
STANDARDS COMMITTEE 11/07/22

Present:-

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

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

Community Committee Member: Mr Richard Parry Hughes

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

1. ELECTION OF CHAIR

RESOLVED to elect Dr Einir Young as chair of this committee.

The Chair noted that the term of Miss Margaret E. Jones on the committee had ended, and it was agreed that a note would be sent to her to express the committee's appreciation of her work over the years.

Councillors Beth Lawton and Anne Lloyd Jones and the Community Committee Member, Richard Parry Hughes, were welcomed back to the committee, and Councillor Dewi Owen was welcomed as a new elected member on the committee.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Mr Hywel Eifion Jones as vice-chair of this committee.

3. APOLOGIES

None to note.

4. DECLARATION OF PERSONAL INTEREST

None to note.

5. URGENT ITEMS

No urgent matters were raised.

6. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 14 February, 2022 as a true record, subject to correcting two references to the Chair as 'he' rather than 'she' in the English version, as noted below:-

"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. She 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.”

“The Chair shared the slides ‘Standards – a view from Gwynedd’ that she had presented at the recent All Wales Standards Conference.”

7. STANDARDS COMMITTEE ANNUAL REPORT

Submitted – the report of the Propriety and Elections Manager attaching a draft of the committee's annual report for 2021/22. The committee's observations and approval of the document were invited.

It was noted that one member had submitted an update to his biography already, and members referred to further updates / corrections, namely:-

- Mr Hywel Eifion Jones - no longer a member of the Betsi Cadwaladr Board, but was now a member of Gwynedd Council's Governance and Audit Committee. He was also the Chair of Adra and a member of the Gwynedd Pension Board.
- Councillor Beth Lawton - no longer the Vice-chair of Gwynedd Council Care Scrutiny Committee, but was now the Chair of the Education and Economy Committee for 2021/22.
- Councillor Anne Lloyd Jones - continued as Treasurer of the local NSPCC branch.

It was suggested that a reference should be included under the heading '*Cases which appeared before the Committee*' to the Ombudsman's positive response to the Committee's decision on the complaint referred to him, noting that the case was one that failed to go to appeal as the Committee had carried out its work so thoroughly, as a result of the support provided by the Department and officers.

RESOLVED to approve the annual report for submission to the Full Council on 6 October, subject to adding an introduction and foreword by the Chair and Monitoring Officer, a reference to the Ombudsman's response to the Committee's decision and the complaint referred to it, and to make minor changes to the members' biographies.

8. SELF-ASSESSMENT AND WORK PROGRAMME

Submitted – the report of the Monitoring Officer inviting the committee to:-

- undertake a self-assessment of the work and outcomes of the committee during 2020/21; and
- consider a draft work programme for 2022/23.

When conducting the self-assessment, the following points were noted:-

- It would be beneficial to number the functions in the table from now on.
- It should be ensured that the Committee's previous self-assessments are to hand in the future in order to be able to compare, ensure consistency and measure progress.
- Disappointment was expressed that only 5 out of the 69 county councillors were present at the recent training on the Code of Conduct. In response, it was explained that every county councillor had received general training on the Code as a part of the welcome days following the recent elections, and that at least one other detailed session had been arranged. It was intended to hold a similar session with the co-opted member of the Education and Economy Scrutiny Committee as well.

- It was suggested that the proposed Political Groups Leaders Protocol was a way of getting a better order of the situation by placing pressure and responsibility on the Leaders to ensure that their members attend such training.
- It was suggested, in terms of being visible, that the members of the Standards Committee, or at least the Chair/Vice-chair should be present at the start of the training sessions.
- It was suggested that it was misleading to say that only 5 members had attended the recent training on the Code as the training was being recorded and available on the Members' Intranet for everyone to watch in their own time. It was noted that it would be beneficial to know how many people had watched the recording and the Propriety and Elections Manager agreed to make enquiries about that.
- It was asked whether the recording of the training was also available for the members of community and town councils. In response, it was explained that the recording was currently only available on the Gwynedd Members' Intranet, but certainly the Council could arrange access for community and town council members. It was noted that it was important that the recording was available for all, and it was suggested that it would be beneficial to also include the training on the Standard Committee's website. The Propriety and Elections Manager noted that he would look at the best way forward in terms of ensuring that the resource was available.
- With reference to the function of monitoring the implementation of the Code of Conduct (4), the Propriety and Elections Manager explained that the Ombudsman had brought the Code of Conduct Case Book to an end, and now there was a need to go onto the Ombudsman's website to look for information about cases. To that end, there was a need to look at the best way of presenting information to the Committee in the future. Possibly, this could be combined with the regular reports on allegations against members, with the aim of presenting something more meaningful to the Committee.
- In terms of the function of exercising all functions in relation to community councils (9), there was some disagreement amongst members about the assessment, with some in favour of using category 3 on the grounds that steps needed to be taken, and others were in favour of using category 4 on the grounds that the work was not happening. Following a discussion, consensus was obtained in favour of category 3, but to alter the steps further to note that this had to be considered as a priority.
- It was asked, since it was now required for community and town councils to hold their meetings in a hybrid format, would it be possible to record simple guidance to highlight the main points of the Code of Conduct to present to members as an item at the beginning of their meeting, and would be available for members to watch later also. In response, the Propriety and Elections Manager noted that this could be looked into.
- Concern was expressed that small councils could not afford to hold their meetings as hybrid meetings, and it was noted that it was going to take time for this to be established, despite it being mandated by the Government. It was also noted that it was difficult for small councils to afford to pay for a translation service at their meetings.

