

---

**MINUTES OF THE NORTH WALES STANDARDS  
COMMITTEES FORUM MEETING HELD IN HYWEL DDA  
CHAMBER, COUNCIL OFFICES, CAERNARFON ON FRIDAY,  
29 JUNE, 2018**

---

**PRESENT**

Gwynedd Council - Einir Young (Chair) and Margaret E. Jones (Vice-chair),  
Wrexham County Borough Council - Michael Pugh (Chair)  
Conwy County Borough Council - Ian Kyffin (Independent Member)  
Flintshire Council – Phillipa Earlam (Independent Member)  
Denbighshire Council - Ian Trigger (Chair) and Julia Hughes (Vice-chair)  
Isle of Anglesey County Council - Mike Wilson (Chair) and Islwyn Jones (Vice-chair)  
Snowdonia National Park Authority - Sharon Warnes (Chair)

**ALSO PRESENT**

Gwynedd Council - Iwan Evans (Monitoring Officer), Carwyn Meredydd (Communications Officer - Press / Promoting Services) and Eirian Roberts (Member Support Officer)  
Ceredigion County Council - Elin Prysor (Monitoring Officer)  
Isle of Anglesey County Council - Mared Yaxley (Solicitor)

**1. ELECTION OF CHAIR FOR THE MEETING**

Einir Young, Chair of Gwynedd Council's Standards Committee was elected chair of the meeting.

**2. APOLOGIES**

Apologies were received from:-

Ceredigion County Council - Hywel Jones (Chair) and Caroline White (vice-chair)  
Wrexham County Borough Council - Neil Benson (Vice-chair) and Sioned Davies (Monitoring Officer)  
Snowdonia National Park Authority - Iwan Jones (Monitoring Officer)

**3. MINUTES OF THE MEETING HELD ON 24 NOVEMBER, 2017**

Submitted - the minutes of the North Wales Standards Committees Forum meeting held on 24, November, 2017.

**RESOLVED to accept the minutes of the meeting held on 24 November, 2017 as an accurate record.**

Matter arising from the minutes

Item 6 - Procedures for dealing with allegations against members

Referring to the decision to ask Anglesey's Monitoring Officer to draft a letter for the Ombudsman and to circulate it among Monitoring Officers in all authorities, Anglesey's Solicitor noted that she had been given to understand that a letter had been drafted and

sent to Wrexham County Borough Council, but before anything further had taken place, the Ombudsman had drafted a guide responding to many questions that had been raised at the forum.

It was agreed to provide copies of the guidelines for members who were present and to discuss the matter further under item 6 - Any Other Business.

#### **4. PRACTICES / PROTOCOLS ON THE USE OF SOCIAL MEDIA AND THE REVIEW OF WELSH LOCAL GOVERNMENT ASSOCIATION GUIDANCE**

Gwynedd's Monitoring Officer explained the background to this item and noted:-

- That the Welsh Local Government Association had just released a pre-consultation draft of new guidelines for members on social media.
- The training on social media arranged for Gwynedd Council members dealt with the nature of those media, as well as the behavioural aspect.
- The aim in submitting this item was to encourage a discussion regarding how politicians were trained to use social media and how it changed their world in terms of communication etc., and the risks that derived from it.

A general presentation on the social media field was given by Gwynedd Council's Communications Officer - Press / Promoting Services. He also elaborated on the type of training and advice that was provided to Council members. He noted that social media were a convenient and powerful method of promoting services, to hold a two-way conversation and to ensure that councillors were accountable and open, but there were also risks for councillors to consider when setting up accounts and publishing information.

The Chair thanked the officer for his comprehensive presentation on such a timely topic.

A discussion followed on the practices / protocols on the use of social media that were being implemented by different authorities.

Gwynedd's Monitoring Officer noted:-

- That Gwynedd Council members were advised to differentiate between their private lives and their public lives on-line by setting up a personal account and a member account separately as combining both could lead to risks as the code was relevant to members when acting as councillors or when professing to be members.
- Although Article 10, which referred to the right to make political statements without restraint, meant that it was now possible to make quite critical observations without breaching the code, that many of the discussions on social media could still lead to complaints.
- As different people's involvement with social media varied, it was difficult to manage expectations and that this raised genuinely difficult questions in terms of how and when one should intervene and what would bring the role of councillor into disrepute. In this context, an example of a Facebook-related complaint was distributed and members were asked for their opinions.

The following points were noted during the discussion:-

- There was a need for the person who wrote the message to consider, not what he/she thought of the message, but how it could be interpreted by someone else.

