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CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

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RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR SAFONAU	STANDARDS COMMITTEE	
DYDD IAU, 12 MEDI, 2013 am 2.00 o'r gloch	THURSDAY, 12 SEPTEMBER 2013 at 2.00 pm	
YSTAFELL BWYLLGOR 1, SWYDDFEYDD Y CYNGOR, LLANGEFNI	COMMITTEE ROOM 1, COUNCIL OFFICES, LLANGEFNI	
Swyddog Pwyllgor	Mrs. Mairwen Hughes (01248) 752515	Committee Officer

Aelodau Annibynnol / Independent Members

Denise Harris Edwards
Islwyn Jones
Leslie Lord
Dilys Shaw
Michael Wilson

Yn cynrychioli'r Cyngor Sir / Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Dafydd Rhys Thomas

Yn cynrychioli'r Cynghorau Tref/Cymuned / Representing the Town/Community Councils

William Raymond Evans
John Roberts

A G E N D A

1 DECLARATION OF INTEREST

2 MINUTES OF MEETING (Pages 1 - 4)

To confirm the minutes of the meeting held on 12 June, 2013.
(ENCLOSURE 'A')

3 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 5 - 8)

3A A report by the Customer Care Officer in the form of an up-dated matrix for County Councillors. For information and any questions.
(ENCLOSURE 'B')

3B A report by the Customer Care Officer in the form of an up-date matrix for Town and Community Councils. For information and any questions.
(ENCLOSURE 'C')

4 ADJUDICATION PANEL DECISIONS (Pages 9 - 30)

A report by the Customer Care Officer for information.
(ENCLOSURE 'CH')

5 PRE-REGISTRATION OF INTERESTS - UPDATES BY COUNTY COUNCILLORS (Pages 31 - 34)

To receive a report by the Customer Care Officer and to decide what, if any, further action may be required.
(ENCLOSURE 'D')

6 TOWN AND COMMUNITY COUNCILS - CODE OF CONDUCT AND UNDERTAKINGS (Pages 35 - 38)

To receive a report by the Customer Care Officer and to decide what, if any, further action may be required.
(ENCLOSURE 'DD')

7 TOWN AND COMMUNITY COUNCILS - TRAINING ON THE CODE OF CONDUCT (Pages 39 - 48)

To receive a report from the Customer Care Officer regarding take up for training on the 23 September, 2013 and the 26 September, 2013 and to decide what, if any, further action is required.
(ENCLOSURE 'E')

8 PLANNING PROCEDURE RULES (Pages 49 - 78)

To receive a report from the Deputy Monitoring Officer/Senior Solicitor (Planning) for recommendation to the Executive/Council.
(ENCLOSURE 'F')

- 9 **INDEPENDENT REMUNERATION PANEL CONSULTATION** (Pages 79 - 98)
To receive a report from the Monitoring Officer and to decide on a consultation response.
(ENCLOSURE 'FF')
- 10 **LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013** (Pages 99 - 116)
To receive a report from the Monitoring Officer, for information.
(ENCLOSURE 'G')
- 11 **GENERIC DISPENSATION - INDEMNITIES** (Pages 117 - 124)
To receive a report from the Monitoring Officer and to decide on whether or not to grant a generic dispensation to all County Councillors.
(ENCLOSURE 'NG')
- 12 **EXCLUDE THE PRESS AND PUBLIC**
To consider the following :-

"Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item(s) on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 12, Part 1 of Schedule 12A of the said Act and the attached Public Interest Test."
- 13 **PIT TEST - ITEM 14** (Pages 125 - 126)
- 14 **OUTCOME OF AN INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN RELATION TO A COMPLAINT AGAINST A COUNTY COUNCILLOR** (Pages 127 - 138)
To receive a report, for information, from the Customer Care Officer.
(ENCLOSURE 'H')
- 15 **PIT TEST - ITEM 16** (Pages 139 - 140)
- 16 **OUTCOME OF AN INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN RELATION TO A COMPLAINT AGAINST A COMMUNITY COUNCILLOR** (Pages 141 - 148)
To receive a report, for information, from the Customer Care Officer.
(ENCLOSURE 'I')
- 17 **MEETING/S BETWEEN CHAIR OF THE STANDARDS COMMITTEE AND GROUP LEADERS**
To receive a verbal report by the Chair of the Standards Committee and to identify any standards issues for the next Group Leader's meeting.

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STANDARDS COMMITTEE

Minutes of the meeting held on 12 June 2013

PRESENT: **Independent Members**
Mr. Michael Wilson (Chair)
Mr. Islwyn Jones (Vice-Chair)

Ms. Denise Harris Edwards
Mr. Leslie Lord
Mrs. Dilys Shaw

Representing Town and Community Councils

Councillor William Raymond Evans
Councillor John Roberts

Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Dafydd Rhys Thomas

IN ATTENDANCE: Head of Function (Legal and Administration)/Monitoring Officer,
Customer Care Officer (BJ),
Committee Officer (MEH)

ALSO PRESENT: None

APOLOGIES: None

The Chair welcomed Councillor Dafydd R. Thomas to his first meeting of the Standards Committee.

1 DECLARATION OF INTEREST

No declaration of interest received.

2 MINUTES OF MEETING

The minutes of the meeting held on 13 March, 2013 were confirmed, subject to the following :-

Item 2 9.- Item should read All Wales Standards Conference.

Item 2 10. – Proposed Changes to the Constitution/Protocols – Changes (Reference 5.3.17 is now 5.3.1 within the Constitution)

ARISING THEREON

Item 5 – Complaints Management Project – Audit Review Policy

It was noted that the Audit Manager be invited to the Standards Committee on the 12th December, 2013 in order to agree the Terms of Reference of the Audit Review.

Leader and Group Leaders Meeting with the Chair of the Standards Committee

It was agreed that a meeting be arranged with the Leader and Group Leaders together with the Chair of the Standards Committee.

3 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

3A Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for County Councillors.

RESOLVED to note the report for information.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee.

3B Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for Town and Community Councils. The Head of Function (Legal and Administration)/Monitoring Officer gave a detailed report on the response of the Ombudsman in respect of the complaint by 5 Members of a Community Council against a fellow Councillor.

The Head of Function (Legal and Administration)/Monitoring Officer stated that she was concerned that only 13 out of the 40 Town/Community Councils on Anglesey have responded to the request by the Chair of the Standards Committee, copies of the Declarations of Acceptance of Office following the election held in May 2013 and copies of their current Code.

RESOLVED

- **to note the report for information;**
- **that the Town/Community Councils be approached, as a matter of urgency, informing them of the importance of receipt of the Declarations of Acceptance of Office and the Code of Conduct.**

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee.

4 ADJUDICATION PANEL DECISIONS

Submitted and noted – the findings of the Adjudication Panel for Wales from 1st April 2011 to 29th May, 2013.

RESOLVED to note the report.

ACTION : None

5 NATIONAL STANDARDS COMMITTEE CONFERENCE

The Chair of the Standards Committee gave a verbal report on the above.

Members of the Standards Committee requested that relevant papers available at the Conference be forwarded to them for information.

RESOLVED to note the verbal presentation by the Chair.

ACTION : That the relevant papers available at the Conference to forwarded to the Members of the Standards Committee.

6 NORTH WALES STANDARDS COMMITTEE FORUM 20TH MAY, 2013

The Chair of the Standards Committee gave a verbal report on the above.

RESOLVED to note the verbal presentation by the Chair.

ACTION : None

7 STANDARDS COMMITTEE ANNUAL REPORT 2012/2013 AND WORK PROGRAMME FOR 2013/14

The Chair of the Standards Committee gave a verbal report on the Standards Committee Annual Report 2012/2013 and Work Programme for 2013/14 which was approved by the County Council on 23 May, 2013

RESOLVED to note the report.

ACTION : None

8 CHANGES TO THE CONSTITUTION AS RESOLVED BY COUNCIL ON 23 MAY, 2013

Submitted and noted – the changes to the Constitution as resolved by the County Council on 23 May, 2013 and following recommendations from the Standards Committee :-

8A Social Media Protocol

8B Planning Procedure Rules

8C Self Regulation Protocol

8CH New DBS Policy - It was noted that the DBS Policy will be attached to the Human Resources documentation on the Councils website.

RESOLVED to note the above changes to the Constitution.

ACTION : That the New DBS Policy be attached to the Human Resources documentation.

9 WEB CASTING/REMOTE ATTENDANCE AND ICT SUPPORT FOR TOWN AND COMMUNITY COUNCILS

Submitted – a report by the Interim Head of Democratic Services in relation to the above.

The Head of Function (Legal and Administration)/Monitoring Officer reported that a grant of £40,000 has been allocated to all Local Authorities to assist with broadcasting and remote attendance plus an extra £500 for each Community Council to support the establishment of Community Council websites. The grant allocation needs to be spent during 2013/14.

At present audio recordings of proceedings at the Planning and Orders Committee are posted to the Council website but this has not been extended to other Committees. With regard to webcasting of meetings, and the grant allocation, this will be reported to the Democratic Services Committee as part of its current work programme. There are various issues, technical and non-technical, that need to be addressed in order to take full advantage of webcasting meetings and future requirements in relation to remote access.

The Local Democracy Bill includes a requirement for all Community Councils to develop websites. There is an expectation for the Councils to collaborate with One Voice Wales to discuss how the

grant provision element for Community Council websites should be co-ordinated and further guidance from One Voice Wales is awaited.

RESOLVED to note the report.

ACTION : That an update report from the Head of Democratic Services be submitted to the Standards Committee on the 12th December, 2013.

10 MEMBER TRAINING ON THE ETHICAL FRAMEWORK

The Head of Function (Legal and Administration)/Monitoring Officer reported that 27 out of the 30 Elected Members has attended the mandatory training on the ethical framework. Those who did not attend were all returning Members.

RESOLVED to request the Head of Function (Legal and Administration)/Monitoring to write to the 3 Members who have not attended the training on the ethical framework and remind them of the Constitutional requirement.

ACTION : As resolved.

11 EXCLUDE PRESS AND PUBLIC

RESOLVED to adopt the following :-

“ Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 12, Part I of Schedule 12A of the said Act and the attached Public Interest Test.

12 MINUTES OF THE MEETING AND THE DECISION OF THE 7TH MARCH, 2013

The minutes of the Hearing and decision of the 7th March, 2013 were confirmed.

The Head of Function (Legal and Administration)/Monitoring Officer reported that the decision of the Hearing will appear in the local press and on the Council's website when the appeal period has come to an end.

RESOLVED to note the report.

**MR. MICHAEL WILSON
CHAIR**

PAPUR / ENCLOSURE
B

**CWYNION I AC YMHOIADAU GAN YR OMBUDSMON – "O" -YNGLŶN Â CHYNGHORWYR CYNGOR SIR YNYS MÔN – MAI 2008
YMLAEN**

**COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING ISLE OF ANGLESEY COUNTY COUNCILLORS –
MAY 2008 ONWARDS**

**DIWEDDARIAD / UPDATED – 29 Awst 2013 / 29 August 2013
(diweddariad diwethaf / last update 22.2.13)**

Pwyllgor Safonau – 12.09.13 – Standards Committee

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Disgrifiad Byr o'r Gŵyn Short Description of Complaint	Adrannau'r Côd Sections of the Code	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date of the current situation	Datblygiad Pellach Further Development
1. Cynghorydd Sir / County Councillor	Aelod o'r cyhoedd/ Member of the public	(i) 016752 (ii) 201204406	13.02.13	Peidio dangos parch ar eraill ac ymddwyn mewn ffordd sy'n dwyn anfrï ar y swydd neu'r awdurdod / Failing to show respect for other and conduct likely to bring office or authority into disrepute	Rhan / section 4(b),6(1a)	21.02.13 – yr "O" am ymchwilio/ the "O" to investigate	2.8.13 – llythyrr gan yr "O" – dim angen gweithredu yng nghyswilt y materion yr ymchwiliwyd iddynt. 2.8.13 – letter from the "O" – no action needs to be taken in respect of the matters investigated.

PAPUR / ENCLOSURE
C

CWYNION I AC YMHOLIADAU GAN YR OMBUDSMON – "O" -YNGLŶN Â CHYNGHORWYR CYMUNEDOL A THREF

**COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING TOWN AND COMMUNITY COUNCILLORS
Diweddariad - 29.08.13 - Update**

Pwyllgor Safonau- 12 MEDI 2013 / Standards Committee 12 September 2013

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Disgrifiad Byr o'r Gŵyn Short Description of Complaint	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation	Datblygiad Pellach Further Development
Cyngorydd Cymunedol / Community Councillor Llanfaelog	Aelod o'r Cyngor Cymunedol x 5 / Member of the Community Council x 5	016435 – BJ 201201908 016436 – BJ 201201909 014647 – BJ 201201910 016438 – BJ 201201911 016439 – BJ 201201913	18.09.12	Defnyddio iaith ddifriol ac ymddygiad ymosodol mewn cyfarfod o'r cyngor Abusive language and aggressive behaviour in a council meeting	08.03.13 – Swyddogion o Swyddfa'r "O" yma yn cyfweid y Cyngorydd. 08.03.13 - Officers from the "O"'s Office here to interview the Councillor	01.07.13 – llythyr gan yr "O" – dim angen gweithredu o ran y materion dan ymchwiliad 01.07.13 – letter from the "O" – no action needs to be taken in respect of the matters investigated.

PAPUR / ENCLOSURE
CH

Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	12 September 2013
Title of Report	Findings of the Adjudication Panel for Wales 1st April 2011 to 29th August 2013.
Report By	Customer Care Officer
Purpose of Report	To provide information on the issues dealt with by the Adjudication Panel for Wales

1.0 Introduction & Background

The Adjudication Panel for Wales came into being as a result of the Local Government Act 2000 and has two statutory functions:-

- To form case or interim case tribunals to consider reports from the Ombudsman following the investigation of allegations that a member has failed to comply with their authority's code of conduct; and
- To consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct

This report covers decisions made by the Adjudication Panel between the 1st of April 2011 and the 29th August, 2013 and is intended as a factual summary of the issues that come before the Adjudication Panel. It will not replace the report that is presented to the Committee when a complaint relating to Anglesey County Council has been before the Adjudication Panel.

