

**ANNUAL REPORT
OF THE GWYNEDD
COUNCIL STANDARDS
COMMITTEE**

2023 - 2024
(Draft)

FOREWORD BY THE CHAIR

[to follow]

Hywel Eifion Jones
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

[to follow]

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 this 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 dispensation to allow them to participate in discussions despite them having a prejudicial interest under the Code.
- Considering matters referred to it under the Gwynedd Council local complaints resolution procedure.
- Overseeing the Gwynedd Council Members' Gifts and Hospitality Policy.

The Annual Report

The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e., the 12 month period ending on 31 March).

The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act?
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales

- Actions taken by the committee after it has considered such reports and recommendations.
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

COMMITTEE MEMBERS

Though the Standards Committee is a Gwynedd Council committee, 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

David Wareing (member since 2015)

David moved from Lancashire to Groeslon in 2014 following his retirement from the Merseyside Police. He served for 26 years in a variety of roles, more recently within the Operations Department in the Police Headquarters. In this role, he planned for large public events, public safety during Police operations and reducing police assistance for external agencies through increased partnership working. He specialised in risk assessment and securing compliance with health and safety legislation. David represented the Merseyside Police on each of the five Safety Advisory Groups within that area. He strongly believes that the actions of those in public roles must be transparent and accountable.

Aled Jones (member since 2016)

Aled is originally from Lampeter in Ceredigion. He read Welsh and Geography at Aberystwyth University. After graduating in 1999, he moved to Caernarfon to work with Cymen (Welsh translation company) and became a joint owner of the company in 2007. He now employs a team of almost 30 employees and over 20 freelance translators. He lives in Bangor with Tegwen and their children, Cai and Beca. He recently completed a post-graduate qualification in Leadership and Management ILM Level 5. The programmes create an environment where leaders are stimulated to exceed their potential, drive innovation, embed learning and to continue their development. His work as an interpreter has also given him a unique insight to the workings of government from the European Union to local community councils, and is therefore in a privileged position to observe best practice in terms of conduct and standards.

Hywel Eifion Jones (member since 2019)

Born and educated in Dyffryn Clwyd, Eifion was a senior manager with Barclays Bank and served for 34 years in a number of branches across North and Mid Wales. He has undertaken many public services roles including a County Councillor with Isle of Anglesey County Council and a member of the North Wales Police Authority.

Currently, he is a Magistrate on the North West Wales bench and is a member of the Gwynedd Pensions Board, Gwynedd Council's Governance and Audit Committee and is the Chair of Adra . He is also a member of the Adjudication Panel for Wales which determines allegations of County and Community elected members breaching the code of conduct.

Mark Jones (member since December 2022)

Mark lives in Bangor and is a former police officer with 30 years experience in a variety roles, including as Head of Professional Standards for North Wales Police. He served as a Community Governor and Vice Chair at Ysgol Glanadda for 20 years. He is also a former Chair of Adra, where he continues to serve as a Board member

Community Committee Member

Councillor Richard Parry Hughes (member since 2017)

Richard was brought up on a farm in Llanaelhaearn and attended Pwllheli Grammar School, Glynllifon Agriculture College and Seale Hayne College (Plymouth University). He has a post-graduate degree in Farm Management. He worked for a veterinary partnership in Chwilog for three years and as a part-time lecturer in Coleg Glynllifon before purchasing Penfras Uchaf farm in Llwyndyrys where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. The former leader of Gwynedd Council, he continues to farm. He has extensive experience of committees and has held roles such as the chairman of the Wales Federation of Young Farmers' Clubs before being elected as member of public bodies. He was a member of Gwynedd County Council from 1992 to 1996 and a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was also a spokesperson for the Wales Local Government Association on the Environment and Planning during this time. He is a keen member of Cwmni Drama Llwyndyrys and supports many other local organisations such as Antur Aelhaearn and Friends of Carnguwch Church. He volunteers as a case worker for the Farm Community Network. He has been a member of Llannor Community Council since 1992.

