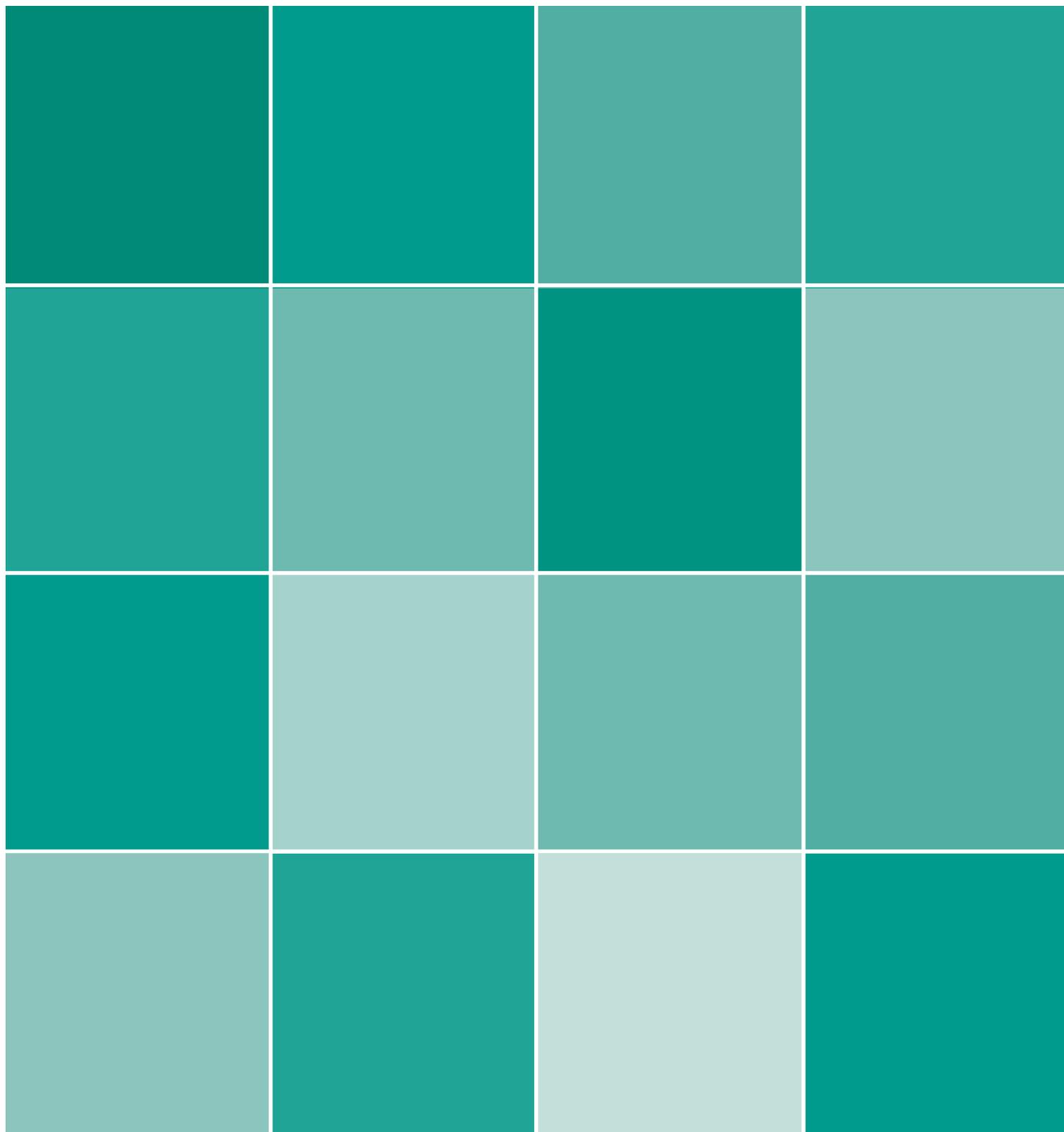


# ANNUAL REPORT OF THE GWYNEDD COUNCIL STANDARDS COMMITTEE 2017 - 2018



## FOREWORD BY THE CHAIR

Over the last two years we have been subjected daily to the after-shocks of the political earthquake that is Brexit. We are facing the unknown. Will our departure from the European Union be 'soft' or 'hard'? Is it going to be 'deal' or 'no-deal'. Attitudes are hardening on both sides of the leave-remain fault-line. In the midst of this uncertainty Gwynedd's residents, councillors and the Local Authority itself are required to pursue business as usual.

As an unwelcomed addition to the already onerous challenges some of those in authority, who should know better, are stirring a hornet's nest with their provocative views designed to feed prejudices and providing opportunity for the mass media to heap coals on the fire of hate and bigotry. The distinction between truth and untruths is blurring in new and alarming ways. How does society respond to statements such as 'truth isn't truth – facts are in the eye of the beholder'?

This is the storm that Cyngor Gwynedd and the Standards Committee has to navigate through.

The report presented this year is another short one. The Code of Practice was not breached. Some cases were referred to the Ombudsman but there were no hearings.

The committee is looking forward to another full programme of work over the coming year. We are fortunate to have four new members: three representing the Local Authority – Councillors Beth Lawton, Anne Lloyd-Jones and Dewi Roberts and one representing the Community Councils, Councillor Richard Parry Huhges. In the meantime we're sad to lose Jacqueline Hughes and thank her for her contribution since 2015.

It is not possible to end without thanking the Monitoring Officer and his team for their guidance and their ongoing work with the Local Authority and Community Councils.

*Dr Einir Young*  
*Chair of the Standards Committee*

## FOREWORD BY THE MONITORING OFFICER

The report again conveys a picture that most County, Town and Community councillors maintain a high standard of behaviour in Gwynedd. This is the face of a difficult context in terms of decisions and resources. Although there is a list of complaints made to the Ombudsman, it must be borne in mind that this is to be evaluated against not only Gwynedd Council but also all the Town and Community councils (64). Naturally, maintaining this system requires work, and a programme of