2.0 Decisions made between 1.4.11 and the date of this report

18.4.11 - Cllr. A James, Torfaen County Borough Council
18.5.11 - Cllr. M. Calver, Manorbier Community Council
06.06.11 - Cllr A. Brown, Merthyr Tydfil County Borough Council
29.06.11 – Cllr. J. Adams-Lewis, Ceredigion County Council
12.07.11 – Cllr P Rogers, North Wales Police and Anglesey County Council
27.10.11 – Former Cllr F. Wildgust – Torfaen County Borough Council
27.10.11 - Cllr P Seabourne – Torfaen County Borough Council
27.10.11 - Cllr D Thomas, City & County of Swansea
14.11.11 – Former Cllr L. Bailey – City & County of Swansea
14.11.11 – Cllr I. Tuck, Merthyr Tydfil County Borough Council
03.01.12 - Cllr. K. Armstong-Braun, Saltney Town Council
18.6.12 – Cllr. M. Eckersley, Denbighshire County Council

19.6.12 – Cllr B. Durkin, Anglesey County Council
22.8.12 – Cllr. A. Brown, Merthyr Tydfil County Borough Council
05.11.12 – Cllr. A. Moss, Llantrisant Community Council
16.11.12 – Cllr. H. Thomas, Isle of Anglesey County Council
05.04.13 – Former Councillor Whitby, Coedpoeth Community Council
15.05.13 – Cllr John Cooper, Mumbles Community Council – **NEW**
12.07.13 – Former Cllr David Evans, Ceredigion County Council - **NEW**
18.07.13 - Cllr P. Heesom, Flintshire County Council - **NEW**

See Table below which provides a summary of the issues dealt with and the results of the above cases.

Name	Allegations	Findings	Result
<p>Cllr. A. James – Torfaen County Borough Council (27.4.11) APW/007/2010-011/CT</p>	<p>Failing to declare an interest and using his position improperly when making donations to local organizations under the Council's Small Schemes Allowances</p>	<p>On the basis of the findings of fact, the Case Tribunal found by unanimous decision that there was a failure to comply with the Torfaen County Borough Council's code of conduct.</p>	<p>Breach - The Case Tribunal concluded by unanimous decision that a period of suspension is appropriate - Suspended for 1 month</p>
<p>Cllr. M. Calver of Manorbier Community Council (25.5.11) Appeal APW/009/2010-011/A</p>	<p>Appeal against Pembrokehire County Council's Standards Committee, that he breached Manorbier Community Council's Code of Conduct and should be censured and undertake training on the Code. Original allegations:- Publishing draft minutes without permission Website comments constituted bullying and harassments and /or failed to show respect and consideration Disclosure of confidential (including financial) information not yet in the public domain Made comments which</p>	<p>The Adjudication Panel upheld the decision of the Standards Committee - that he breached Manorbier Community Council's Code of Conduct</p>	<p>The Appeal Tribunal considered all of the facts, submissions and representations made and its own sanction guidelines in appeal tribunals. The Appeal Tribunal saw no compelling reason here to interfere with the sanction imposed by the Standards Committee NOTE – the Appeal Tribunal and Standards Committee decisions were overturned following a Judicial Review by the High Court - Ref:[2012] EWHC 1172</p>

Name	Allegations	Findings	Result
<p>Cllr. A. Brown of Merthyr Tydfil County Borough Council APW/006/2010-011/CT And APW/010/2010-011/CT</p>	<p>brought his office and/or council into disrepute. Using the internet to publish inappropriate comments Misusing Council resources Breaking the Council's Internet Policies Failing to show respect and consideration for others Disclosing a confidential letter Sending inappropriate e-mails Publishing a deliberately misleading press release and thereby bringing the office of councillor and his authority into disrepute</p>	<p>The Case Tribunal did not consider, in all the circumstances, that there were, in accordance with its sanction guidelines, factors which could reasonably justify a disqualification. The Case Tribunal considered whether suspension would be an appropriate sanction, with reference to its sanction guidelines which indicate that a suspension may be appropriate where the circumstances are not so serious as to merit disqualification, but sufficiently grave to give rise to the need to reassure the public and impress upon the Respondent the severity of the matter and the need to avoid repetition.</p>	<p>Breach: The Case Tribunal decided by unanimous decision that the Councillor should be suspended from acting as a member of the Council for a period of nine months</p>
<p>Cllr. J. Adams- Lewis of Ceredigion County Council</p>	<p>Failing to act objectively and in the public interest in the consideration of a planning application at a site meeting of</p>	<p>The Case Tribunal found that the Councillor did act in a way, such that a member of the public might</p>	<p>Breach: Suspended from being a member of the Development Control Committee and Vice Chairman of</p>

Name	Allegations	Findings	Result
<p>Former Cllr. F. Wildgust of Torfaen County Borough Council APW/001/2011-012/CT</p>	<p>Making unsubstantiated allegations in press releases dated 13.15 and 22 January 2011 about the Council and its senior officers and by repeating those allegations in an e-mail to the Council's Chief Executive and showing utter disrespect to the Monitoring Officer and Chief Executive personally and to their senior officers.</p>	<p>2nd Case Tribunal – 1st held on 24.2.11 the Case Tribunal gave very serious consideration to imposing a disqualification and but for Cllr Wildgust's apology to those concerned, his acknowledgement of his now understanding of the importance of the Code of Conduct and to his having to adhere to it, his undertaking [to the Case Tribunal] to do so and to moderate his behaviour and act in a non-adversarial fashion in the future, the Case Tribunal would have disqualified him from office. However, in reliance on the undertaking and so as to give Cllr Wildgust the opportunity of moderating his behaviour, the Case Tribunal decided to suspend Cllr Wildgust for a period of 12 months with immediate effect".</p>	<p>The First Case Tribunal decision was clear that but for Mr Wildgust's undertakings to comply with the terms of the Code of Conduct, to moderate his behaviour, to apologise and to act in a non-adversarial way in the future, they would have sanctioned a disqualification against him.</p> <p>Mr Wildgust disregarded those undertakings the day following the First Case Tribunal hearing.</p> <p>The Case Tribunal considers that Mr Wildgust's conduct merits a disqualification and that he should be disqualified from holding the office of councillor for a period of 3 years with immediate effect.</p>
<p>Cllr. P. Seabourne of Torfaen County Borough Council</p>	<p>Appeal against the decision of the Standards Committee</p>	<p>Following the decision by the Ethics and Standards Committee, the</p>	<p>The Tribunal was satisfied, on the basis of the evidence given by Cllr. Seabourne that he had not</p>

Name	Allegations	Findings	Result
<p>Appeal APW/012/2010-011/A</p>	<p>Failed to maintain accurate records of his appointments and interests in the statutory register. Failed to declare a personal and prejudicial interest on 27 November 2008 when completing a Small Scheme Application requesting that a payment of £200 be made to Torfaen Access Coalition when he was Chair of the Coalition.</p> <p>Failed to declare a personal interest on 22 September 2009 when completing a Small Scheme Application requesting that a payment of £500 be made to Fairwater Comprehensive School when he was an LEA appointed governor of the School Further in respect of the donation to Fairwater Comprehensive School, failed to declare a personal and prejudicial interest in that his wife was the Chair of governors at the School at the time of the donation.</p>	<p>Ombudsman received a further complaint that Cllr Seabourne had misled that Committee when he stated that the information about his interests was on his website. This was not in fact the case at the time of the Committee hearing as that information was not placed on the website until 14 October 2009.</p> <p>The Appeal was confined to the sanction imposed and not the findings.</p>	<p>misled the committee and had not, either in correspondence or otherwise, suggested that the information regarding his interests was on his website prior to 14 October 2009. On that basis the Tribunal was satisfied that there was no additional aggravating factor to weigh into the balance.</p> <p>The Tribunal accepted that Cllr Seabourne had updated his Declaration of Interests on 14 October 2009 and that this did alter the balance of aggravating and mitigating factors considered by the Ethics and Standards Committee. This was not so substantial an alteration, however, as to lessen the seriousness of the breaches of the Code and, therefore, the need for censure. Decision of the Ethics and Standards Committee upheld – The Tribunal was satisfied in all the circumstances</p>

Name	Allegations	Findings	Result
<p>Cllr. D. Thomas of City & County of Swansea Council Appeal APW/002/2007-08/A</p>	<p>Appeal against the decision of the Standards Committee Failing to reach a decision on the basis of the merits of the circumstances involved when attending a meeting of the Planning Committee on 20 July 2006 and, in so doing, had also failed to have regard to the advice of the authority's Monitoring Officer.</p>	<p>Appeal Tribunal unanimous in their decision that there was a failure to comply with the Code of Conduct. "Having regard" to advice taken to mean accepting such advice in the absence of good reasons not to – no such reasons given</p>	<p>that a censure was an appropriate sanction Decision of Standards Committee upheld. Censure and suspension for 1 month.</p>
<p>Former Cllr. L. Bailey of City & County of Swansea Council APW/001/2007-08/CT</p>	<p>Making improper use of Council-owned computer equipment for private purposes by downloading inappropriate images and sending letters to a local newspaper, which he falsely represented as being from members of the public. In so doing brought the office of member into disrepute. Failed to show respect and consideration for others by failing to take account of the impact of his actions on</p>	<p>Tribunal felt that the breaches were so serious that disqualification was appropriate and that a period in excess of 3 years would be justified</p>	<p>Breach. Disqualification for 2 years and 6 months – reduced length of disqualification due to mitigating factors</p>

Name	Allegations	Findings	Result
<p>Cllr. I. Tuck of Merthyr Tydfil County Borough Council APW/004/2007-08/CT</p>	<p>council employees who later saw the images on the computer equipment.</p> <p>Pattern of persistent misconduct demonstrated a failure to promote the principles of the code by leadership and example</p> <p>Behaviour at a fact-finding site visit by the Council's Planning and Regulatory Committee on 11 October 2006 could be reasonably regarded as bringing the office of member and the Council into disrepute. Using his position as a member of the Planning and Regulatory Committee improperly to secure an advantage for himself and his father at the meeting on 11 October 2006 meeting. At the meeting did not adequately declare a personal interest and did not withdraw.</p>		
<p>Cllr. K. Armstrong-Braun Saltney Town Council APW/008/2010-11/CT</p>	<p>Breach of paras 4(b), 5(a), 6(1)(a) and 8(a) of the code of conduct :-</p> <p>That he acted inappropriately</p>	<p>Finding that there was a failure to comply with the Code of Conduct on all 3 counts.</p> <p>Councillor had resigned and had no desire to stand for public office again.</p>	<p>Breach. Disqualified for 12 months</p> <p>Breach. Suspended for 12 months</p>

Name	Allegations	Findings	Result
	<p>during Council meetings; caused distress to another person;</p>	<p>that Cllr Armstrong-Braun, when Mayor, had made inappropriate remarks about Saltney and had subsequently refused to withdraw his remarks; he adjourned the council meeting on 9 July 2008 contrary to the decision of the Town Council; he decided to prematurely close the meeting on 10 September 2008; he was abusive and discourteous to the Town Clerk and Deputy Mayor at the agenda meeting held on 9 September 2008;</p>	
	<p>failed to account for his mayoral allowance</p>	<p>The Case Tribunal found that Cllr Armstrong-Braun ignored the advice of the Town Clerk concerning his obligation to account for his Mayoral allowance in accordance with Standing Order 40 of the Council's procedure rules as set out in the letter dated 20 November 2009 from the</p>	

Name	Allegations	Findings	Result
<p>Former Cllr. M. Eckersley Denbighshire County Council APW/004/2011-012/CT</p>	<p>disclosed confidential information and that in respect of both Saltney Town Council and Flintshire County Council his conduct had brought his office and the authorities into disrepute.</p>	<p>Town Clerk to him. The Case Tribunal found that Cllr Armstrong-Braun had written a letter to the Head Teacher of the local Secondary School in breach of the decision of the Town Council's task group that their meetings on 14 and 28 March 2009 were to be held in confidential session and that any matters shared in those meetings should not be shared with third parties.</p>	
	<p>Breach of paras 4(a), 4(b) and 6(1)(a) of the Code of Conduct that at a meeting of the Corporate Equalities Group on 22 July 2010, during a discussion about an ancient bye-law which allows individuals to be hanged for speaking Welsh in Chester after 9.00pm, former Cllr Eckersley commented "maybe we should take a load of Welsh Muslims to Chester to test this out" ("the first alleged failure");</p>	<p>The Case Tribunal found by unanimous decision with regard to both allegations that former Cllr Eckersley failed to comply with the Denbighshire County Council's Code of Conduct as follows: Paragraph 4(b) of the Code of Conduct states that "you must show respect and consideration for others".</p>	<p>The Case Tribunal considers that former Cllr Eckersley's conduct merits a censure.</p>

Name	Allegations	Findings	Result
	<p>and that at a meeting of the Corporate Equalities Group on 14 October 2010 former Cllr Eckersley commented that "Adolf Hitler had the right idea, and that they should be got rid of out of the country" with reference to gypsies and travellers ("the second alleged failure").</p>	<p>The Case Tribunal further finds by unanimous decision that former Cllr Eckersley did not breach paragraphs 4(a) and 6(1)(b) of Denbighshire County Council's Code of Conduct.</p>	
<p>Cllr. B. Durkin Anglesey County Council APW/002/2011-012/CT</p>	<p>making repeated personal attacks of an offensive nature against the then Director of Legal and Democratic Services and Monitoring Officer (Miss Ball) and Mr David Bowles, the former Interim Managing Director; and by making numerous requests for information thereby placing excessive demands and significant burden upon the</p>	<p>The Tribunal found that Cllr Durkin by his actions towards the Miss Ball, in particular the language he used, failed to show respect and consideration and that his actions in relation to Miss Ball also amounted to bullying and harassment. The Tribunal concluded that making repeated serious allegations with no foundation against Miss Ball and suggesting that she was dishonest and corrupt</p>	<p>The Case Tribunal concluded by unanimous decision that Cllr Durkin should be suspended from acting as a member of the Isle of Anglesey County Council for a period of 12 months or, if shorter, the remainder of his term of office, with effect from 17 May 2012.</p>