Gwynedd Council Members

Councillor Beth Lawton (member since 2017)

Beth lives in Brynchrug and is the owner of a local factory. She is a County Councillor for the Dro Dysynni area which includes the villages of Brynchrug, Abergynolwyn and Llanegryn. She is also a Community Councillor and the chair of the Ysgol Craig y Deryn Governing Body. She is active on several committees in the community

including Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal Committee and many others. She is a member of Merched y Wawr and leads at Abergynolwyn Eisteddfod. She is a member of Cyngor Gwynedd's Care and Housing Scrutiny Committee and Education and Economy Scrutiny Committee and has been Chair of both committees since becoming a member. She is also a director and Chair of the Byw'n Iach Leisure Company.

Councillor Anne Lloyd Jones (member since 2017)

Anne lives and runs a farm tourism business in Tywyn, and she has represented Tywyn on Gwynedd Council since 1995 and was previously a member of the Meirionnydd District Council for eight years. She was first elected member of Tywyn Town Council in 1985 and she was the first Mayoress in 1991, and again in 2004, and she was also Chair of Gwynedd Council in 2009. She is a former chair of the Gwynedd Council Planning Committee and one of the original members of the Cartrefi Cymunedol Gwynedd Management Board. She was a member of the Meirionnydd Community Health Council and is currently Chair of the Tywyn and District Hospital Appeal Fund. She is also the Treasurer of the local NSPCC branch since 1989.

She is a member and a former chair of Ysgol Penybryn Governing Body and is also a member of the Governing Body of Ysgol Uwchradd Tywyn. Anne was the Chair of Mid Wales Tourism between 2001 and 2016, a founding member and former president and treasurer for the Tywyn Inner Wheel Club.

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

Councillor Dewi Owen (member since 2022)

Dewi farms in Aberdyfi, and has been a County Councillor for Aberdyfi and Pennal for fifteen years, and on Aberdyfi Community Council for twenty-five years. He was elected Chair of Gwynedd Council in 2014. Dewi has been Chair of several scrutiny committees, and is currently Chair of the Democracy Services Committee on Cyngor Gwynedd, and has joined the Standards Committee since 2022.

Dewi is Chair of Governors of Ysgol Uwchradd Tywyn, and a member of several local committees, such as the Meirion County Show, the Farmers' Union of Wales and 'Aberdyfi Advertising & Improvements Committee.

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

- Iwan Evans, Head of Legal Services and Monitoring Officer.
E-mail: IwanGDEvans@gwynedd.llyw.cymru Tel: (01286) 679015
- Sion Huws, Propriety and Elections Manager and Deputy Monitoring Officer.
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE'S WORK DURING 2022 - 2023

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

Cases which appeared before the Standards Committee

The Committee considered one complaint of a breach of the Code of Conduct during the year. A complaint against Councillor Louise Hughes, Gwynedd Council was referred to the Committee for a decision by the Ombudsman. In a hearing on 18/04/23 the Committee decided that the member had breached the Code of Conduct and should be suspended for a period of 1 month.

Other complaints

The Committee is also notified of the Ombudsman's decisions on complaints that were not referred to the Committee for a decision, and a summary of these is provided 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 the right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered two applications for dispensations at its meeting on 10/01/24. Councillors Dawn Jones and Gwynfor Owen, Gwynedd Council were granted dispensation to represent the Education and Economy Scrutiny Committee Task and Finish Group, set up by the Care Scrutiny Committee, to discuss the Gwynedd Autism Plan, provided they were not appointed a chair of the Task Group.

The National Standards Committees Forum for Wales

The National Forum of Welsh Standards Committees has now been established, in order to share good practice co-ordinate events and create a support network for committee chairs. The meetings are attended by the chairs of all Welsh standards committees along with representation from the authorities' Monitoring Officers to provide professional advice. The secretariat is provided by the Welsh Local Government Association.

Support for Community, Town and City Council Members

There are 3 elements of support that can be offered to members and clerks of community councils on matters relating to the Code of Conduct:

1. Advice on specific issues –by contacting the Monitoring Officer or the Deputy Monitoring Officer.
2. Gwynedd Council website - Standards Committee includes information and guidelines as well as links to other useful websites.
3. Training – the intention is to hold a virtual training session in the form of a webinar. This would create a resource that members could watch when it suits them rather than having to rely on sessions held in specific places and times.