Then, consideration was given to Appendix 3 of the report, the Monitoring Officer's response to the points set by the Task and Finish Group - the Ethical Standards Framework, and how this fed into the Committee's work programme. The following observations were submitted:-

- With reference to the first action, namely the need to take an overview of the clerks, the Chair noted that there was a need to ensure an appropriate ethical procedure in order to do the work, which set out the exact purpose of the overview, who would be doing the work and under what heading within the Standards

Committee, how the information would be used, how the data would be kept, how we will report the conclusions and by when, and what will happen to the information. It was also noted that the clerks' written consent would be needed for the overview to be undertaken.

- It was noted that the community council clerks were eager to maintain good standards, but their resources were scarce. They were looking for support and answers, and they could be a good agent for the Monitoring Officer in order to raise the standards.
- The Chair noted, although the overview of the clerks had not commenced officially again, that an informal conversation was held with a clerk, and a number of interesting matters had arisen, e.g. the requirement under the Local Government and Elections (Wales) Act 2021, for every community council to create a training plan by 5 November this year. There would be a need to ensure how the training provided by the Monitoring Officer would fit into that and add value, instead of being something additional to what the community councils themselves are trying to create. It was also noted that the Task Group had discussed whether the clerks would wish to have a peer group. However, it was now understood, as a result of the conversation with the clerk, that such a group already existed at a national level, with a Gwynedd branch, but not all community councils had the resources to pay the membership fee.
- Concern was expressed that the Government was placing more and more requirements on community councils but they were not providing additional resources for them or advice on how to carry out those duties, e.g. holding hybrid meetings, online banking, translation, etc. It was also noted that small councils did not have the money to pay for a clerk, but the emphasis was on more training / professional qualification for clerks, etc., made the situation even more difficult. Also, it must be borne in mind that community councillors were volunteers. In response, it was explained that one of the outputs of the overview of clerks would be to highlight the practical difficulties faced by community councils, and there was a need for the Government, when placing additional requirements on councils, to realise that the support for them needed to be restructured.
- It was suggested that clerks should possibly be employed by the county council, but the community and town councils were using them so that a professional team was available. Resolving this was a matter for the Government, but there was a duty on the Standards Committee to highlight that this was a problem.
- It was noted that it would be beneficial to know how many empty seats there were on community councils across Gwynedd. It was suggested that a situation could be reached in the future where community councils would have to be merged as they were too small to maintain their services, and it was noted that this was again a matter for the Welsh Government.
- The Propriety and Elections Manager asked whether the Committee wished to receive feedback from the overview of clerks at their next meeting in November; but it was suggested that this would be too late, since community councils needed to create a training plan by 5 November. It was suggested that it should be aimed to report back by the beginning of September, and reconvene the Task and Finish Group to have a look at the feedback, and possibly submit it to the Full Council in October.
- The Propriety and Elections Manager noted that the purpose of the exercise was to go and speak with some clerks to understand their requirements, whilst accepting that matters would arise that would be beyond / outside the Standards Committee's terms of reference. In response, the Chair noted that standards should be something that overlapped everything that councils did.
- In terms of the Committee's work programme, the Chair noted that there was a need to correct the year on top of the page to 2022/23 and bring forward the item on the Adoption of Political Group Leader Protocol, as the protocol needed to be

developed as soon as possible. In response, the Propriety and Elections Manager explained that the work of developing the protocol would commence as soon as possible, and that the item to the November meeting would be the end, and not the start, of that process.