Name	Allegations	Findings	Result
	<p>Council's Corporate Information Officer (Mr Pritchard)</p>	<p>undermined her authority and position and amounted to bullying and harassment.</p> <p>The Tribunal found that as a more senior officer the actions of Cllr Durkin did not amount to bullying or harassment of Mr Bowles and that Mr Bowles had robustly dealt with Cllr Durkin. The Tribunal did however find that making unfounded allegations in the public media that Mr Bowles was dishonest and corrupt did fail to show Mr Bowles respect and consideration in breach of paragraph 4(b) of the Code.</p> <p>The Tribunal found no breach in relation to his conduct towards Mr Pritchard. The Tribunal did not accept that the Code was not engaged in relation to Mr Pritchard and noted that although the Freedom of Information Act treated everyone as members of the</p>	

Name	Allegations	Findings	Result
		<p>public from the point of view of the Act, Cllr Durkin was making the requests in his capacity as a councillor and for political purposes. However, when considering the evidence the Tribunal was satisfied that Cllr Durkin had made his requests perfectly properly and his letters to Mr Pritchard were appropriate in content and tone.</p> <p>The Tribunal found that Cllr Durkin's actions also amounted to a breach of paragraph 6(1)(a) of the Code. The Tribunal concluded that Cllr Durkin's repeated unfounded allegations of a serious nature against senior officers of the Council in public was bound to undermine the authority and bring it into disrepute. In addition the language used by Cllr Durkin and the fact that the Tribunal found his</p>	

Name	Allegations	Findings	Result
<p>Former Cllr. A. Brown Merthyr Tydfil County Borough Council APW/002/2012-013/CT</p>	<p>Persistently and deliberately misrepresented his position as a councillor following his suspension by a previous Tribunal, in emails, blogs, letters and articles to the press and a radio phone-in in a 3 month period following the Tribunal finding;</p> <p>Deliberately and persistently misrepresented the findings of the previous Tribunal;</p> <p>Misrepresented the Council and its policies; and</p> <p>Despite the finding of the Tribunal on 13 April 2011, he had knowingly published confidential information and failed to</p>	<p>motives were not genuine, further brought the office into disrepute.</p> <p>The Case Tribunal considered all the facts of the case. It had regard to its sanctions guidance which indicates that a disqualification may be appropriate in circumstances where had a person still been a member of their authority a suspension would have been the likely sanction. However, in this case disqualification was considered because former Cllr Brown had deliberately failed to abide by the code and had persistently breached the Code. There were a number of aggravating factors:</p> <ul style="list-style-type: none"> a) Repeated breaches b) Actions brought the Council into disrepute 	<p>The Case Tribunal concluded by unanimous decision that former Cllr Brown should be disqualified for 3 years from being or becoming a member of Merthyr Tydfil County Borough Council or of any other relevant authority within the meaning of the Local Government Act 2000, with immediate effect.</p>

Name	Allegations	Findings	Result
	seek advice from the appropriate authorities.	<ul style="list-style-type: none"> c) Intentionality d) Challenging the investigation and adjudication to the end e) Seeking unfairly to blame others f) Persisting with a pattern of behaviour g) Failing to heed appropriate advice or warnings 	
Cllr. A. Moss Llantrisant Community Council APW/001/2012-013/CT	Breach of paragraph. 6(1)(a) of the Code of Conduct	Decision not yet published	Breach: Suspended for 6 months
Cllr. Hefin Thomas Isle of Anglesey County Council Appeal APW/003/2012-013/A	In June 2012, the Adjudication Panel for Wales received an appeal on behalf of Cllr Thomas against the Isle of Anglesey County Council's Standards Committee's determination that Cllr Thomas should be suspended for a period of 6 months for a breach of	The Appeal Tribunal is satisfied that the Standards Committee gave Cllr Thomas every opportunity to substantiate his mitigation during the Standards Committee hearing. The Appeal Tribunal has duly considered the mitigation put to the Standards Committee and to the	<p>The Appeal Tribunal considers that the 6 month suspension imposed by the Standards Committee was not disproportionate in view of the circumstances of the case.</p> <p>The Appeal Tribunal accordingly decided by unanimous decision to endorse the decision of the Isle</p>

Name	Allegations	Findings	Result
	paragraph 6(1)(a) of the code of conduct	Appeal Tribunal. The Appeal Tribunal is satisfied that appropriate credit was given by the Standards Committee for the mitigation put forward by Cllr Thomas but that the mitigation was outweighed by other factors of the case including Cllr Thomas' credibility. The Appeal Tribunal is satisfied that the Standards Committee applied due proportionality having regard to all the facts in deciding on the sanction that should be applied to Cllr Thomas.	of Anglesey County Council's Standards Committee that Cllr Thomas should be suspended for 6 months.
Former Cllr. Whitby Coedpoeth Community Council APW/003/2011-012/CT APW/005/2012-013/CT APW/007/2012-013/CT	The former Cllr Whitby had breached the above Community Council's Code of Conduct by his behaviour and consequent arrest for a breach of the peace during a demonstration in Liverpool on 4 December 2010, failure to show respect and consideration to the Clerk to the Community Council, his behaviour, arrest, subsequent	The Case Tribunal therefore concluded by unanimous decision that former Cllr Whitby had, by his actions in breaching the code of conduct and in his unacceptable attitude to the investigation and general disregard of the code, demonstrated that he was unfit to hold public office and was unlikely to become fit	Accordingly he should be disqualified for 5 years from being or becoming a member of the Coedpoeth Community Council or of any other relevant authority within the meaning of the Local Government Act 2000.

Name	Allegations	Findings	Result
	<p>imprisonment and non-cooperation with the relevant authorities arising from a protest at Birkenhead County Court on 7 March 2011; and his lack of co-operation with the Ombudsman's investigation of these allegations.</p>	<p>over the next five years.</p>	
<p>Cllr John Cooper Appeal Mumbles Community Council APW/009/2012-013/A</p>	<p>The allegations were that Cllr Cooper had breached Mumbles Community Council Code of Conduct by making misleading statements about his personal assets to an Employment Tribunal when that Tribunal was considering his liability for costs.</p> <p>It was alleged that in failing to declare the extent of his assets Cllr Cooper had misled the Employment Tribunal about his ability to pay any costs awarded against him.</p>	<p>On the basis of the findings of fact, the Appeal Tribunal found by a unanimous decision that there was a failure to comply with Mumbles Community Council code of conduct.</p> <p>Paragraph 6(1)(a) of the code of conduct states "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".</p> <p>The Appeal Tribunal was satisfied that the finding of fact that Cllr Cooper had made misleading</p>	<p>The Appeal Tribunal accordingly decided by unanimous decision to endorse the decision of the Standards Committee and that Cllr Cooper should be suspended from being a member or co-opted member of Mumbles Community for a period of 18 weeks.</p> <p>The Tribunal considered that this was an appropriate and proportionate sanction to mark the seriousness of the breach and maintain public confidence in standards in public life.</p>

Name	Allegations	Findings	Result
<p>Former Cllr David Evans Ceredigion County Council APW/008/2012-013/CT</p>	<p>Breach of paragraph 6(1)(a), 7(a) and 9(a) of the code of conduct</p>	<p>statements to the Employment Tribunal did amount to a breach of paragraph 6(1)(a) of the Code. The Tribunal considered that the findings made by the Employment Tribunal that Cllr Cooper had failed to disclose assets and the subsequent article in the South Wales Evening Post was liable to bring the office of Community Councillor and Mumbles Community Council into disrepute.</p>	
		<p>The allegations were that Mr Evans had breached Ceredigion County Council's Code of Conduct by claiming expenses he was not entitled to and had gained a financial advantage by over-stating his mileage and subsistence claims over a period of 11 years.</p>	<p>The Case Tribunal considered all the facts of the case and in particular the fact that Mr Evans had on demand, promptly repaid over-claimed expenses. The Case Tribunal also took into account the fact that the Council's procedures during the relevant period relating to councillors' expenses had on its own admission fallen short of the standard the public is entitled to expect.</p>

Name	Allegations	Findings	Result
<p>Cllr P Heesom Flintshire County Council APW/005/2010-011/CT</p>	<p>Breach of paras 4(a), 4(b), 6(1)(b) and 7(a) of the 2001 code of conduct and paras 4(b), 4 (c) and 4(d) of the 2008 code of conduct</p>	<p>Report not yet published</p>	<p>The Case Tribunal concluded by unanimous decision that Mr Evans should be disqualified for 3 months from being or becoming a member of Ceredigion County Council or of any other relevant authority within the meaning of the Local Government Act 2000.</p> <p>Disqualified for 2 ½ years but disqualification suspended by High Court pending Judicial Review.</p>

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PAPUR / ENCLOSURE
D

Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	12 September 2013
Title of Report	Pre - Registration of Interests – Updates by County Councillors
Report By	Customer Care Officer
Purpose of Report	To update the Committee on the County Councillor's Register of Interests

1.0 Introduction

The Standards Committee undertake an annual review of every Register of Interest and for the last three years they have identified a failure by Elected Members to declare their appointment to outside bodies. This is a breach of the Code of Conduct and whilst it is merely a technical breach, it does leave those Members open to criticism.

Following the election on 2.5.13, all Members completed the Register of Interests within the 28 day period. Following the appointments to outside bodies, every Profile page on the website has been updated by the Council. However, the Council cannot update individual Registers of Interest as the Code clearly states that the obligation for keeping registers up to date lies with the Elected Members themselves.

2.0 Action Taken

The following reminders have been sent out to all Members:-

- **21.6.13** – an e-mail reminder that they needed to update their register within 28 days.
- **24.6.13** – an e-mail from the Web team with instructions on how to update the Online Register of Interests Form
- **9.7.13** – a further e-mail reminder together with a list of outside bodies each Member had been appointed to.
- **1.8.13** - The Chair of the Standards Committee took a report to the Group Leaders Meeting requesting that they remind their members of the need to update the registers.
- **Week 27.8.13 – 2.9.13** – further reminders issued by e-mail

3.0 Current Situation

As at 3.9.13, 7 Councillors have still not updated their registers and these are made up as follows:-

4 Independent , 2 Unaffiliated and 1 Plaid Cymru Member.

4.0 Action Required

Given the above report, does the Committee wish to take any further action?

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PAPUR / ENCLOSURE
DD

Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	12 September 2013
Title of Report	Town & Community Councils - Code of Conduct Undertakings
Report By	Customer Care Officer
Purpose of Report	To update the Committee on the number of Town & Community Councils that have provided information on Councillor undertakings following the new term of office that began in May 2013.

1.0 Introduction

A letter was sent to all Town and Community Councils on 25.4.13 requesting that they provide the following:-

“copies of ALL the completed undertakings given by your new and returning Councillors, promising to observe the Code of Conduct for their new term of office, from May 2013”.

Following a very slow response, as reported to this Committee in June, a further letter was sent out dated 13.6.13.

2.0 Results

2.1 I can now confirm that ALL Councils but one have responded and have provided copies of their undertakings. Some Councils are still recruiting new members and a promise has been made to provide further undertakings as they become available.

2.2 At the date of writing, investigations are underway as to the situation relating to the one remaining Council. The Clerk has confirmed that the undertakings were sent by recorded delivery some time ago. The forms have not been received by the Legal Department and the Clerk is in contact with the Royal Mail in order to trace the envelope. Unfortunately the Clerk did not keep copies of the forms but if the originals have been mislaid then they will be signed again and forwarded to me.

2.3 The copies of the undertakings will be retained in the appropriate file in the Legal Department.

3.0 The Code of Conduct.

ALL Councils have confirmed that they have adopted a Code of Conduct, 2 have adopted the Unllais Model whilst the remainder have adopted the Model Code of Conduct (2008 No.788 (W.82) as provided to them by the County Council.

4.0 Conclusion

Once the issue relating to the final Council has been resolved I consider that no further action is required with regard to Code of Conduct Undertakings.

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PAPUR / ENCLOSURE
E

Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	12 September 2013
Title of Report	Town & Community Councils – Training on the Code of Conduct
Report By	Customer Care Officer
Purpose of Report	To update the Committee on take up of places on the Code of Conduct Training Sessions in September 2013.

1.0 Introduction

Following the recent election and new term of office for all Councillors commencing on the 6th May 2013, the County Council's Standards Committee is required to provide training to all Town and Community Councils on the requirements of the Code of Conduct.

2.0 Action Taken.

A letter was sent to all Town and Community Councils on 9.7.13 providing the times and dates of 4 training sessions at the end of September 2013.

An e-mail was sent to all County Councillors, who are member of Town or Community Councillors, on 24.7.13 requesting that they raise awareness and promote the sessions when they next attended a meeting.

On 15.8.13 a reminder letter was sent requesting that all nominations be received by 6.9.13. Copies of all the above mentioned correspondence are attached at Appendix 1.

3.0 Situation as at the time of writing this report (29.8.13.)

- 24 out of 40 Councils have responded with 22 providing nominations (1 stated that none of the dates were suitable and the other was still looking for new members but that the closing date was not until the end of September – both expressed a wish to be informed of any further sessions arranged).
- The 6pm sessions on the 23rd and 26th September are now full as there is a limit of 20 attendees per session.

- Two names have been put forward for the afternoon session on 23.9.13 and 8 names put forward for the afternoon session on 26.9.13.

As the Councils have until the 6th September to provide nominations, it is unclear at this time whether or not the afternoon sessions will go ahead or whether we will need to re-arrange further evening sessions.

4.0 Action by the Standards Committee

From the conversations that I have had with various Clerks, there is little or no enthusiasm for the training and they would welcome some support from this Committee.