raising awareness and training is in place, together with a team that is available to provide advice and support. One aspect to highlight in respect of complaints made to the Ombudsman, is the impact of implementing a public interest test on decisions to investigate. This means that the threshold for starting an investigation has, in practice, been raised, and that to justify further interference, there needs to be shown, for example, particular severity of behaviour, a particular consequence or impact, or a pattern of impropriety. Here the challenge is to communicate with, and support complainants, and to ensure that the appropriate standard of conduct expected from their elected representatives is maintained whether or not there is an investigation.

*Iwan Evans  
Monitoring Officer  
Gwynedd Council*

# INTRODUCTION

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

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

# MEMBERS OF THE COMMITTEE

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

## Independent Members



**Margaret E Jones (member since 2012)**

Originally from Llandrillo yn Rhos, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as headmistress. She is a deacon in Eglwys yr Annibynwyr Siloh, Chwilog, was Chairman of the Council of the Union of Welsh Independents for 3 years and is also a former President of the Union. She was a member of Gwynedd Community Health Council and Vice Chairman until the reorganisation in 2010. She is an active member of the Chwilog Eisteddfod and in charge of the

Chairing Ceremony.



**Dr Einir Young (member since 2012)**

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has been living in Gwynedd for almost thirty years. She lived in California for a while and has travelled extensively in Africa mainly, working with marginal communities in semi-arid regions. Wales is her current priority but the challenges faced by communities are similar. We need a long term vision and plan, to ensure that the actions we take are for good or prevent things from getting worse. Integration and collaboration is critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and as Bangor University's Director of Sustainability Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

Amongst her many interests Einir is a passionate walker and she, her sister and her dog are currently walking the Wales Coastal Path and has reached Aber Llydan in Pembrokeshire. They are also walking the Snowdonia Slate Trail.