- The Chair explained that it was intended to ask the clerks about matters including mandatory training, a mandatory professional qualification, the impractical pressure from the direction of the Welsh Government, questions about Unllais Cymru, gaps in practical knowledge and the need for definitive advice about what needs to be done and how to achieve that, what exactly the job description of a clerk entails and whether the job descriptions are consistent between one council and the other. It was also noted that it was understood that there were things that clerks had to do, and that there were optional matters, and there was a wish to see how this was different from place to place. Also, it was intended to ask the clerks about resources for translation and holding hybrid meetings as being unable to hold hybrid meetings would disrupt the ability to share training.
- With reference to the Monitoring Officer's comment that discussions with the community council would be a means, not only to develop services, but also to create a live link to the community and town councils, and that there would be a need to provide a resource, the Chair noted that the resource (i.e. her and the Community Committee Member) was the bare minimum, but that the support resource related to what would happen to the information, where it would be kept, etc. instead of having to need a lot of other support.
- It was asked whether a date had been determined for a discussion with the Leaders of the Political Groups as it was important that the conversation happened soon. The Propriety and Elections Manager noted that he was given to understand that the Monitoring Officer was addressing this and he agreed to pass on the message.

RESOLVED

- (a) To adopt the following as the committee's self-evaluation of its performance in 2021/22.

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further action
1. Promote and maintain high standards of conduct by members	1.	The Chair and Vice-chair had attended the North Wales Standards Forum to share experiences with other standards committees. Present the annual report to the Full Council The Committee had received a report on the Local Government and Elections (Wales) Act 2021	Continue to attend and support
2. Assist the members to adhere to the Code of Conduct	3.	The Monitoring Officer and his team provide advice and guidance at meetings, and on a one-to-one basis for members.	Resume training stages when resources permit
3. Advise the Council with regard to adopting or amending the Code	1.	No occasion has arisen to amend the Code.	

of Conduct			
4. Monitor the implementation of the Code of Conduct	3	<p>Receive regular reports of allegations against members</p> <p>Receive the annual reports of the Ombudsman and the Adjudication Panel for Wales.</p> <p>The Committee resolved to commence the work on the new duty imposed on Political Group Leaders regarding the conduct of their members.</p>	<p>Continue to monitor and consider alternative methods of receiving information.</p> <p>Receive annual reports on the register of interests and hospitality.</p> <p>Following the Election, steps will be taken to work with Group Leaders to establish operational arrangements for the new provision.</p>
5. Advise, train or arrange for members to receive training on matters relating to the Code of Conduct	3.	Induction training was arranged for new members of Gwynedd Council in preparation for the elections.	Need to look at providing new training.
6. Granting dispensations to members	1.	No applications had been considered under the new procedure.	
7. Deal with reports of case tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman	1.	One case referred to the Committee by the Ombudsman was dealt with.	
8. Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation	No action required	No occasion to pay such an allowance had arisen	
9. Exercise the above functions in relation to community councils	3	<p>The Monitoring Officer and his team provide advice and guidance to councils, clerks and members.</p> <p>Adopt a training pilot on the Code of Conduct. A session has been included to pilot the content of the course.</p>	This must be considered as a priority.

(b) Approve the following work programme for 2022/23:-

11 July 2022
Annual Report

**Allegations against Members
Local Government and Elections (Wales) Act 2021**

21 November 2022

**Register of Gifts and Hospitality
Declaration of Interests Register
The Ombudsman's Annual Report
Allegations against Members
Adopting a Protocol for Political Group Leaders**

13 February 2023

**Adjudication Panel's Annual Report
Allegations against Members
Self-assessment and Work Programme
The Committee's Annual Report**

- (c) **To authorise the Chair and Community Committee Member, in consultation with the Monitoring Officer, to press on with the work with a sample of community and town council clerks to better understand their needs, and ensure an appropriate ethical procedure to do so, and convene a further meeting of the Task and Finish Group - the Ethical Standards Framework, at the beginning of September, to receive feedback from the discussions with the clerks.**

9. ALLEGATIONS AGAINST MEMBERS

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

With reference to complaint number 202004473, concern was expressed that it had taken so much time for the Ombudsman to come to the opinion that the member had failed to comply with the Code of Conduct, and it was noted that this was completely unfair on the member who had had to face an election with this matter casting a shadow over him. In response, it was noted that his point was often raised, and although the Ombudsman's Office said that they were speeding up the process of carrying out an initial assessment to decide whether the complaint should be investigated or not, the investigation itself could take a great deal of time.

RESOLVED to note the information.

The meeting commenced at 10.30am and concluded at 12.00pm.

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CHAIR