- It was a very fine line and that the way a message was received by people depended on the audience.

Contributions to the review of the Welsh Local Government Association guidance were invited.

Gwynedd's Monitoring Officer drew attention to some matters in the document that could be of interest to members, namely:-

- Page 19 - the concept of a 'friend' on Facebook. It was possible to have hundreds of 'friends' on Facebook, but the suggestion that there was a close personal connection between a person on Facebook and his/her followers was extreme and likely to create many problems in terms of interpretation.
- Page 21 - the reference to the difference between the role as member and as a private individual. A member could bring his/her post as councillor into disrepute in any capacity, but differentiating accounts was a way of ensuring the greatest possible control over the relationship.
- Page 22 - making a decision in advance. A matter raised from Planning Committees where e.g. a committee member supported a campaign to refuse planning permission and had to step back from the committee and was at risk of breaching the code.

He noted that there would be an opportunity for the Standards Committees of all authorities to discuss the new guidelines during the full consultation.

A question was asked regarding the relevance of the General Data Protection Regulation (GDPR) to elected members and their rights in terms of uploading people's photographs on private and public social media accounts. With the exception of Cabinet Members, when undertaking the formal role of the Executive, Gwynedd's Monitoring Officer explained that councillors, as post holders, were responsible for their own data as elected members. In terms of uploading photographs of people, it was unlikely that the Act would have any bearing on any image that was freely obtainable, but a member would have to be more cautious if he/she used a photograph that he/she could not have accessed were it not for his/her role as councillor. Should the case be serious enough e.g. in terms of propriety, or something that suggested that the member was bringing the post into disrepute, he also noted that a member could breach the code by misusing a photograph on-line. However, should a member regularly be accused of breaching data protection regulations, the behaviour, rather than the breach itself, is what would bring the role into disrepute.

Gwynedd's Communications Officer - Press / Promoting Services added that care needed to be taken also in terms of the time period when a photograph was used and that the Council deleted photos after five years as it could not insist that it had the right to use it beyond that time.

It was noted that a situation where a councillor took a photograph in a location where children happened to be present could be challenging as it would not have been practical for the member to ask everyone present for permission to use the photograph. It was suggested that it could have been better for the councillor not to have taken the photograph in the first place.

It was noted that there would be much discussion on this field over the coming months and it was agreed that this could be a topic for the forum to examine in future.

**RESOLVED to ask Standards Committees of the different authorities to discuss the pre-consultation draft and full consultation on the new guidelines on social media and respond directly to the Welsh Local Government Association.**

**5. QUESTIONS RAISED BY THE CHAIR OF THE ISLE OF ANGLESEY COUNTY COUNCIL'S STANDARDS COMMITTEE**

The following questions raised by the Chair of the Isle of Anglesey County Council's Standards Committee were discussed:

- (a) In light of Welsh Government's intention to merge local authorities, how does the Forum envisage the Standards Committees working in future, especially in relation to Town and Community Councils? For example, should Anglesey and Gwynedd merge, as was proposed, there would be over 100 Town and Community Councils for one Standards Committee - was there a need to reduce the number of Community and Town Councils?

Gwynedd's Monitoring Officer referred to the review of Community and Town Councils that was currently taking place and noted:-

- That a question arose regarding the need for Community and Town Councils to have a code of conduct that was as full and detailed as that of County Councils, given the matter of risks and the extent of decisions they made.
- The highest percentage of enquiries and problems regarding the behaviour of members arose from Community and Town Councils.

The Chair of Anglesey's Standards Committee noted:-

- No future collaboration between Councils should lead to fewer Standards Committees, given the number of community and town councils in their areas.
- An increasing number of minor complaints coming from Town Councils in particular, fell below the Ombudsman's threshold in relation to public interest, and therefore, had to be resolved locally.

It was asked whether or not Anglesey's experiences were being reflected in other Councils. In response, the following observations were noted:-

- Denbighshire Council had received fewer complaints on every level over the past eight years and there were many reasons for this, including the very effective training which was arranged for members and clerks and the fact that people were now beginning to realise that the Ombudsman did not have an infinite amount of resources to investigate complaints.
- The local resolution system had made a difference and had substantially brought the number of cases down across Wales.
- As training was not mandatory, the people who did not require it were most likely to attend the sessions.

Gwynedd's Monitoring Officer further noted:-

- There was a need to raise awareness across all Community and Town Councils regarding the system and the existence and function of the Standards Committee and the Monitoring Officer.

- The Ombudsman's address and the public interest test suggested that irrelevant parts could be omitted from the code without losing much in terms of propriety thus allowing the community and town councils to focus on its relevant parts.

