
STANDARDS COMMITTEE 14/02/22

Present:-

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

Independent Members: Mr Aled Jones, Mr Hywel Eifion Jones, Miss Margaret E. Jones, Mr Dave Wareing and Dr Einir Young (Chair)

Community Committee Member: Mr Richard Parry Hughes

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

1. APOLOGIES

Apologies were received from Councillor Dewi Roberts.

2. DECLARATION OF PERSONAL INTEREST

Councillor Anne Lloyd Jones declared a personal interest in item 6 - Report on the Outcome of the Investigation of a Complaint against Councillor Michael Stevens of Tywyn Town Council. She was of the opinion that it was not a prejudicial interest, and she did not withdraw from the meeting during the discussion on the item.

Mr Hywel Eifion Jones declared a personal interest in item 8 – Annual Report of the Adjudication Panel for Wales 2019-20 and 2020-21, as he was a lay member of the Adjudication Panel for Wales. He was of the opinion that it was not a prejudicial interest, and he did not withdraw from the meeting during the discussion on the item.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meetings of this committee held on 26 October, 8 November and 8 December 2021 as a true record, conditional on noting that Councillor Anne Lloyd Jones had not submitted an apology in relation to the meeting on 26 November, but had been unable to participate in the proceedings.

5. TASK AND FINISH GROUP – ETHICAL STANDARDS FRAMEWORK

Submitted – the report of the Propriety and Elections Manager detailing the findings and recommendations of the Task Group established by the committee to discuss the findings of the Review of the Ethical Standards Framework for Wales.

The Monitoring Officer noted that he welcomed the Task Group's report, and added:-

- The exercise had been an opportunity to take a step back from the work of the Standards Committee, where it sat within the Authority, and its profile.

- Richard Penn's report was an opportunity to see what was happening in other places, and to consider whether there were any ideas or opportunities to develop the committee.
- On the threshold of a new council following the Elections in May, now was a good time to begin building on this through the induction process etc.
- From the report, it could be seen that there were many practical elements that could be incorporated into a work programme, or put into practice, such as the concept in the Local Government and Elections (Wales) Act 2021 that the leaders of political groups were responsible for the conduct of their members. This committee had a new role to promote, support and monitor this work, and this opened the door for a more active and closer relationship with the group leaders. It would also be a means of ensuring a better link with the Council's senior management, the other statutory officers, or at least to raise awareness of the Standards Committee.
- There was a suggestion that the town and community councils were the main source of the problems in relation to the Code of Conduct, and although there was an element of truth in this, the fact that there were over 60 community and town councils of various sizes across Gwynedd, with approximately 750 community councillors serving on those councils, meant that the percentage of members that encountered Code of Conduct issues was comparatively small. Therefore, the promotion, liaison and support work would be ongoing, but as noted in the report, it was necessary to find a starting point, and create a platform to develop a more active relationship.
- As the body with statutory responsibility for the conduct of members in community councils, it was important that the Standards Committee did not get lost in the process of supporting and promoting, and that it was viewed as the statutory body with functions to maintain oversight and uphold standards.

In response to the questions, the Monitoring Officer noted:-

- It was obvious that there was variation across Wales in relation to how standards committees operated. There had been mention of extending the Chairs Forum across the whole of Wales, which would provide an opportunity to establish some consistency. This committee had responded to the Richard Penn Report by examining what other people did, and this could possibly be a learning opportunity for the working methods of the committee. It was added that the message from the recent All Wales Standards Conference was that there was scope for all to learn from each other.
- Regarding the frustration that members were now unable to participate in discussions on matters in which they had a contribution to make, it would be possible to grant a dispensation for a specific subject area. However, it was not believed that there would be change to the guidance or legislation in relation to declaring an interest. Therefore, as highlighted by the Task Group, the rights and grounds for a dispensation could possibly be clarified, and therefore, if the situation arose, an application could be submitted, although it was acknowledged that the timetable for doing so was extremely challenging.

In response, Members noted:-

- There was scope to be more flexible here. Applying for a dispensation was an extremely bureaucratic process, and people were likely to take a risk with relatively minor matters in the community councils, rather than following the process.
- Members were not clear whether or not they had a prejudicial interest, and the scrutiny committees in particular were losing much input from members who had experience of what was being scrutinised, when they had to withdraw from the meeting. In this respect, it was considered that it would be preferable to allow them to have their say, but refrain from voting on the matter.

The Chair noted that the discussion on Richard Penn's Report in the Standards Conference had been of a very high standard, but we, in Gwynedd, had made great strides in understanding the report from our perspective. He added that if any other standards committees had undertaken a similar exercise to the Task Group in Gwynedd, it would be interesting to bring all the work together to see whether there were similar themes that could be discussed further.

In response, the Monitoring Officer noted that the North and Mid Wales Chairs Forum had become established, and that it was evident from Richard Penn's recommendations that this would become a national forum that would be an opportunity to share good practice, discuss problems and more operational matters in relation to the committees, and disseminate consistency.

The Task Group was thanked for its work, and the recommendations were approved.

It was suggested that the main challenge would be the need to establish a local resolution procedure, and a question was asked about how this would work in practice. In response, the Monitoring Officer noted:-

- The principle was entirely appropriate and was to be supported, as it was far preferable to take the heat from a situation by local discussion and agreement than embarking on a formal and lengthy complaints process.
- As with any such system, there were two sides, and the first step would be to establish what the two sides were. Each complaint that was resolved locally took time and resources to ensure fairness and justice for both sides.
- Care was needed not to raise people's expectations about the ability of the system to deliver without any supporting resources in place.
- Both sides would have to show a desire and willingness for local resolution, and in some cases the arrangements were not appropriate due to the gravity of the conduct or the challenge.
- The system should be established quickly in order to resolve matters, but there was a need for investment in resources and time to ensure that people received fair play in this type of context.