The Duty of Political Group Leaders

[to follow]

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2022-2023

18 April 2023

Hearing to consider and decide on a complaint referred to the Committee by the Public Service Ombudsman

26 June 2023

- Approving responses to the Welsh Government's Consultation on the Review of the Ethical Standards Framework for Wales
- Self Assessment of the Committee's work during 2022/23
- Approved the Work Programme for 2023/24
- Approved the Standards Committee's Annual report 2022/23
- Received the regular report of allegations against members

6 November 2023

- Agreeing changes to the authority's local Resolution Procedure
- Approval of amendments to the Standards Committee's Hearing Procedure
- Received a report on the Register of Gifts and Hospitality
- Considered the Ombudsman's Annual Report 2022/23
- Received the regular report of allegations against members

10 January 2024

- Determined two applications for dispensations from members of Gwynedd Council

19 February 2024

- Approved criteria for monitoring and reporting on compliance with the duty of Political Group Leaders in relation to the standards of conduct of members, together with a reporting form template
- Received regular report of allegations against members
- Considered the Annual Report of the Adjudication Panel for Wales 2022/23

The Committee was notified of the following decisions made by the Ombudsman on allegations of breaching the code of conduct made against Gwynedd county councillors and town and community councillors:

Case Number: 202201791

It was alleged that a Town Councillor failed to declare a personal and prejudicial interest in business being considered by the Council. The Complainant said that Councillor Thomas had an interest in the Council's decision not to support a request by local residents, to oppose a Land Registry application made by another member of the Council. It was alleged that the Councillor had an interest in the Council's decision because he was friends with the member, and he had since supported the member's application to the Land Registry.

The Ombudsman found that the member's actions suggested a breach of the Code and that he had failed to declare a personal and prejudicial interest and that he had made comments at council meetings when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that these events had, or were likely to have, an effect on the Council's reputation as a whole, as it was not clear whether the Member's input would have affected the Council's decision and it was a limited decision that only affected a small group of people in the area. The Ombudsman was also not persuaded that the Member had used his position inappropriately or in a way that suggested a breach of the Code because, if he had declared a personal and prejudicial interest, he would not have been prevented from writing the statement if he wished to do so in his personal capacity and the fact that he was a member of the Council did not give him an advantage in that situation.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the mitigation provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of his obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202201793

The Ombudsman received a complaint that a Member a Town Council ("the Council") had breached the Code of Conduct ("the Code") by failing to declare a personal and biased interest when the Council made the decisions relating with the Land Registry request made by the Member.

The Ombudsman found that the Member's actions suggested a breach of the Code. The Member had failed to declare a personal and prejudicial interest and had made comments when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that this incident had, or was likely to have, an effect on the reputation of the Council as a whole, because it was a limited decision affecting a small group of people in the area only. The Ombudsman was also not persuaded that the Member had used his position inappropriately because if he had declared a personal and biased interest, he could have submitted his written comments, in his private capacity, in the manner the parties had others.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the relief provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of 'to obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202302062

It was alleged that a community councillor approached the Complainant when she was drunk and questioned her about why she was late for Council meetings and "other personal matters".

No evidence was provided to prove the complaint, and the Ombudsman will not investigate unless there is fairly strong evidence to suggest that the member in question has breached the Code.

Everyone has a right to freedom of opinion under Article 101 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. In my view, it can reasonably be said that the comments complained of applies to freedom of speech. It was claimed that the comments were made when the Councillor was drunk and at an inappropriate time/place. Although I fully appreciate that the Complainant may feel personally offended by the Councillor's approach and comments, I do not consider that, on the evidence provided, they are offensive or intimidating enough to amount to disrespectful behaviour towards him (within the meaning of the Code) or in breach of the Code.

Outcome: The complaint should not be investigated.