Cynghorau Tref a Chymuned / Town & Community Councils

Hyfforddiant ar y Cod Ymddygiad / Training on the Code of Conduct

Enw /Name C = Cymuned /Community / T= Tref / Town	Wedi Ymateb / Responded	Yn mynychu / Attending
Aberffraw C	NO	
Amlwch T	Yes	2
Beaumaris T	Yes	Dyddiadau ddim yn gyfleus / Dates not convenient
Bodedern C	Yes	1
Bodffordd C	Yes	3
Bodorgan C	Yes	1
Bryngwran C	Yes	2
Cwm Cadnant C	No	
Cylch -y-Garn C	Yes	Yn recriwtio - dyddiad cau diwedd mis Medi / neb yn mynychu. Recruiting – closing date is end September – no attendees
Holyhead T	Yes	3
Lanbadrig C	Yes	4
Llanddaniel Fab C	Yes	3
Llanddona C	No	
Llanddyfnan C	Yes	2
Llaneilian C	Yes	2
Llanerchymedd C	Yes	3
Llaneurgrad C	No	
Llanfachraeth C	No	
Llanfaelog C	Yes	2
Llanfaethlu C	No	

Cynghorau Tref a Chymuned / Town & Community Councils

Hyfforddiant ar y Cod Ymddygiad / Training on the Code of Conduct

Enw /Name C = Cymuned /Community / T= Tref / Town	Wedi Ymateb / Responded	Yn mynychu / Attending
Llanfair Mathafarn Eithaf C	Yes	2/3
Llanfair yn Neubwll C	No	
Llanfairpwll C	No	
Llanfihangelesceifiog C	Yes	2
Llangefni T	Yes	5
Llangoed and Penmon C	No	
Llangristiolus C	Yes	3
Llanidan C	Yes	1
Mechell C	No	
Menai Bridge T	No	
Moelfre C C	No	
Penmynydd & Star C	Yes	Neb wedi rhoi enw ymlaen/no names put forward
Pentraeth C	Yes	3
Rhoscolyn C	No	
Rhosybol C	Yes	Cyfarfod ddim tan 9.9.13 –dim enwau hyd yn hyn / Meeting not until 9.9.13 – no names as yet
Rhosyr C	No	
Trearddur C	No	
Tref Alaw C	No	
Trewalchmai C	Yes	3
Valley C	Yes	2

**LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
PENNAETH ADNODDAU CYFREITHIOL A
GWEINYDDOL/SWYDDOG MONITRO
HEAD OF FUNCTION LEGAL AND
ADMINISTRATION / MONITORING OFFICER**

Clercod Cymunedau Tref a Chymuned
Clerks of Town and Community Councils

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGFNI
Ynys Môn / Anglesey
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E-Bost – E-mail: LBXCS@anglesey.gov.uk

Ein Cyf – Our Ref. LB/MWJ/CC-016647-LB
Eich Cyf – Your Ref.

9/7//2013

Annwyl Clerc,

Dear Clerk,

**HYFFORDDIANT AR Y CÔD YMDDYGIAD
I GYNGHORWYR TREF A CHYMUNED**

**CODE OF CONDUCT TRAINING
SESSIONS FOR TOWN AND
COMMUNITY COUNCILLORS**

Yn dilyn yr etholiad diweddar a'r ffaith fod yr holl Gynghorwyr newydd wedi cychwyn eu cyfnodau yn eu swyddi ar 6 Mai 2013, rhaid i Bwyllgor Safonau'r Cyngor Sir rhoi hyfforddiant i bob Cyngorydd Tref a Chymuned ar ofynion y Côd Ymddygiad.

Following the recent election and new term of office for all Councillors commencing on the 6th May, 2013, the County Council's Standards Committee is required to provide training to all Town and Community Councils on the requirements of the Code of Conduct.

Mae'r Pwyllgor Safonau wedi gofyn i mi bwysleisio pwysigrwydd yr hyfforddiant hwn gan ei fod yn hanfodol bod yr holl Aelodau'n gyfarwydd gyda gofynion y Côd, yn arbennig fel y maent yn ymwneud â diddordebau personol a diddordebau sy'n rhagfarnu.

The Standards Committee have asked that I stress to you the importance of this training as it is essential that all Members are familiar with the requirements of the Code, particularly insofar as they relate to personal and prejudicial interests.

Trefnwyd sesiynau hyfforddi hefyd ar gyfer y bedwaredd wythnos ym mis Medi 2013 ac fe'ch gwahoddir i anfon 3 chynrychiolydd o'ch Cyngor (gallwch chi fod yn un ohonynt fel y Clerc).

Training sessions have therefore been arranged to take place in the fourth week of September 2013 and you are invited to send up to 3 representatives from your Council (one of whom can be yourself as the Clerk).

Mae'r sesiynau wedi eu trefnu fel a ganlyn:-

The sessions have been arranged as follows:-

Dydd Llun 23 Medi 2013

2pm–5pm - Cymraeg
a
6pm–9pm - Saesneg

Monday 23rd September 2013

2pm – 5pm - Welsh
and
6pm – 9pm - English

Dydd Iau 26 Medi 2013

2pm–5pm - Saesneg
a
6pm-9pm - Cymraeg

Thursday 26th September 2013

2pm – 5pm - English
and
6pm-9pm - Welsh

Cynhelir y sesiynau yn Siambr y Cyngor a disgwylir y bydd pob sesiwn yn cymryd oddeutu 3 awr.

The sessions will take place in the Council Chamber and each session is expected to last for approximately 3 hours.

A fydddech cystal â ffonio Mrs Beryl Jones ar 01248 752588 neu Mrs Medwen Jones ar 01248 752574, cyn gynted ag y bo modd i gadarnhau enwau'r rheini fydd yn mynychu a pha sesiwn y maent yn dymuno bod yn bresennol ynddi.

You are asked to please telephone Mrs Beryl Jones on 01248 752588 or Mrs Medwen Jones on 01248 752574, as soon as possible to confirm the names of those who will be attending and which session they wish to attend.

Lynn Ball

Pennaeth Adnoddau Cyfreithiol a Gweinyddiaeth/Swyddog Monitro Head of Function
Legal and Administration/Monitoring Officer

Beryl Jones

From: Beryl Jones
Sent: 24 July 2013 14:14
To: Aled M. Jones; Alun W. Mummery; Alwyn Rowlands; Ann Griffith; Bob Parry; Carwyn Elias Jones; Dafydd Rhys Thomas; Derlwyn R. Hughes; Dylan Rees; Gwilym Jones; Hywel Eifion Jones; Ieuan Williams; Jeffrey M. Evans; Jim Evans; John Griffith; Kenneth Hughes; Lewis Davies; Llinos Medi Huws; Nicola Roberts; Peter Rogers; R Meirion Jones; Raymond Jones; Richard Dew; Richard Owain Jones; T Victor Hughes; Trefor Lloyd Hughes; Vaughan Hughes; William Thomas Hughes
Subject: Hyfforddiant i Gynghorau Tref a Chymuned / Training for Town and Community Councils
Attachments: Llythyr 090713 Letter.doc

Annwyl Gynghorydd,

Atodaf gopi o lythyr sydd wedi ei yrru i bob Clerc Cyngor Tref a Chymuned ynglŷn â sesiynau hyfforddiant ar y Cod Ymddygiad.

Gan eich bod yn aelod o, neu yn mynychu cyfarfodydd o'ch Cyngor lleol, buaswn yn ddiolchgar pe taech yn gallu codi ymwybyddiaeth ac yn hybu'r sesiynau gan ei fod yn ddyletswydd ar y Cyngor Sir i ddarparu'r hyfforddiant yma.

Diolch yn fawr.

Dear Councillor,

I attach a copy of a letter sent to the Clerk of every Town and Community Council regarding training sessions on the Code of Conduct.

As you are a member of, or attend meetings of your local Council, I would be grateful if you could raise awareness and promote these sessions as the County Council has a duty to provide this training.

Thank you

Beryl Jones
Swyddog Gofal Cwsmer / Customer Care Officer.
Adain Gyfreithiol / Legal Section.

**LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
PENNAETH ADNODDAU CYFREITHIOL A
GWEINYDDOL/SWYDDOG MONITRO
HEAD OF FUNCTION LEGAL AND
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Clercod Cymunedau Tref a Chymuned
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CYNGOR SIR YNYS MON /
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15/08/13

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ffacs / fax: (01248) 752132

E-Bost – E-mail: LBXCS@anglesey.gov.uk

Ein Cyf – Our Ref. LB/MWJ/CC-016647-LB
Eich Cyf – Your Ref.

Annwyl Glerc,

Dear Clerk,

**HYFFORDDIANT AR Y CÔD YMDDYGIAD I
GYNGHORWYR TREF A CHYMUNED**

**CODE OF CONDUCT TRAINING SESSIONS
FOR TOWN AND COMMUNITY
COUNCILLORS**

Ysgrifennaf atoch i'ch atgoffa o'r angen i ymateb i fy llythyr dyddiedig 9.7.13 ac mae copi o hwnnw ynghlwm.

I write to you to remind you of the need to respond to my letter dated 9.7.13, a copy of which is attached.

A fuasech cystal â chysylltu â'r swyddogion a enwir yn fy llythyr gwreiddiol i gadarnhau a fydd eich Cyngor yn enwebu Cynghorwyr i fynychu'r sesiynau hyfforddiant ai peidio, cyn gynted â phosib.

Could you please contact the officers named in my original letter to confirm whether or not your Council will be nominating any Councillors to attend the training sessions as soon as you can.

Cymeraf y cyfle hefyd i'ch atgoffa o bwysigrwydd yr hyfforddiant hwn gan ei bod yn hanfodol fod yr holl Gynghorwyr yn gyfarwydd â gofynion y Côd Ymddygiad.

I would also take this opportunity to remind you of the importance of this training as it is essential that the requirements of the Code of Conduct are familiar to all Councillors.

Bydd rhaid i mi fod wedi derbyn yr holl enwebiadau erbyn 6ed Medi 2013 er mwyn gallu cwblhau'r trefniadau.

I need to have received all nominations to attend the courses by 6th September 2013 in order to finalise all arrangements.

Yn gywir

Yours sincerely

Lynn Ball
Pennaeth Adnoddau Cyfreithiol a Gweinyddiaeth/Swyddog Monitro
Head of Function Legal and Administration/Monitoring Officer

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PAPUR / ENCLOSURE
F

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Standards Committee, The Executive & Full Council
Date	Standards Committee 12.09.13 Executive 21.10.13 Full Council ...12.13
Subject	To Make Changes to the Constitution (3.5.3.15.5) and to Planning Procedure Rules (Section 4.6 of the Constitution)
Portfolio Holder(s)	Councillor J. Arwel Roberts
Lead Officer(s)	Head of Service (Planning and Public Protection) Legal Services Manager
Contact Officer	Robyn Jones (x2134)
Nature and reason for reporting	
<p>1.1 To make changes to the Constitution, one to paragraph 3.5.3.15.5 and the other to section 4.6: Planning Procedure Rules (the Rules):</p> <p>1.1.1 <u>Change 1</u> (paragraph 3.5.3.15.5) - That, in future, departure applications made by councillors, relevant officers or their close family or friends can, rather than being referred to the Planning Committee (the Committee) as at present, be refused by planning officers under delegation and then subject to a full report to the next Committee meeting. Where officers would want to approve such a departure application then it could only be approved by the Committee.</p> <p>1.1.2 <u>Change 2</u> (section 4.6) - The Rules be amended to reflect the legal position and to take account of section 25 of The Localism Act 2011. In short, that members of the Committee are allowed to express an opinion on the merits of an application even before it comes to the Committee for a decision provided the opinion they express is a predisposition and not a predetermination. This would include allowing members of the Committee who are also members of a Town or Community Council to participate in a planning matter at meetings of their Town or Community Council.</p> <p>1.2 All of the proposed changes are set out in tracked changes to the documents attached to this report.</p> <p>1.3 The Standards Committee are consulted on these proposals.</p>	

1.4 The Executive is asked to make a recommendation to the full Council in respect of the proposed changes, and

1.5 The full Council is asked to take a decision to make the changes as shown in the Appendices to this report.

A – Introduction / Background / Issues

The current Constitution provides as follows.

2.1 Change 1

2.1.2 Planning officers are not allowed to make decisions on planning applications submitted by councillors, relevant officers (senior officers and those directly involved in the planning process) and their close family and friends. Such applications at present are decided by the Committee. However, there is a loophole, in respect of departure applications. A departure application is one contrary to the (statutory) development plan. The development plan is the primary tool for making decisions on planning applications and applications must be decided according to that plan's provisions in most cases.

2.1.3 Departures are decided by officers where they want to refuse the application but all departures must go to the Committee where officers want to approve the application. The loophole arises where a departure application made by a councillor, relevant officer or their close family or friends goes straight to Committee for a decision whereas such an application made by other people would, most likely, be refused by officers under delegation.

2.1.4 To close this loophole, it is proposed that all departure applications made by councillors, relevant officers, or their close family or friends can be determined by officers under delegation where they wish to refuse the application. Such a refusal would then be subject to a full written report to the next meeting of the Committee to ensure transparency and accountability. Where the planning officer wants to approve the departure application then, like all other departures, the matter will still need to go to the Committee for approval.

2.2 Change 2

2.2.1 The present Rules take an unduly narrow approach to what a member of the Committee may do and say outside the confines of the Committee meeting. For example, they prevent a Committee member from expressing any views on the merits of an application before it comes to the Committee and they also prevent Committee members from participating on planning matters in their capacity as members of a Town or Community Council in meetings of those councils. These rules are unnecessarily restrictive in the light of section 25 of The Localism Act 2011.

2.2.2 Whilst it has always been the case that to express a predisposition on a matter was legally permissible, to express predetermination is not. In simple terms, it is permitted to indicate what your view is at a particular point in time provided that you give a clear indication that you have not closed your mind to making a decision on the merits of that matter at a later date. Section 25 of the Localism Act 2011 has sought to reinforce that position and a copy of that section is attached. No doubt the present Rules were drafted back in 2001 based on the situation then perceived as prevailing in fact as well as, perhaps, in law.

2.2.3 However, in light of section 25 and the election of a new Council, it is now thought appropriate to change the Rules so that they better reflect the position in law. The changes to the Rules in the Appendices now allow members of the Committee to give a public view on the merits of an application subject to the safeguards mentioned, demonstration that the view is provisional and that a final decision will be made on the merits as they are then known. Whether members on the Committee wish to take advantage of these provisions will be a matter for each individual, but the changed Rules gives them a range of options for the future.