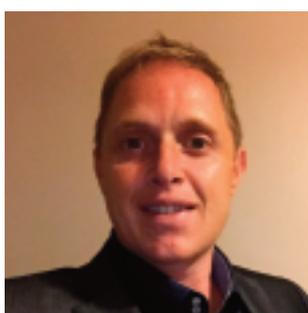
### **Jacqueline Hughes (member since 2015)**

Jackie lives in Nantlle with her husband Ian, 3 daughters, grand daughter and a very lively dog. Originally from the Wirral, she qualified as a diagnostic radiographer in 1987 after studying at Guys Hospital School of Radiography. After settling in North Wales with her young family, she joined the staff at Ysbyty Gwynedd. Jackie's career in Bangor has advanced both as a radiographer and as an industrial relations representative. She is currently the Staff Side Chair for the Betsi Cadwaladr Health Board as well as being the local society representative for most of the radiographers in North Wales. She has been President of the Society and College of Radiographers and was instrumental in developing the response to the Francis Report, and subsequently a new code of conduct for radiographers. She believes that any one working in public life must maintain a high level of personal standards in order to be credible to the public.



### **David Wareing (member since 2015)**

In 2014 David relocated from Lancashire to Groeslon following his retirement from Merseyside Police. He served for 26 years in a variety of roles with his last posting being to the Force Operations Department at HQ. This position involved the planning and delivery of large-scale public events, public safety during major Police operations and the reduction of police support to outside agencies through greater partnership working. David specialised in risk assessment and ensuring compliance of relevant Health and Safety legislation working within the legal framework. David represented Merseyside Police on all five Safety Advisory Groups that covered the Force Area. He firmly believes that the actions of those in public office must be both transparent and accountable.



### **Aled Jones (member since 2016)**

Aled is originally from Lampeter, Ceredigion. He read Welsh and Geography at Aberystwyth University. Having graduated in 1999, he moved to Caernarfon to work for Cymen translation company. He became a joint-owner of the company in 2007 and now heads a team of 20 members of staff and employs over 15 other freelance translators. He lives in Bangor with Tegwen, and their two children Cai and Beca. He has a keen interest in sport and can often be seen on the touchline supporting Bethesda Rugby Club and Bangor City Football Club. As a result of his work as a simultaneous translator he is privy to observe conduct and standards at all levels of governance and to identify best practice.

## Community Committee Member

### Councillor Richard Parry Hughes (member since 2017)



Richard was educated at Llanaelhaearn farm and went to Pwllheli Grammar School, Glynllifon Agricultural College, and Seale Hayne College (Plymouth University). He has a degree in Farm Management. He worked for a vet partnership in Chwilog for three years and as a part-time lecturer at Glynllifon College, before buying the Upper Penfras Llwyndyrys farm where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. A former leader of Gwynedd Council, he still farms. He has extensive experience of committees, holding positions as chair of the Wales Federation of Young Farmers' Clubs before being elected as a member of public bodies. He served as a member of Gwynedd County Council from

1992 to 1996 and was a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was the Welsh Local Government Association spokesman on Environment and Planning during this period. He is an enthusiastic member of the Llwyndyrys Drama Company and a supporter of many other local societies such as Antur Aelhaearn and Friends of Carnguwch Church. He works voluntarily as a caseworker for the Farm Community Network. He is a member of Llannor Community Council since 1992.

## Gwynedd Council Members

### Councillor Dewi Roberts (member since 2017)



Dewi lives in Llanengan near Abersoch with his wife Bethan, and they have 5 children who are all grown up. He was an engineer and a lecturer in engineering at Bangor Technical College before joining North Wales Police. There he worked as a Detective, locally, regionally and nationally, before retiring after 29 years of service.

He was elected in May 2017 as Gwynedd Councillor representing Abersoch. Since his election he has chaired the Democratic Service Committee, is Vice Chair of the Care Scrutiny Committee, Chair of the Dwyfor Area Committee, a member of the Audit and Governance Committee and Vice Chair of the Gwynedd Community Health Council.