- (b) The recent process of selecting representatives from Town and Community Councils to sit on the Isle of Anglesey County Council's Standards Committee had appeared to be lengthy and burdensome. How do other Standards Committees undertake this process?

Anglesey's Solicitor outlined the process that had been followed in Anglesey, and the representatives of different authorities elaborated on their own processes of appointing representatives from Town and Community Councils and independent members on their Standards Committees.

It was suggested that authorities seeking a new independent member could ask neighbouring authorities whether or not they also required a new member so that the person could sit on the Standards Committee of both authorities.

Everyone was thanked for sharing their experiences.

- (c) Isle of Anglesey County Council had recently adopted an amended Local Resolution Protocol which was based on a voluntary process of mediation between Councillors and Standards Committee members. If both sides agreed to the process, Councillors had to seek their own resolutions and a representative of the Standards Committee would be present as a mediator only. In order to undertake the process effectively, arrangements were in place for members of Standards Committees to receive mediation training. Had the other Standards Committees arranged such training? Were there good practices / learning points to share among members of the Forum?

Representatives of the different authorities elaborated on their arrangements and experiences. It became apparent that the situation varied from authority to authority, with only the Monitoring Officer undertaking the process in some Councils, while others included a member(s) of the Standards Committee and / or Leaders of the Political Groups.

During the discussion, the following observations were made:-

- Should the mediation fail and the matter referred to the Standards Committee, any member of the Standards Committee who had been part of the mediation process would have to stand down from the committee to avoid being seen as partisan.
- The Monitoring Officer and Group Leaders should be responsible for the mediation process.
- A member of the Standards Committee acting as mediator could feel that he/she has been unduly burdened.
- If a matter, in which a local resolution had been proposed, were referred to the Ombudsman, the Ombudsman would be aware that the proposal had been made and he/she could take the fact that the process had failed into consideration.
- A mediator should not take sides, and only attempt to get both sides to see the other's viewpoints.

- (ch) Isle of Anglesey County Council would be willing to arrange for David Richards, WG Director, to attend a meeting of this Forum in future to give a presentation on general governance matters. Was this something that would assist Forum members?

Anglesey's Solicitor noted that the Authority's Monitoring Officer had attended a course where David Richards had held a session on governance in general and that he had suggested that he could give a presentation on this, or another subject, to the forum.

**RESOLVED to ask Isle of Anglesey County Council's Monitoring Officer to send a copy of David Richards' presentation on governance in general to every Monitoring Officer so that they can submit it to their Standards Committees to discuss and decide whether it would be possible to tailor it to this forum.**

## 6. ANY OTHER BUSINESS

- (a) Agenda of the Next Meeting

Gwynedd's Monitoring Officer noted that it would be beneficial for whoever was arranging the next forum meeting to get an idea of the type of items everyone wished to include in the agenda.

**RESOLVED to ask everyone to consult with their Standards Committees regarding potential items for the next meeting and feed back any suggestions, through the Monitoring Officer, to the next host authority.**

- (b) Standards Conference 2018

Ceredigion's Monitoring Officer outlined the arrangements for the Standards Conference 2018, which would be held in Aberystwyth on 14 September. She presented an outline of the contents of the day's agenda and noted that any ideas or assistance would be welcomed by anyone.

- (c) Procedures to deal with allegations against members

The Ombudsman's draft guideline 'Code of Conduct - Interim Powers' was discussed.

Gwynedd's Monitoring Officer noted that the viewpoint on this at the Wales Monitoring Officers' meeting was that no one wanted to see a ruling in suspension being delayed as it would put more pressure on time.

The Vice-chair of Anglesey's Standards Committee explained that they had originally brought this matter before the forum as they had not been persuaded that a process existed should an accusation be made against a county councillor. Accordingly, the last forum had resolved that Anglesey would draft a letter to the Ombudsman to be circulated among the Monitoring Officers of every authority. The letter had been sent to Wrexham County Borough Council, but before it had been forwarded to the Ombudsman, a similar matter had been discussed at the Monitoring Officers' meeting in Llandrindod, where an officer from the Ombudsman's office was present who had agreed to return the matter to the Ombudsman. The draft guideline did not answer every question in the letter, but it was believed that

this was the best answer the forum would be likely to receive from the Ombudsman, especially considering how much time had passed since the letter had been drafted.

**7. DATE AND LOCATION OF NEXT MEETING**

It was noted that information regarding the date and location of the next meeting would be circulated.

The meeting commenced at 10.00am and concluded at 11.55am.