B - Considerations

3.1. Change 1 – The current Rules provide for a loophole and mean that departure applications made by councillors, relevant officers, or their close family or friends are treated differently to departure applications made by other applicants. As planning is a high-profile subject for all Councils it is better that all applicants who make departure applications are seen to be treated the same subject to certain safeguards. In this case the safeguard is the need to submit a written report to the next meeting of the Committee where a departure application by a councillor, relevant officer, or their close relatives or friends is refused by officers under delegated powers.

3.2. Change 2 – The current Rules are likely to be a reflection of the times during which they were drafted. They are, by now, unduly restrictive and prevent members of the Committee from expressing any view on the merits of an application before it comes to the Committee. Likewise, members of the Committee are prevented from participating in planning matters in their capacity as Town or Community Councillors. These restrictions are not a reflection of the legal position which allows members of the Committee to express a predisposition but not to be predetermined. The Rules can be changed and advice included so as to allow members of the Committee the discretion to play a more active part in public matters outside of the confines of the Committee.

C – Implications and Impacts		
1	Finance / Section 151	
2	Legal / Monitoring Officer	The Committee's legal adviser is a co-author of the report and the legal view is expressed in it
3	Human Resources	Not applicable
4	Property Services (see notes – separate document)	Not applicable
5	Information and Communications Technology (ICT)	Not applicable
6	Equality (see notes – separate document)	These changes will not have a differential impact on any of the groups protected under the Equality Act 2010.
7	Anti-poverty and Social (see notes – separate document)	Not applicable
8	Communication (see notes – separate document)	No comments
9	Consultation (see notes – separate document)	All elected members were consulted on the proposals. Responses received will be reported to the meeting.

C – Implications and Impacts		
10	Economic	Not applicable
11	Environmental (see notes – seperate document)	Not applicable
12	Crime and Disorder (see notes – seperate document)	Not applicable

CH - Summary
<p>4.1 The new Rules will:</p> <p>4.1.1 Mean that any departure application made by a councillor, relevant officer, or their close family or friends can now be refused by planning officers under delegated powers but subject to a full, written report being presented to the next Committee meeting for transparency and accountability. Where officers want to approve such a departure application then only the Committee may grant such approval. This brings the treatment of these departure applications into line with those made by other applicants and closes a potential loophole in the Rules.</p> <p>4.1.2 Clarify that members of the Committee will be able to express a view on the merits of planning applications before they come to the Committee for a decision. This will be subject to safeguards to ensure that members may express a predisposition (which is allowed) but fall short of expressing a predetermination (which is not allowed). Members on the Committee will, likewise, be able to participate in planning matters in their capacity as Town or Community Councillors should they wish. The changes allow members a greater range of options on how to deal with planning matters but how they choose to deal with matters will be a matter for the discretion of individuals who may, of course, seek advice as they see fit.</p> <p>4.1.3 To make the above changes and other minor and consequential changes to the Constitution as shown in the Appendices to this Report.</p>

D - Recommendation

5.1 The recommendations are as follows:

To the Standards Committee

5.2 For any comment as a consultee.

To the Executive:

5.3 To recommend to the full Council that the changes to the Rules in the Council's Constitution as detailed in the the Appendices to this report are made.

To the Full Council:

5.4 To make the changes to the Rules in the Council's Constitution as detailed in the the Appendices to this report, and

5.5 To delegate to the Head of Function (Legal and Administration) the power to make the necessary changes to the Constitution to implement the Council's decision.

Name of author of report: Robyn W. Jones

Job Title: Legal Services Manager

Date: 06 August 2013

Appendices:

Copy of the Rules showing the proposed amendments.

Background papers

None.

NEWID / CHANGE

1

Extract from Constitution showing proposed changes in red:

"3.5.3.15.5 all functions relating to town and country planning and building control as contained within the following Acts :

- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning (Hazardous Substances) Act 1990
- The Caravan Sites and Control of Development Act 1961
- The Environment Act 1995
- The Planning and Compensation Act 1991
- Land Compensation Act 1961
- The Building Act 1984

NB The above provides that determining all planning applications, with the exception of the following, is delegated to Officers:

(i) applications which are considered Departures from the Development Plan on which the recommendation is to approve the proposal.

(ii) applications which are accompanied by an Environmental Impact Assessment,

(iii) applications submitted by or on behalf of the County Council or involving land owned by the County Council,

(iv) applications for consent to erect electricity lines which have a capacity of 132 kV or above,

(v) applications where the Councillor in whose ward the proposed development is located submits a written request to the Head of Development Control within the established time scale, that the matter be referred for determination to the Planning and Orders Committee.

The right granted by this paragraph shall not apply to any planning application which is deemed by or on behalf of the Head of Planning Service to be a departure from the development plan unless that application either:

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amounts to or includes the creation of five or more new dwellings, or
amounts to or includes the direct creation of five or more new jobs.

(vi) applications including Lawful Development Certificate applications submitted by serving Members of the Council or Officer of the Council who may be seen to be involved in processing and / or determination of planning applications (ie staff employed in the Planning Service, Chief Executive, **Deputy Chief Executive**, Corporate Directors, Heads of Service and other Officers who regularly have an input into the planning system – eg highways and drainage, legal, environmental health, housing officers, economic development or their close relatives (defined as spouses / partners, parents, children, brothers and sisters) or a close friend of a serving councillor or such officer).

The provisions of this paragraph shall not apply to such applications as are deemed to be departure applications. Those departure applications may be refused by officers under delegated powers and then subject to a full written report to the next meeting of the Committee so as to ensure the transparency and accountability of the decision taken. Where officers wish to approve such a departure application then that approval must be granted by the Committee.”

NEWID / CHANGE

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4.6 Planning Procedure Rules

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4.6.1 Introduction

4.6.1.1 Determining planning applications is an important duty undertaken by the County Council. These rules set out how the Council as local planning authority will deal with planning applications. The rules apply to councillors and officers as the context requires.

4.6.1.2 Most applications will be determined by planning officers acting on behalf of the local planning authority and the Planning and Orders Committee (the Committee) will determine all other applications. The rules as to whether officers or the Committee will determine applications are contained in Part 3 of this Constitution. Of those instances where the decision may be made by the Committee, the potentially most significant is where the local councillor (that is any one of the councillors in whose ward the proposed development site is located) may require that the application (which would otherwise be decided by officers) should be submitted to the Committee for determination. In these cases, the local councillor must 'call-in' such application in writing addressed to the Chief Planning Officer within 21 days of the date of the letter notifying him / her of the application. In the case of those applications classified as 'fast-track' economic ones, the period within which to refer it to the Committee will be only 14 days. The local councillor(s) who called-in the application may withdraw their call-in at any time before the Committee Agenda is published by notifying to the case officer and confirming the withdrawal in writing.

4.6.1.3 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because the decisions affect the lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking a decision) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

4.6.1.4 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, the financial value of landholdings and the quality of the environment. It is important, therefore, that local planning authorities should make planning decisions affecting these interests, openly, impartially, with sound judgement and for justifiable reasons. The process should leave no justifiable grounds for suggesting that a decision has been partial, biased or not well-founded.

4.6.2 Decision Making on Planning Applications

4.6.2.1 Decisions on planning applications are sometimes referred to as regulatory or quasi-judicial decisions and this means that those making such decisions must

4.6.2.1.1 take into account all relevant planning considerations

4.6.2.1.2 ignore irrelevant or non planning considerations

4.6.2.1.3 act impartially, fairly and not take into account any political considerations

4.6.2.2 Planning law requires local planning authorities to determine planning applications in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise. The emphasis in determining applications is upon a 'plan-led' system.

4.6.2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved.

4.6.2.4 Those persons determining planning applications have a duty to take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. This conclusion should not be reached by the Committee until all the facts have been presented in the officer's report to the Committee.

4.6.2.5 Councillors must not give a commitment in relation to any planning matter prior to its consideration at Committee. It is recognised, however, that councillors will from time to time be approached individually by applicants, agents and objectors in relation to planning proposals. These rules are intended to assist councillors in dealing with these approaches and is designed to ensure that the integrity of the decision making process is preserved.

4.6.2.6 Failure to follow these rules without good reason could be taken into account in investigations into possible maladministration and any investigation regarding the conduct of councillors and / or officers.

4.6.3 Pre-determination Discussions by Officers with Applicants

4.6.3.1 In any discussions on planning issues, it will always be made clear at the outset, that such discussion:

- will not bind the local planning authority to make a particular decision, and
- that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

4.6.3.2 Any advice given will:

- be consistent and based upon the Development Plan and other material considerations,,
- be impartial and the best that the officer can give in the circumstances, and
- try to highlight any apparent problems.

4.6.3.3 No Councillor - whether they serve on the Committee or not - shall take part in the officers' discussions with applicants at any stage prior to determination of the application. ~~Where this does occur, a complaint may be made against the councillor to the Council's Monitoring Officer.~~

4.6.4 Lobbying of and by Councillors

4.6.4.1 Councillors who are Members of the Committee

4.6.4.1.1 Councillors who are members of the Committee are likely to be approached by applicants, objectors and others interested in the outcome of planning applications. Because of the quasi-judicial or regulatory nature of planning decisions, councillors on the Committee should not allow themselves to be lobbied by anyone - whether for or against an application. If approached they should inform the person seeking to lobby them that if they discuss the application with that person, this may disqualify them from taking part in the decision on the application. Instead potential lobbyists should be advised to contact either their local councillor (see 4.6.4.3 below) or an appropriate officer within the Planning Department.

4.6.4.1.2 Councillors who are on the Committee should not organise local support or opposition to a planning proposal if they later wish to take part in the discussion on the application.

4.6.4.1.3 In taking into account the need to make decisions impartially, councillors on the Committee should not favour or appear to favour any person, company, group or locality and should not declare which way they intend to vote in advance of the meeting. To do so without all relevant information and views would be unfair and prejudicial. If the councillor feels that the public would believe he/she had come to a conclusive view on the planning matter or application before the meeting, or that he/she has been lobbied by an interested person then he/she should not take part in the debate, nor vote on the issue - this is without prejudice to his/her right to address the committee as provided for in section 4.6.5.2 of these rules.

4.6.4.1.4 Where the Monitoring Officer or his/her representative believes that a councillor has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer or his/her representative will advise the councillor that it would be inappropriate for him/her to take part in the debate, or vote on the application. The final decision, however, rests with the councillor - subject to any external scrutiny.

4.6.4.2 Councillors who are not members of the Committee

Councillors who are ~~not~~ members of the Committee should not be lobbied or allow themselves to be lobbied, whether by applicants, objectors or anyone else interested in the outcome of a planning application. Councillors - whether or not they are on the Committee - should not lobby councillors who are on the Committee. If approached such councillors should inform the person seeking to lobby them that they should either contact one of their local councillors (see 4.6.4.3 below) or an appropriate officer in the Planning Department. If such a councillor is lobbied he/she should not lobby councillors who are members of the Committee and he/she will not be entitled to speak at meetings of the Committee.

4.6.4.3 Local Councillors

4.6.4.3.1 There are differences to the rules set out in 4.6.4.1.1 and 4.6.4.2 in relation to the 'local councillor' i.e. any of the councillors in whose ward the proposed development is located.

4.6.4.3.2 If the local councillor is not a member of the Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest to declare in accordance with the Council's Code of Conduct for Councillors, he/she will be entitled to make representations to and address the Committee. However he/she must not themselves lobby, whether directly or indirectly, councillors who are on the Committee.

4.6.4.3.3 If a local councillor is a member of the Committee then, the provision of rule 4.6.4.3.2 above will also apply to them and he/she may address the Committee but will **not** have the right either to propose or second any recommendation or to vote on the application. But he/she may should they so wish, refer the person seeking to lobby them to another councillor who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.

4.6.4.3.4 Local councillors may not become involved in making any representations at meetings of the Committee or participating in decision making on planning applications if they have an interest to declare in accordance with the Council's Code of Conduct for Councillors. This is so regardless as to whether or not they are on the Committee. If a local councillor is in this position he / she should refer any potential lobbyists to another councillor who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.

4.6.4.4 Where letters of 'neighbour notification' of a planning application are sent to properties not in the same ward as the application site, then the councillors who

represents those properties may also speak as local councillors at the Committee. This rule only gives the right to speak at the Committee and confers no other rights on that councillor as a local councillor.

4.6.5 Seating and Speaking Arrangements at Meetings of the Committees

4.6.5.1.1 When attending meetings of the Committee, councillors who are not members of the Committee should sit quite separately from councillors who are on the Committee - whether or not they intend addressing the Committee. They should not communicate with those councillors who are on the Committee and who will be making decisions. The objective of this rule is to emphasise the quasi-judicial nature of the Committee's proceedings when considering planning applications.

4.6.5.1.2 Other than speaking as local councillor, members of the Committee may only participate on an application where they have been present at all previous substantive considerations of that application by the Committee. Substantive consideration means where there has been a presentation by the officer on the application, any discussion by the Committee on the merits of the application or an official site visit of the application site.

4.6.5.2 The right to address the Committee shall apply to any member of the Planning and Orders Committee (including a local councillor) who:

- has been lobbied, or
- who may have already expressed a conclusive view on an application, or
- who has spoken on the application at Town or Community Council level or the local councilor, or
- is a councillor who represents another ward as referred to in 4.6.4.3.3.

However if this right is exercised, the councillor on the Committee should comply with paragraph 4.6.5.1 above when consideration is given to the particular matter and may not participate in the decision making and should declare at the meeting why he/she is not participating in the decision.

4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

4.6.6 Public Meetings Relating to Development Proposals

4.6.6.1 Officers involved in the processing or determination of planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless those meetings have been arranged by or with the express agreement of the Authority. To do so could lead to allegations of bias or prejudice in relation to a particular point of view. If put in such a position of attending meetings arranged by, or with the consent of, the Authority, or by accident, then officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

4.6.6.2 Similarly, councillors involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such meetings those councillors should be cautious in expressing their views on the merits of proposals. They may express a predisposition but should not express what can be interpreted as either predetermination or bias towards or against the proposal. Councillors who wish to comment are advised to clearly state that their view is provisional, based on their knowledge as at that date, and that they will be called upon to consider the matter anew and in the light of all relevant matters when making a decision on the proposal. No view on the merits or otherwise of a proposal should be given. Where a councillor who is a member of the Committee indicates that they have a closed mind on a particular proposal (i.e. they are predetermined) or that they are biased on the proposal then the law prohibits them from participating in the decision-making process.