As well as being a member of the Standards Committee, he is also a member of the Standing Advisory Council for Religious Education, the Warden of Llanengan Church and sits on the Church Parish Council. He also serves as Governor of Ysgol Abersoch and Ysgol Botwnnog.



### **Councillor Beth Lawton (member since 2017)**

Beth lives in Brynchrug and owns a local factory. She is a County Councillor for the Brynchrug / Llanfihangel area which includes the village of Brynchrug and Abergynolwyn. She is also a Community Councillor and chair of the School Governors of Craig y Deryn. She is active on several community-based committees including the Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal Committee and many others. She is chair of the Gwynedd Council Education and Economy Scrutiny Committee and is a director of the new leisure company.



### **Councillor Anne Lloyd-Jones (member since 2017)**

Anne lives and runs a farm tourism business in Tywyn and has represented Tywyn on Gwynedd Council since 1995 and prior to that was a member of Meirionnydd District Council for eight years. She was first elected as a member of Tywyn town Council in 1985 and became the first Lady Mayor in 1991, and again in 2004, and was Chairman of Gwynedd Council in 2009. She is the former Chairman of Gwynedd Council's Planning Committee and is a founder member of the management Board of Cartrefi Cymunedol Gwynedd. She was a member of Meirionnydd Community Health Council, and is the present

Chairman of Tywyn and District Hospital Appeal Fund.

She is a member and past Chairman of Ysgol Penybryn and a member on the Governing body of Ysgol Uwchradd Tywyn.

Anne was Chairman of Mid Wales Tourism from 2001-2016, was a founder member and past President and Treasurer of the Tywyn Inner Wheel Club and has been the Treasurer of the local branch of the NSPCC since 1989.

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

## **The Monitoring Officer**

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

### **Contact Details**

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# THE COMMITTEE'S WORK DURING 2016-2017

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

## **Cases heard by the Standards Committee**

No complaints that elected members had breached the Code of Conduct were referred to the Committee during the year

## **Other Complaints**

The Committee is also informed of those complaints not referred to it for decision. Summaries can be found in **Appendix 2**.

## **Dispensations**

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

The Committee considered three applications for dispensation during this period from members of Gwynedd Council. All three were granted.

## **Training on the Code of Conduct**

The Committee considered whether there were alternative methods of providing training for town and community councils. It decided to pilot a scheme that would mean offering to provide a trainer to hold a session on the Code of Conduct locally to councils, rather than centralise sessions at the main centres only.

The Committee also decided that a handout could be included in the induction pack provided for new town / community council members to summarise the main points of the Code of Conduct.

## **North Wales Standards Committee Forum**

The North Wales Standards Committee Forum gives representatives of all north Wales authorities' standards committees the opportunity to meet. The purpose of the forum is to enable the area's standards committees to discuss and share ideas, good practices and resources and also provide a joint opinion on a national level. The Chair and Vice—chair of the Committee attend the meetings.

Ceredigion and Powys Standards Committees are by now also members of the Forum.

# THE STANDARDS COMMITTEE'S WORK PROGRAMME 2017-18

## **10 July 2017**

- Undertaking Self-Assessment and formulating a Work Programme for the upcoming year
- Consideration of One Voice Wales' local dispute resolution procedure for community councils
- Consideration of the Annual Report of the Adjudication Panel for Wales

## **2 October 2017**

- Consideration of Gwynedd Council's Protocol for Member / Officer Relations
- Consideration of Gwynedd Council's Gifts and Hospitality Protocol for Members
- Deciding on applications for dispensations
- Consideration of the Annual Report of the Ombudsman

## **12 March 2018**

- Consideration of the arrangements for the provision of training to community councils
- Overview of the role and functions of the Standards Committee