In response, it was noted that there was recognition that this was challenging, good will was required to ensure that the system worked, and it was emphasised that committee members were available, e.g. through a sub-committee, to assist the Monitoring Officer with the work.

The Monitoring Officer expressed his disappointment that he was not clear how Richard Penn's recommendations would work in relation to resources etc. especially if the arrangements were extended to community councils.

The Chairman endorsed this observation and added that it was also a complex problem in relation to timing, as matters took a considerable time to advance through the system.

The Monitoring Officer and his team were thanked for their constant and effective support to Tywyn Town Council. It was noted that those in greatest need of support did not attend the training sessions, and that the members were sometimes unwilling to discuss matters round the table, and were unable to do this now as everything happened over Facebook.

Reference was made to the importance of providing appropriate support to community and town council clerks, and a question was asked about whether a virtual meeting could be held with all the clerks in order to offer guidance and support. It was added that it was very

difficult to find people to undertake the work, opposition was expressed in relation to the requirement for clerks to hold a qualification, especially in the smallest councils.

The Task Group's suggestion to produce a short, simple leaflet explaining the Code of Conduct to present to members as they accepted their jobs, was welcomed.

The Chair shared the slides '*Standards – a view from Gwynedd*' that he had presented at the recent All Wales Standards Conference.

It was noted that the reference in the slides to framing the work of the standards committee in the context of Well-being, and in particular the five sustainable methods of working, was an extremely important point, as the standards were cross-cutting and were central to everything. It was also noted that conduct, and complaints about conduct, affected the victims' health and well-being, and also the individual who was the subject of the complaint.

The Monitoring Officer thanked the Task Group and the Propriety and Elections Manager for their work, and noted:-

- He wished to present a work programme to the next committee meeting based on the Task Group's report, with practical steps for implementing those steps.
- In the meantime, he would discuss the report with the Council's Governance Group, for instance, and would highlight some of the points that had arisen from the discussion, in order to feed into the corporate work related to risk registers etc., and return to committee with a joint report with the Propriety and Elections Manager.
- Some of the matters would become actions, and others would be matters that would be incorporated into usual arrangements in relation to engagement etc. and would all be combined with the work of preparing the protocol on the relationship between the Standards Committee and the Leaders of Political Groups.

In response to a suggestion, it was agreed that the Monitoring Officer and the Propriety and Elections Manager would collaborate with the Task Group to produce the work programme prior to the next committee, as a means of ensuring that the outputs would reflect the vision that derived from the work.

A discussion was held on how best to act on the Task Group's suggestion that the Chair and Community Committee Member produce a piece of work with community and town council clerks in order to better understand their needs.

The Monitoring Officer explained that due to the Elections, the Service would be unable to provide a resource to undertake any significant work to support the process at this point in time.

It was agreed that the Chair and Community Committee Member hold initial discussions with a sample of community and town council clerks, in order to begin to understand the needs within the county.

It was suggested that a cross-section of clerks should be included for this exercise, e.g. a group based on a secondary school catchment area, an experienced clerk and a less experienced clerk, Partneriaeth Ogwen (that offered support to clerks), and Penllyn area councils (that shared a clerk). The Monitoring Officer suggested that the list of councils prepared for the training pilot could be used initially as a starting point, to be built upon.

RESOLVED

- (a) To ask the Monitoring Officer to come back with a report to the Committee, in consultation with the Task and Finish Group, on actions in response to the Richard Penn Report.**

(b) That the Chair and Community Committee Member hold initial discussions with a sample of community and town council clerks, in order to begin to understand the needs within the county.

6. REPORT ON THE OUTCOME OF THE INVESTIGATION OF A COMPLAINT AGAINST COUNCILLOR MICHAEL STEVENS OF TYWYN TOWN COUNCIL

Submitted – the report of the Propriety and Elections Manager detailing the outcome of the investigation of a complaint against Councillor Michael Stevens of Tywyn Town Council, in accordance with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

The officers were thanked for their thorough work and support to members during the whole process of arranging and holding the hearing.

It was noted that the decision made by the President of the Adjudication Panel for Wales to reject Councillor Michael Stevens' application for approval to appeal against the decision of the Standards Committee reflected the fact that the committee had reached a reasonable decision, which had been carefully and effectively worded, on the matter.

The Chair echoed this observation, and noted that she had been extremely pleased with the Adjudication Panel's response, and she thanked everyone for the support.

RESOLVED to approve the report on the outcome of the investigation of a complaint against Councillor Michael Stevens of Tywyn Town Council, to be submitted to the Monitoring Officer, Public Services Ombudsman for Wales, Councillor Stevens and the complainant in accordance with the requirements of the Regulations.

7 ALLEGATIONS AGAINST MEMBERS

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

The Chair referred to the request made by the Task Group that had been established to discuss the Ethical Standards Framework, for more details about allegations while those cases were in progress.

In response to a question, the Monitoring Officer explained that Councillor Roy Owen had been suspended until the election in May, and as he had not been disqualified as a member, he had the right to stand again as a candidate. Similarly, as Councillor Michael Stevens had not been disqualified from being a member of any council, he could stand again as a candidate for Tywyn Town Council.

The Chair suggested that this is where people viewed the system as being weak.

RESOLVED to note the information.

8. ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2019-20 AND 2020-21

Submitted – the report of the Monitoring Officer appending a copy of the 2019/20 and 2020-21 Annual Report of the Adjudication Panel for Wales.

The fact that the reports now included summaries of cases was welcomed.

RESOLVED to note the reports for information.

The Chair thanked the elected members for their service, and wished them well for the Elections in May.

The meeting commenced at 10.30 am and concluded at 11.50 am

CHAIR