4.6.7 Councillors who are Members of the Committee and who are also Town or Community Councillors

~~These councillors should make a choice in relation to every planning application which may be considered by a Town or Community Council (or a committee or subcommittee of the same). The choices are either:~~

~~4.6.7.1 Participate in the discussion at Town or Community Council level and then, if they wish, speak at the Committee as provided for in of these Rules but not otherwise take part in the deliberations of the Committee or vote on the application, or~~

~~4.6.7.2 Take no part in discussions at Town or Community Council level (and preferably not be in the room when the matter is discussed) and then participate fully at the Committee.~~

~~4.6.7.3 NB: those councillors who sit on the Committee but who are not members of the Town or Community Council have, like any other member of the public, the right to attend public meetings of that Council. In these cases those councillors should only observe proceedings at the Town or Community Council and not take part in them.~~

~~4.6.7.1 In law there is nothing in principle to prohibit a councillor who has participated in a planning matter at a Town or Community Council meeting from then participating on that matter as a member of the Planning Committee **provided that the councillor is not predetermined on or biased as regards that application.**~~

~~4.6.7.2 Councillors are entitled to demonstrate a predisposition on a matter but they must ensure that they are not predetermined (i.e. that they have closed their mind on the merits of the proposal) on that matter. In other words, a councillor who sits on the Planning~~

Committee may publicly give an indication of their view on any application before they are called to make a decision on it but their view must be couched in reasonable terms and they must acknowledge that they have not closed their minds to making a decision on the merits of the matter at a future date.

4.6.7.3 Any councillor who sits on the Planning Committee and who feels the need to make a public statement on an application before it comes to that Committee is strongly advised to specifically indicate that their view is provisional; based on what they know at that point in time; and that they will need to consider the matter anew in the light of all the relevant matters relating to that application when it comes to making a decision on the application (see also 4.6.6.2 above).

4.6.8 Correspondence Received by Councillors

Should councillors receive directly any correspondence from persons interested in the outcome of a planning application they shall ensure that a copy is forwarded to the Development Control Section. The Section will then:

4.6.8.1 if time permits, send a copy to the applicant or his/her agent so as to allow him/her an opportunity to respond,

4.6.8.2 place a copy of all representations on the Planning file,

4.6.8.3 if time permits ensure that the report to Committee refers to the correspondence received.

4.6.9 Registration and Declaration of Interests

The Law and the Council's Code of Conduct for both councillors and officers in relation to these matters is of particular relevance to those dealing with planning applications and must be followed at all times.

4.6.10 Development Proposals Submitted by Councillors and Officers

4.6.10.1 Proposals by serving councillors (whether or not they are councillors on the Committee), certain categories of officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is vital that they are handled in a way which gives no grounds for accusations of favouritism. In these rules "relatives" encompass spouse or partner, parent, grandparent, child, grandchild, brother or sister.

4.6.10.2 Planning applications falling within the following categories will be reported to the Committee for consideration and not dealt with by officers under 'delegated powers':

- those where the applicant is a serving councillor or the relative of a serving councillor,
- those where a serving councillor acts as agent or has prepared any part of the application or plans,
- those where the applicant is a relevant officer or their relative. In this rule "relevant officer" means the Chief Executive, all Corporate Directors, all Heads of Service, all officers working in the Planning Department and all other officers whose work is directly linked to the development control process (such as officers in Highways and Environmental Health who are consultees or lawyers who advise and represent the Planning Department in development control matters),
- those where the applicant is a close friend of a serving councillor or relevant officer.

In this rule "planning application" shall mean all applications required by statute to be made and which (apart from this rule) would fall to be determined under the Council's Constitution by the Head of Planning Service. These would include applications for outline consent, reserved matters approval, listed building consent, conservation area consent, consent under Tree Preservation Orders and so forth.

4.6.10.3 Planning officers shall endeavour to identify and highlight such applications and shall accordingly inform the Head of the Planning Service and the Authority's Monitoring Officer. Serving councillors who make applications, who act as agents or who prepare plans or whose relatives make applications, should play no part in the decision-making

process for that proposal.

4.6.10.4. The Monitoring Officer should confirm in the Committee report that such application has been processed normally and must, therefore, be given the opportunity to review the file.

4.6.10.5 Officers involved in the development control process must not prepare plans or act as agent for any person or body (including their relatives) pursuing a planning matter with the Council. If they submit a proposal on their own behalf, they should take no part in the processing of that application.

4.6.11 Officers' Report to the Committee

4.6.11.1 All planning applications reported to the Committee will have a full written report including a reasoned assessment of the proposal and a justified recommendation.

4.6.11.2 Any new matters which have arisen between the preparation of the report and the date of the Committee will be reported orally and references to this will be included in the minutes.

4.6.11.3 Every planning application file will contain an accurate account of events throughout its life, particularly the outcome of meetings or significant telephone conversations.

4.6.11.4 The same principles of good record keeping will also be observed in relation to enforcement matters. Monitoring of record keeping will be undertaken on a continuous basis by managers within the Development Control Section.

4.6.12 Decisions Contrary to Officer Recommendation

4.6.12.1 Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution.

4.6.12.2 The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised.

4.6.12.3 In the case where councillors wish to add or amend conditions which are recommended by officers, the officers should be invited to draft such a condition and bring this back for approval at the subsequent meeting unless the drafting is straightforward and can be agreed at the initial meeting.

4.6.12.4 Where planning officers are unable to defend such decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute - RTPI) they shall make this point known to the Committee before the final vote is taken. In such cases the Committee shall nominate (at least) two of its members who voted contrary to the recommendation to appear at any appeal and explain the Committee's decisions and the reasons for them. These should, normally, be the proposer and seconder of the proposal which was contrary to the officer's recommendation.

4.6.13 Appeals Against Council Decisions

4.6.13.1 Officers will organize and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council.

4.6.13.2 In giving evidence, officers will present the best possible case on behalf of the Council whilst complying with the RTPI Code of Professional Conduct.

4.6.13.3 Where a decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, officers shall report the appeal to the next Committee meeting. Councillors will then be responsible for presenting the Council's case at the appeal.

4.6.14 Conduct of Officers

4.6.14.1 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they -

4.6.14.1.1 Shall act with competence, honesty and integrity;

4.6.14.1.2 Shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;

4.6.14.1.3 Shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;

4.6.14.1.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;

4.6.14.1.5 Officers shall not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;

4.6.14.1.6 Officers shall decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

4.6.15 Councillor / Officer relationship

4.6.15.1 In order to engender a committed professional relationship between both officers and councillors, each shall have respect and regard for the roles both play within the decision making process.

4.6.15.2 Councillors shall respect the advice given by officers at Committee or when dealing with delegated applications and shall not place pressure on officers for a particular recommendation or decision. Any officer who considers that this has happened should deal with the matter as set-out under section 5.3.4 of this Constitution (Bullying, Intimidation and Harassment).

4.6.16 Site Visits by the Planning and Orders Committee

4.6.16.1 The protocol on site visits is attached as an Appendix to these Rules.

4.6.17 Gifts and Hospitality

4.6.17.1 Advice to councillors on registration of gifts and hospitality is contained within the Council's Code of Conduct for Members and shall be accordingly observed.

4.6.17.2 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of hospitality of any kind. If the receipt of hospitality is unavoidable officers must ensure that the absolute minimum level is accepted and declare its receipt as soon as possible to the Monitoring Officer.

4.6.18 Training

4.6.18.1 No member may sit on the Planning and Orders Committee unless and until they have attended Induction Training. The contents of the Induction Training shall from time to time be determined by the Head of Service (Planning and Public Protection). Updating training thereafter will be provided at least twice a year to include changes in legislation or procedure.

4.6.18.2 Councillors shall ensure that they attend a minimum 3 training events over a two year period in order to keep abreast of planning matters and thus provide a positive input into the decision making process. Attendance records will be monitored and reported to the Council. Any member of the Planning and Orders Committee who fails to attend the stated minimum number of training sessions shall be removed or suspended from the Committee by vote of the full Council at such time as when the attendance records are reported.

Appendix

4.6.19 Protocol Regarding Site Visits by the Planning and Orders Committee

4.6.19.1 Criteria for Site Visits

4.6.19.1.1 It is important that criteria should be set out for deciding when a site visit is justified and consider the procedure for such visits. In this respect account should be taken of the following points:-

(i) site visits can:

- cause delay to the decision making process,
- possibly lead to an appeal to The Planning Inspectorate on the basis of 'non-determination',
- affect the Service's performance in respect of its 8 week target, and
- lead to additional costs both to the Service and possibly to the applicant(s).

(ii) there needs to be consistency both in the way that it is decided that a site visit should take place and in the conduct of such visits. Otherwise it may leave the Authority open to the accusation that site visits are arbitrary or possibly a lobbying device.

(iii) site visits should be carefully organised and well-attended to ensure that the purpose, format and conduct are clearly established at the beginning and subsequently adhered to.

(iv) site visits should be used only where the expected benefits are substantial. The 'substantial benefit' test should apply in every case. Site visits should only be necessary if the impact of the proposed development is difficult to visualise and comprehend, i.e. where lack of clarity with the application makes visual assessment necessary

(v) site visits may be appropriate to consider large, more complex applications.

(vi) if the Committee are of a view that the site needs to be visited and seen before the application can be determined, then only those members who attended the official site visit may participate in and vote on the application when it is further considered by the Committee.

Recommendation of site visits by officers shall be referred to within the report to Committee.

4.6.19.1.2 Site visits should **not** apply in the following cases:

(i) to solely consider boundary or neighbour disputes,

(ii) to consider objections issued on competition grounds,

(iii) to consider objections raised on the ground of loss of property values,

(iv) to consider any other issues which are not material planning considerations,

(v) where councillors have already visited the site within the last 12 months, except in exceptional circumstances

4.6.19.2 Requests for Site Visits

In order to adopt a structured approach to site visits the following format should be adhered to:-

4.6.19.2.1 All requests for site visits must be made in writing to the Chief Planning Officer/ Planning Control Manager by 1.00pm on the final working day prior to the Committee meeting. Any verbal request received prior to the Committee meeting must be followed up in writing before the Planning Committee commences. The reason for the 'site visit' shall be clearly stated and accordingly reported to the Planning Committee.

4.6.19.2.2 If a request is made for a 'site visit' during the Planning and Orders Committee Meeting once again the reasons for the visit shall be recorded in the minutes.

4.6.19.3 Procedures at the Site Visit

4.6.19.3.1 The applicant shall be informed that a site visit will take place but will not be allowed to be present during the visit to make any representations.

4.6.19.3.2 The primary purpose of the site visit will be for the planning officers to explain the planning issues relating to the case and for councillors to view the site.

4.6.19.3.3 There shall be no discussions at the site visit as regards the merits of the application. The site visit shall not be used as a forum for debate.

4.6.19.3.4 The Chairperson or Vice-Chairperson shall conduct and lead the site visit. If either the Chairperson or the Vice-Chairperson is absent, councillors shall vote for one of their number to act as Chairperson.

4.6.19.3.5 The Chairperson shall formally open the meeting and set out the reasons for the visit.

4.6.19.3.6 The planning officer shall be requested to outline the proposal and the main issues.

4.6.19.3.7 The councillors shall view the site, relevant buildings and surroundings as necessary.

4.6.19.3.8 Councillors shall be offered the opportunity to raise questions or seek clarification of points of fact with the planning officer and/or local councilors.

4.6.19.3.9 All local councillors in whose Ward the application site is located (if present) shall be offered the opportunity to comment on the proposal.

4.6.19.3.10 Notes shall be made of the site meeting and these shall be accordingly minuted at the following Planning Committee Meeting when the application is discussed.

4.6.19.4 Regular Review of Decisions

4.6.19.4.1 The Audit Commission's Report 'Building Quality' recommends that councillors should visit a sample of implemented planning permission to assess the quality of the decision. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence, and assist with reviews of planning policy.

4.6.19.4.2 The review should be undertaken annually. It should include examples from a range of categories of development including applications which officers have determined under delegated powers.

4.6.20 Role of the Committee Chairperson and Conduct of Business at the Committee

4.6.20.1 Election of the Chairperson / Vice-Chairperson

4.6.20.1.1 The Chairperson shall be elected to his/her post by the councillors on the Committee at its first meeting following the annual Council meeting. The councillors shall at the same time elect a Vice-Chairperson for the same period of office or until such time as either or both of them step down.

4.6.20.1.2 In the absence of the Chairperson for the whole or part of the Committee meeting, the Vice-Chairperson shall be the Chairperson. If the Vice-Chairperson shall be absent, the Committee shall choose one of their number present to be Chairperson for that meeting or part of it until the Chairperson (or Vice-Chairperson) returns.

4.6.20.2 Responsibility of the Chairperson

The Chairperson shall have the following responsibilities:

4.6.20.2.1 to preside over meetings so that Committee business can be carried out efficiently and with regards to the rights of councillors, officers and the interest of the community as a whole.

4.6.20.2.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning matters and statutory orders only.

4.6.20.2.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution.

4.6.20.2.4 to support the planning officers and the Monitoring Officer's representative in reminding members about their duty to adhere to genuine and material planning discussions in their decision making process.

4.6.20.3 The Role of Officers at Committee Meetings

4.6.20.3.1 Officers shall provide professional advice to the Chairperson in order to ensure that he/she is able to discharge the duties of the post.

4.6.20.3.2 Officers shall provide advice as follows:

(i) at pre-Committee meetings so that the Chairperson is fully briefed on issues that may arise at meetings

(ii) at any post-Committee meetings (if relevant)

(iii) during Committee meetings where questions are directed towards the Chairperson for response

(iv) during any meetings which may be convened by officers in order to discuss issues relevant to 'planning' or 'orders' issues

4.6.20.4 Conduct of Committee Meetings

4.6.20.4.1 Each agenda item for discussion or for information shall be introduced by the Chairperson.

4.6.20.4.2 Once introduced the Chairperson shall ensure that the officer is allowed to report on the item. Where the public speaking procedure applies to a particular application, this shall occur before the officer reports on the item.