## Appendix 2

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that county and community and town councillors had breached the Code of Conduct:

Allegation	Decision
That a community councillor had brought his position or the authority into disrepute and had used his position improperly whilst serving on a local committee.	No investigation. The member served on the committee in a personal and private capacity and not as an elected councillor.
That a councillor had made comments on his Facebook page that were defamatory and brought his office and authority into disrepute,	No investigation. It was unclear whether the comments were wholly public and if he had made them as an elected member. The Ombudsman however intended to write to the member to remind him that the provisions of paragraph 6(1)(a) (disrepute) applied at all times and in any capacity. An allegation of libel was a legal matter that should be resolved through the courts.
Complaints against four community councillors in connection with non-declaration of interests.	No investigation in three cases. Investigation into two complaints against the same councillor. Whilst the conclusion was that there had been a breach, no further action required.
A complaint by a town councillor that a fellow councillor had failed to disclose a close personal connection with a person who was in dispute with the council; that said connection formed a prejudicial interest; that she had concealed the fact in order to gain financial advantage. It was also alleged that the member had instructed the Clerk not to record and/or circulate minutes regarding the matter.	The Ombudsman investigated the complaint and reached the following conclusions: <ul style="list-style-type: none"><li>• There was no evidence that a close personal connection existed</li><li>• There was no evidence that the member had sought to conceal interest or gain personal advantage</li><li>• While there had been problems with the council's minutes in the past, there was no evidence that the member had instructed the Clerk not to prepare minutes and circulate them.</li></ul>

## Allegation

## Decision

A complaint by a member of the public that a town councillor, by virtue of his position as chair of a local organisation, had made threatening comments towards him in relation to provision for disabled visitors to the organisation.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It appeared that the councillor was acting as a private individual at the time not as a councillor. The circumstances of the case meant that the Code of Conduct was not relevant to the member's conduct as an individual.

A complaint by a member of the public that a town councillor had made sexist and misogynistic comments on his Facebook page.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It appeared that the councillor was using a personal Facebook account at the time. The Ombudsman did not see any reference to his status as a councillor or suggestion that he was acting as one at the time.
- Article 10 of the European Convention on Human Rights protected people's right to say some things despite the fact that they could be unacceptable to others.
- No individual or company was named in the comments
- The Ombudsman did not condone the comments and it could be said that they did bring him as an individual into disrepute
- Nevertheless, in the absence of a reference to a specific individual, the comments were not sufficiently offensive so as to bring the council or the role of councillor into disrepute.

Complaint by a member of the public that a member had been part of a decision to release confidential information

The Ombudsman decided not to investigate for the following reasons:

- There was insufficient evidence that the member was implicated in releasing the information

Allegation	Decision
Complaint by a member of a town council that a fellow member had made a vexatious complaint against her to the Ombudsman.	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> <li>The Ombudsman had accepted the complaint for investigation and could not conclude that the complaint was vexatious</li> </ul>
A complaint that a member had used his position as an elected member in relation to a complaint of harassment.	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> <li>The member was not acting as an elected member at the time but as a private individual.</li> <li>The comments made by the member did not damage the reputation of the Council.</li> </ul>
Complaint by a member of the public that a councillor had refused to engage with him in relation to issues relating to his property and to a dispute with the council.	<ul style="list-style-type: none"> <li>It is a matter for a councillor to decide whether to meet or correspond with a member of the public. The principal duty of members is to represent residents in their constituencies, but there is no obligation to deal with each individual matter reported to them.</li> </ul>

## Breakdown of the Complaints Against Members

### Member against whom complaint was made

Member of community council	9
Member of Gwynedd Council	3
Member of Gwynedd Council and community council	3

### Nature of complainant

Councillor	9
Member of public	6
Officer	0

### Natur of allegation

General behaviour	9
Declaration of interests	6

### Result

No investigation	11
Investigation	4
Reference to Standards Committee	0
Reference to Adjudication Panel for Wales	0