Case Number: 202303249

It was alleged that the Councillor said untrue things at a council meeting and failed to deal properly with a concern about money collected by a local group for car parking on the day of a local event. The complainant considers the money collected for parking was rightly council money.

the concern about the Council having not collected parking fees is a matter for the Council as a whole, rather than for any individual Councillor (even if the Councillor was the chair of the Finance Committee at the time as alleged). The complainant is entitled to raise through the Council's complaints process. This is not a matter concerning an individual Councillor's ethical behaviour which could lead to a breach of the Code of Conduct for Members. No evidence has been provided to suggest that the Councillor may have breached any provisions of the Code of Conduct for Members.

Outcome: The complaint should not be investigated.

Case Numbers: 202303259 & 202303399

The behaviour of a county councillor in his role as clerk to a community council.

There was no evidence to suggest that the Code was relevant when the councillor was acting as a clerk or that there was any link with her role as a county councillor.

Outcome: The complaint should not be investigated.

Case Number: 202304751

It is alleged that the Member failed to declare an interest as his partner works for a Community Association which was in favour of using local land for a scheme which is opposed by a Residents' Committee. It is also alleged that the Member was not impartial and that responses from the Member were sub-standard and disrespectful.

The Member is a County Councillor who can attend Community Council meetings as part of this role but is not a member of the Community Council. No evidence was provided to show that the Member had taken part in any business in the Community Council where he might have expected to declare an interest or ensure, in doing so, that he remained impartial when taking part or contributing to any decisions made.

While it is appreciated that the Complainant may not agree with the views expressed, there is nothing to show that the member's response was substandard or disrespectful and, in some instances, it would seem he is acting as a go-between sharing correspondence from those in opposition to the scheme and those in favour. Although he does express that he himself is in favour in one email, any agreement or disagreement with the Member's political views is a matter for the local electorate to determine through the democratic process. The Member, as any councillor or member of the public, is entitled to support schemes and projects within the local area. For these reasons, I am not persuaded that there is evidence to suggest that a breach of the Code has occurred.

Outcome: The complaint should not be investigated.

202306169

Summary of complaint

It was alleged that in a Council meeting, the Member responded to a question asked by Councillor X in a way which was unnecessary, troublesome, abusive and undermined him. It states the Member then belittled Councillor X and showed him disrespect using terms such as “extreme right-wing” and “toxic politics” purposefully damaging Councillor X’s reputation.

The member chose to self-refer the matter to the Ombudsman for consideration instead of proceeding through the Council’s Local Resolution.

My Decision

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

The matters which complained about are unlikely to amount to a breach of the Code.

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

The self-referral acknowledges that the comments were made during a meeting of the Council. The Ombudsman generally concludes that during political exchanges, members need a “thicker skin”. Article 10 of the European Convention on Human Rights, which affords the Member the right to free speech, means that he can say things which may be shocking or offensive to some people. Whilst I fully appreciate that those present may have been personally offended by the Member’s comments, I do not consider on the evidence provided that they are sufficiently egregious, intimidating or insulting to amount to a breach of the Code.

However, I acknowledge that the comments made had the potential to offend the Member concerned, especially if they did not reflect his political ideals. The Member also made comments when self-referring the matter

202205952

Summary of complaint

It was alleged that the Member has undertaken a sustained Social Media hate campaign against the complainant since 2017. The complainant said that the Member's brother had threatened him because he had written to the Council, and this has been addressed by the Police. The complainant says others have witnessed the behaviour, but he has not indicated what has been witnessed, nor provided statements. Therefore, I cannot consider whether, even if proven, it would amount to a breach of the Code of Conduct. It is also of note that the alleged witnesses are linked to the Council and are aware of the Code of Conduct process. It is open to them to make a complaint if they consider it appropriate to do so.

My Decision

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

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 has breached the Code.

It should also be noted that the actions of the Member's brother cannot be considered by the Ombudsman and the appropriate body to consider complaints of that nature is the Police.

2. Whether an investigation is required in the public interest

As no evidence has been provided, of a breach of the Code of Conduct, an investigation is not required.

Outcome

The complaint should not be investigated.