4.6.20.4.3 The Chairperson shall allow the local councillors to speak first after the officer's report. This is whether the local councillors wish to speak for or against the item and whether or not they are on the Committee.

4.6.20.4.4 The Chairperson shall then allow the councillors to participate in the discussion in the order in which he/she acknowledges their wish to speak.

4.6.20.4.5 The Chairperson will ensure that all councillors shall abide by the provisions of the Council's Constitution and by the relevant provisions of these Procedure Rules.

4.6.20.4.6 All those councillors wishing to speak shall be allowed an opportunity to do so. Councillors shall refrain from making speeches and shall address the Committee on 'planning' (i.e. material planning considerations) and 'orders' matters only. The Chairperson may intervene and curtail councillors who are making repetitions or irrelevant statements.

4.6.20.4.7 Where officers need to respond to comments or questions from councillors then the Chairperson shall ensure that officers are given that opportunity.

4.6.20.4.8 If the Chairperson wishes to speak as a local councillor on an item then the provision of the Constitution shall apply equally to him/her as they apply to all councillors.

4.6.20.4.9

(i) At the conclusion of the discussion the Chairperson shall request councillors on the Committee to vote on the matter under discussion. Unless councillors disagree with the officers' recommendation they shall indicate their voting intention through the showing of hands.

(ii) Should an amendment be proposed and seconded to the officer's recommendation that amendment will be voted on first.

4.6.20.4.10 All councillors and officers shall respect the position of Chairperson. The ruling of the Chairperson on all questions of procedure at the Committee shall be final and not open to discussion. The Chairperson shall ensure that at all times regard is had by all councillors (including himself/herself) and officers to the protocol on Member/Officer relationship and that respect is shown to the advice given by officers at the Committee.

4.6.21 Public Speaking

Eligibility to Speak

4.6.21.1 The planning application concerned must be on the agenda of the Planning and Orders Committee meeting in question. In the event of an application being deferred, public speaking will not be allowed if an opportunity has already been given at a previous Committee meeting when the application has been fully considered.

4.6.21.2 Both applicants (or their agents) and objectors (or their agents) can speak and there are no other qualifying criteria other than compliance with the Council's procedure.

4.6.21.3 Normally only one person can speak for and one person against an application. Very exceptionally the Chair of the Committee may exercise his/her discretion to allow one additional speaker per 'side'. This discretion will usually only be exercised for major applications where there are significant differences of view within one 'side' (e.g. two people speaking against an application for a large supermarket where one represents the views of retailers and the other the views of nearby residents). In such cases the 'other side' will be allowed 2 speakers or twice the normal time, if they wish to use it.

4.6.21.4 Anyone requesting to speak must allow the Council to give their name and contact number to other people (of the same view) wishing to speak so that they can agree on a spokesperson, the issue to raise etc. If they cannot agree, the first person who notified the Council of his/her intention to speak will normally be chosen to speak.

4.6.21.5 Requests to speak must be made to the Administrative Officer in the Planning Department before the deadline referred to in the notification letters sent to applicants and neighbours.

Time allowed to Speak

4.6.21.6 The spokesperson will be allowed up to 3 minutes to address the Committee.

Visual Aids

4.6.21.7 The spokesperson may not circulate or display written material in the Committee meeting. Any written representations should have been submitted to the Council during the statutory publicity period and will be summarised in the Officer's report.

Procedure

4.6.21.8 The procedure for public speaking at Committee is described in the appropriate documents.

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PAPUR / ENCLOSURE
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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	STANDARDS COMMITTEE
DATE:	12 SEPTEMBER 2013
TITLE OF REPORT:	INDEPENDENT REMUNERATION PANEL FOR WALES – DRAFT SUPPLEMENTARY REPORT
PURPOSE OF THE REPORT:	TO RESPOND TO CONSULTATION
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER
CONTACT OFFICER:	LYNN BALL, HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER (ext 2586)

1. INTRODUCTION & BACKGROUND

Local Authorities now have only limited discretion in relation to the payment of allowances for elected Members; with most decisions now being taken by the Independent Remuneration Panel for Wales.

2. PROCESS

Members are referred to the IRP's Annual Report of December 2012 and particularly paragraphs 2.8, 2.9 and 2.10 together with Annex 1 Section 1 and Section 2 Table 2, the relevant extracts of which are attached at **Enclosure 1**. At **Enclosure 2** is a copy of the County Council's remuneration decision, with regard to its limited area of discretion.

3. CONSULTATION

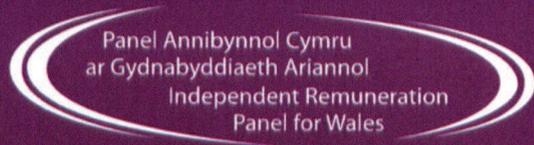
By letter dated 1st August 2013, the IRP issued a Draft Supplementary Report, on payments to Co-Opted Members of Local Authorities, by way of consultation. This has been circulated to the Co-Opted Members of the Standards Committee and a further copy is attached at **Enclosure 3**. The proposals affect the Co-Opted Members of the Standards Committee (as well as Co-Opted Members of the Audit and Scrutiny Committees). Those Members who are affected are reminded that, pursuant to paragraph 12(2)(b)(vi), they have an inbuilt statutory "dispensation" which overreaches the prejudicial interest permitting the Co-Opted Members to participate in the consultation response.

4. RECOMMENDATION

To determine the Standards Committee response to the consultation and to instruct the Monitoring Officer to respond by the deadline of 26th September 2013.

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Independent Remuneration Panel for Wales

Annual Report

December 2012

2.5 **Joint Scrutiny and other collaborative arrangements** - The Panel recognises that there is a developing pattern of such arrangements and will keep under review the implications for its remuneration framework. For clarification in respect of this report the Panel has decided that:

Determination (3) Where councils enter into joint arrangements the Senior Salary (if paid) of the chair of the joint committee shall be paid by his/her council. This Senior Salary will count against that council's maximum.

2.6 **Leaders of Opposition Groups** - The Panel's current framework provides for the payment of a Senior Salary to the group leaders of other political groups, providing the group meets the requirement of not less than ten per cent (10%) of all council members. In line with the Panel's Principles, and to reflect some expressed concerns that a council's allocation of Senior Salaries should be seen to be fair and not partial, the Panel has made the following determination:

Determination (4) A council must pay a Senior Salary to the Leader of the largest opposition group (subject to the 10% requirement).

Civic Salaries

2.7 The Panel understands that many principal councils support the functions of the civic head/deputy civic head through a central budget to meet the costs of any items that cannot reasonably be expected to be paid out of the Civic Salary. This salary includes any out of pocket expenses not otherwise paid directly by their authorities.

Co-opted members

2.8 The Panel received representations that the annual maximum (10 days) payable may be too restrictive. Therefore, the Panel has decided that each council will have discretion in determining the maximum to suit its circumstances.

2.9 The Panel recognises that time spent on attending authorised training events, conferences and pre-meetings with officers can be part of the functions for which co-opted members may be paid.

Determination (5) Relevant authorities may decide on the maximum number of days for which co-opted members may be paid in any one year.

Determination (6) Payments cannot cover time spent on preparation but can include authorised training events, conferences and pre-meetings with officers. For the purposes of claiming:

a. A half day meeting is defined as up to 4 hours

b. A full day meeting is defined as over 4 hours

Reimbursement of care expenses

2.10 The sum of £403 is the maximum amount a member or co-opted member is able to claim for reimbursement of care expenses in any one month. As this is a contribution to actual monthly costs, it cannot be annualised.

Isle of Anglesey Council

2.11 In April 2011 the Minister for Local Government and Communities introduced special measures in respect of the functions of the Council and appointed Commissioners to oversee its executive functions. In consequence the Panel published a Supplementary Report setting different remuneration arrangements. These were retained in the Annual Report (December 2011). The Minister has now reinstated executive powers to the Council and therefore the Panel's remuneration framework will apply. The Panel has issued another Supplementary Report (22 October 2012³) setting out the details.

³ <http://wales.gov.uk/irpwsb/home/publication/201314/finsuprepioa/?lang=en>.

Annex 1: Panel determinations and Framework for remuneration of members and co-opted members of relevant authorities

Section 1: The Panel's Determinations for 2013/14

(1) The Panel has decided that payments to members and co-opted members of principal councils, National Park authorities and Welsh fire and rescue authorities shall remain unchanged for 2013/14 (Tables 1 to 5).

(2) There is no change to the maximum proportion of members who are eligible to receive a Senior Salary (Table 6).

(3) Where councils enter into joint arrangements the Senior Salary (if paid) of the chair of the joint committee shall be paid by his/her council. This Senior Salary will count against that council's maximum.

(4) A council must pay a Senior Salary to the Leader of the largest opposition group (subject to the 10% requirement).

(5) Relevant authorities may decide on the maximum number of days for which co-opted members may be paid in any one year.

(6) Payments cannot cover time spent on preparation but can include authorised training events, conferences and pre-meetings with officers. For the purposes of claiming:

(a) A half day meeting is defined as up to 4 hours.

(b) A full day meeting is defined as over 4 hours.

(7) Each community and town council is permitted to make a payment to its members of a maximum amount of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc.

(8) Community and town councils may continue to make payments to their members in respect of travel costs for attending approved duties outside the area of the council. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per passenger per mile – passenger supplement.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

Section 2: Salaries for members and co-opted members of principal councils, National Park authorities and Welsh fire and rescue authorities in 2013/2014

Table 1: Basic Salary, Senior and Civic Salaries shall be payable as follows to members of principal councils

	Group A (Cardiff, Rhondda Cynon Taf, Swansea)	Group B (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	Group C (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
Basic Salary	£13,175	£13,175	£13,175
Senior Salaries (inclusive of Basic Salary)			
Band 1			
Leader	£52,700	£47,500	£42,300
Deputy Leader	£37,100	£33,460	£29,820
Band 2			
Other Executive	£31,900	£28,780	£25,660
Band 3			
Committee Chairs	£21,910	£21,910	£21,910
Leader of largest opposition group ⁷	£21,910	£21,910	£21,910
Band 4			
Leader of other political groups	£16,920	£16,920	£16,920
Civic Salaries (inclusive of Basic Salary)			
Civic Head (Mayor/Chair of Council)	£23,715	£21,375	£19,035
Deputy Civic Head (Deputy Mayor/Deputy Chair of Council)	£18,445	£16,625	£14,805

Table 1 Notes

(i) The Panel has determined that a council must make a Senior Salary available to the Leader of the largest opposition group (subject to the 10% requirement).

⁷ Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of "largest opposition group" and "other political group".

Table 2: Fees for co-opted members (with voting rights) of principal councils

Co-opted member	Fee
Chair:	£256 daily fee £128 ½ daily fee
Ordinary members of standards committees who also chair standards committees for community and town councils.	£226 daily fee £113 ½ daily fee
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 daily fee £99 ½ daily fee

Table 2 notes

- (i) Relevant authorities can decide on the maximum number of days for which co-opted members may be paid in any one year.
- (ii) Payments cannot cover time spent on preparation but can include authorised training events, conferences and pre-meetings with officers. For the purposes of claiming:
- a. A half day meeting is defined as up to 4 hours.
 - b. A full day meeting is defined as over 4 hours.

~~**Table 3: Basic Salary and Senior Salaries shall be payable as follows to members of National Park authorities (NPA)**~~

Basic Salary	£3,550
Senior Salaries (inclusive of Basic Salary)	
Chair⁸ (Band 3)	£8,875
Deputy Chair/Committee Chair (see note i)	£5,920

⁸ Brecon Beacons, Pembrokeshire Coast, Snowdonia.

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He also reminded members that the Independent Remuneration Panel would be visiting these offices Monday next to seek the views of elected members and statutory officers regarding allowances.

3 MEMBERSHIP OF THE EXECUTIVE

In accordance with Paragraph 4.1.1.2.7 of the Constitution, the Leader of the Council named the following as the members he had chosen to be Members of the Executive, together with their Portfolio Responsibilities:-

Councillor Ieuan Williams (Leader)	- Portfolio Holder for Education
Councillor J Arwel Roberts (Deputy Leader)	- Portfolio Holder for Planning and the Environment
Councillor K.P.Hughes	- Portfolio Holder for Social Services and Housing
Councillor Aled Morris Jones	- Economic Development, Tourism and Leisure
Councillor H.Eifion Jones	- Finance
Councillor Richard Dew	- Highways, Property and Waste Management
Councillor Alwyn Rowlands	- Executive Business Manager, Performance Transformation, Corporate Plan and Human Resources.

4 CHAIR OF THE DEMOCRATIC SERVICES COMMITTEE

In accordance with Paragraph 3.4.12.3 of the Council's Constitution, it was **RESOLVED** to appoint Councillor Vaughan Hughes to serve as the Chair of the Democratic Services Committee for the municipal year.

5 CONFIRMATION OF SCHEME OF DELEGATION

The Chairperson confirmed such part of the Scheme of Delegation as the Constitution determined it was for the Council to agree (as set out in Paragraph 3.2 of the Constitution).

6 PROGRAMME OF ORDINARY MEETINGS OF THE COUNTY COUNCIL

RESOLVED to approve the following programme of ordinary meetings of the Council for the ensuing year:-

10 October, 2013	- 2:00 pm
5 December, 2013	- 2:00 pm
27 February, 2014	- 2:00 pm
15 May, 2014 (Annual Meeting)	- 2:00 pm

7 THE SCHEME OF MEMBER REMUNERATION

Submitted - A joint report by the Head of Function (Finance) and the Interim Head of Democratic Services on the scheme of member remuneration.

Reported - That the Payments to members including co-opted members for 2013/14 was prescribed by the Independent Remuneration Panel (IRP) as set out in its annual report (December 2012). This information needed to be reported to the County Council in order to confirm the number of Members entitled to a senior salary. The Council had discretion on the number of senior salaries up the maximum set by the Panel.

The IRP report provides that the maximum number of Councillors eligible for payment of a senior salary shall be 15. The table set out at Para 1.2 of the report detailed salaries for members in 2013/14 as regards basic salary, senior salary and civic salaries.

The report contained details of restrictions stipulated by the IRP and also detailed other payments and allowances payable as prescribed by the IRP including co-opted member payment.

RESOLVED

1. To confirm the allocation of senior salaries to office holders for 2013-14 as detailed in Paragraph 1.5 of the report;

2. Not to allocate the remaining senior salary available to the Chair of the Democratic Services Committee;

3. To note other details on payments and allowances for 2013/14 as prescribed by the Independent Remuneration Panel and set out in this report.

8 APPOINTMENT TO OUTSIDE BODIES

Reported by the Interim Head of Democratic Services – That prior to the May 2013 election an exercise was undertaken by officers in consultation with Group Leaders to review the schedule of outside bodies in view of the reduction in the number of Members to serve on such bodies after the election and consequential impact on workloads.

There were some outside bodies requiring Executive Membership and such appointments were made by the Leader under delegated authority. There were appointments to other outside bodies that needed to be made by the Council as per the appendix to this report.

The appointment to outside bodies will normally be for a period of four years up to the date of the next local government election in May 2017 and subject to annual review by the Council and Executive.

The report also dealt with other issues including local outside bodies and representatives on school governing bodies.

RESOLVED

1. To confirm the Member(s) representatives to serve on the outside bodies listed on the appendix to this report (except those outside bodies to be determined by the Leader);

2. Where future modifications are required to the Council's representation on outside bodies, authority be given to the Chief Executive to undertake the task in consultation with Group Leaders;

3. In relation to the Council's representation on school governing bodies, authority be given to the Corporate Director of Lifelong Learning in consultation with Group Leaders to make such appointments.

9 POLITICAL BALANCE AND APPOINTMENT OF COUNCILLORS TO COMMITTEES

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	COUNTY COUNCIL
DATE:	30 MAY 2013
TITLE OF REPORT:	THE SCHEME OF MEMBER REMUNERATION FOR 2013/14
REPORT BY:	INTERIM HEAD OF DEMOCRATIC SERVICES AND HEAD OF FUNCTION RESOURCES
PURPOSE OF REPORT:	TO DETERMINE THE NUMBER OF SENIOR SALARY PAYMENTS FOR 2013/14

1.0 INTRODUCTION

- 1.1 The Payments to members including co-opted members for 2013 /14 is prescribed by the Independent Remuneration Panel (IRP) as set out in its annual report (December 2012). This information needs to be reported to the Council in order to confirm the number of Members entitled to a senior salary. The Council has discretion on the number of senior salaries up to the maximum set by the Panel.
- 1.2 The IRP report provides that the maximum number of Councillors eligible for payment of a senior salary shall be 15. The table below sets out salaries for members in 2013/14 as regards basic salary, senior salary and civic salaries.

Basic Salary	£13,175
Senior Salaries - inclusive of Basic Salary:	
Leader (Band 1)	£42,300
Deputy Leader (Band 1)	£29,820
Other Executive Members (Band 2)	£25,660
Committee Chairs	£21,910
Leader of Largest Opposition Group	£21,910
Leader of other Political Group*	£16,920
Chair of the Council	£19,035
Vice Chair of Council	£14,805

(*Other political group means a political group other than a controlling group or the largest opposition group which comprises not less than 10% of the numbers of the Council.)

- 1.3 For 2013/14 the IRP has stipulated that:

- A member must not be paid more than one Senior Salary
- A member must not be paid a Senior Salary and a Civic Salary
- All Senior Salaries and Civic Salaries are paid inclusive of Basic Salary.

1.4 In addition a Councillor in receipt of Band 1 and Band 2 Senior Salaries cannot receive a salary from Welsh Fire and Rescue Authority for which s/he has been appointed.

1.5 It is recommended that senior salaries are payable to the following office holders during 2013/14.

Chair of Council
Vice Chair of Council
Leader
Deputy Leader
Other Executive Members (5)
Chair of 2 Scrutiny Committees
Chair of Planning and Orders Committee
Chair of Audit Committee
Leader of Largest Opposition Group

1.6 During 2012/13 the Chair of the Democratic Services Committee was paid a senior salary. The Council may wish to continue this practice for 2013/14 and allocate the remaining senior salary available for this purpose. There are other options for the use of the remaining allowance which could include the Leader of another opposition group or the Chair of another committee but only if they are not already in receipt of a senior salary.

2.0 Other Payments and Allowances

2.1 The remainder of this report details other payments and allowances payable as prescribed by the IRP.

Reimbursement of Travel Expenses for Official Business

2.2 The Panel has decided there will be no change in 2013/14 to inclusive rates. Current HMRC rates apply.

- 45p per mile - up to 10,000 miles
- 25p per mile - over 10,000 miles
- 5p per passenger per mile – passenger supplement
- 24p per mile – for private motor cycles
- 20p per mile – for bicycles

Subsistence Allowance for 2013/14

2.3 Reimbursement of subsistence expenses for members and co-opted members are based on the maximum rates set out below by the Panel on the basis of receipted claims.

- £28 per day – day allowance for meals, including breakfast where not provided in the overnight charge
- £150 – London overnight
- £120 – Cardiff overnight

- £95 - elsewhere overnight
- £25 - overnight staying with friends and family

Co-opted Member Payment 2013/14

2.4 Fees for co-opted members (with voting rights) have been set by the Panel as follows:

Co-opted Member	Fee
Chair	£256 daily fee* (£128 ½ daily fee)
Ordinary members of Standards Committee who also chair the Standards Committee for Community and Town Councils	£226 daily fee* £113 ½ daily fee
Ordinary members of Standards Committee, Scrutiny Committees (dealing with education and crime and disorder matters) and the Audit Committee.	£198 daily fee* £99 ½ daily fee

*A full meeting is defined as over 4 hours, and a half day meeting is defined as up to 4 hours.

Care Allowance

2.5 The Council is also obliged to make payments to members and co-opted members known as a care allowance for the reimbursement of necessary expenses for the care of dependant children and adults up to a maximum of £403 per month.

3.0 Recommendations

1. To confirm the allocation of senior salaries to office holders as per paragraph 1.5 above for 2013/14
2. To decide whether the remaining senior salary available is allocated to the chair of the Democratic Services Committee or another qualifying role.
3. To note other details on payments and allowances for 2013/14 as prescribed by the IRP and set out in this report.

ATODIAD / ENCLOSURE

3



Our Ref: qA900196

To:

Leaders and Chief Executives of County and County Borough Councils

Chairs and Chief Executives of National Park Authorities

Chairs and Clerks of Fire and Rescue Authorities

Leader and Chief Executive of Welsh Local Government Association

Head of Democratic/Members Services of County and County

Borough Councils, National Park Authorities and Fire and Rescue Authorities

1 August 2013

Dear Colleagues

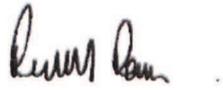
Supplementary Report of the Independent Remuneration Panel in respect of payments to Co-opted Members

I enclose a draft of the Supplementary Report that the Independent Remuneration Panel is issuing in respect of payments to co-opted members of local authorities. This arises from the issues that were raised with the Panel during our visits to the 22 Principal Authorities, the 3 National Park Authorities and the 3 Fire and Rescue Authorities. While these are matters that would normally be dealt with in our Annual Report, in the interests of fairness we consider that they should be resolved as soon as possible, rather than wait for the implementation of the next Annual Report in 2014.

The Panel welcomes all views on the proposals contained in the draft Report but would ask you to ensure that it is brought to the attention of all co-opted members of your authority so that they have an opportunity to feed in their views directly.

Responses to the draft are required by 26th September 2013.

Yours sincerely



Richard Penn

Chair

Independent Remuneration Panel for Wales



Our Ref: qA900196

To:

Leaders and Chief Executives of County and County Borough Councils
Chairs and Chief Executives of National Park Authorities
Chairs and Clerks of Fire and Rescue Authorities
Leader and Chief Executive of Welsh Local Government Association
Head of Democratic/Members Services of County and County
Borough Councils, National Park Authorities and Fire and Rescue Authorities

1 August 2013

Dear Colleagues

**DRAFT SUPPLEMENTARY REPORT –
PAYMENTS TO CO-OPTED MEMBERS OF LOCAL AUTHORITIES**

1. This constitutes a Supplementary Report of the Independent Remuneration Panel for Wales (the Panel) in accordance with Section 147 of the Local Government Measure (Wales) 2011 (the Measure). It relates to payments made to co-opted members of Principal Authorities, National Park Authorities and Fire and Rescue Authorities, who have the right to vote.
2. During a 10 week period, from March to June 2013 the Panel visited each of the 28 authorities and a significant number of points were raised at these meetings. The Panel will be considering these over the coming months in relation to the next or future Annual Reports. However, issues came to light in respect of payments to co-opted members that the Panel believes should be actioned in advance of the next Annual Report which will not take effect until Spring 2014.

3. These issues are:
- i) Recognising that the preparation for meetings can be very time consuming but the current Remuneration Framework does not allow this time to be included for payment.
 - ii) While co-opted members are entitled to claim travelling expenses, the Framework does not indicate whether travelling time to and from meetings can be counted in the assessment of whether a meeting is a full day or half day for payment purposes.
 - iii) Several co-opted members expressed concerns that they were not made aware, in advance whether meetings were scheduled for a half day or a full day. This created difficulties for planning their diaries, particularly if the individual member had other work related activities to be planned. It was suggested that the Monitoring Officer (or other relevant officer) could be authorised to set the appropriate fee in advance having determined the likely time required to deal with the agenda.
 - iv) There was a lack of clarity over what constituted a "meeting". The Panel was asked to consider whether it includes other committees or working groups (including task & finish groups) that co-opted members are requested to attend.

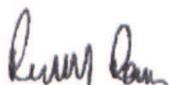
4. The Panel has considered these matters and has decided:

Determinations

- i) Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
- ii) Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
- iii) The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- iv) Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups) or any other formal meeting to which co-opted members are requested to attend. (pre meetings with officers, training and attendance at conferences are already eligible for payment).

Regards

Yours sincerely



Chair

Independent Remuneration Panel for Wales

PAPUR / ENCLOSURE
G

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	STANDARDS COMMITTEE
DATE:	12 SEPTEMBER 2013
TITLE OF REPORT:	LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013
PURPOSE OF THE REPORT:	TO UPDATE THE COMMITTEE ON THE OUTCOME OF THEIR CONSULTATION RESPONSE & OTHER RELATED ISSUES
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER
CONTACT OFFICER:	LYNN BALL, HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER (ext 2586)

1. INTRODUCTION & BACKGROUND

On the 25th July 2012 the Standards Committee agreed on a consultation response to the Welsh Government's White Paper on Promoting Local Democracy. The Committee's response was restricted to those areas within the Committee's remit and attached at **Enclosures 1 & 2** respectively are the Report which was considered by the Committee on the 25th July 2012 and the response which was subsequently sent to the Welsh Government on behalf of the Committee.

2. CURRENT POSITION

The Act has now received Royal Assent. At **Enclosure 3** is a copy of the summary of the content of the new legislation, with those extracts of significance to the Standards Committee highlighted. With one exception, no commencement dates have yet been fixed. Matters in respect of which the Standards Committee was asked to provide a consultation response, and which are not referred to in **Enclosure 3** have not been included in the legislation.

3. RECOMMENDATION

To note the Report for information.

ATODIAD / ENCLOSURE

1

ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	STANDARDS COMMITTEE
DATE:	25 JULY 2012
TITLE OF REPORT:	TO CONSIDER THE WELSH GOVERNMENT'S WHITE PAPER ON PROMOTING LOCAL DEMOCRACY
PURPOSE OF THE REPORT:	TO AGREE CONSULTATION RESPONSE TO THE WELSH GOVERNMENT'S WHITE PAPER ON PROMOTING LOCAL DEMOCRACY
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER

DOCUMENTS ENCLOSED

1. Welsh Government's White Paper on Promoting Local Democracy

BACKGROUND

- Consultees are required to respond to the Consultation by 3rd August 2012.
- Those sections of the White Paper which relate to the work of the Standards Committee are:-
 - paragraph 52 (question 29) and
 - paragraph 66 to 68 (questions 38, 39, 40, 41, 42, 43 and 44)
- In addition to the questions put, the Committee may also wish to include other related/connected issues in its formal response. The following issues are suggested for discussion, but should not restrict the Committee from putting forward additional proposals or observations:-
 - Whether any Local Resolution Protocol be national or local, should there be guidance, or criteria, issued to assist in identifying those matters which are suitable for referral to the PSOW, those matters which are suitable for local resolution and those matters which are not suitable for any consideration at all?
 - Alternatively, should the decision about suitability for local resolution be entirely discretionary?
 - If there is to be any element of discretion, how, and by whom, should it be exercised?

- If Regional Standards Committees are to be established, what do you think the geographical boundary should be e.g. Anglesey, Gwynedd and Conwy, or all six North Wales Authorities?
- If there is to be a Regional, or Sub-regional, Standards Committee, how should it operate in practice, what are the potential difficulties and how, if at all, can they be overcome?

RECOMMENDATION

The Standards Committee is asked to express views on the appropriate sections of the consultation document, as well as any other relevant and related issues, and to instruct the Monitoring Officer, in consultation with the Committee's Chairman, to finalise and submit the consultation response on behalf of the Standards Committee. Copies of the response will be circulated to all Members of the Committee for information.

ATODIAD / ENCLOSURE

2

**RESPONSE OF THE STANDARDS COMMITTEE IN RESPECT OF THE WELSH GOVERNMENT'S
WHITE PAPER ON PROMOTING LOCAL DEMOCRACY**

Question 29: Should the Panel be empowered to require local authorities to publish information relating to all remuneration received by individual councillors in connection with the performance of public duties?

Yes √

No

But it should include expenses and there should be clarity around the definitions of key elements like "publish", "remuneration", "public duties"; to ensure consistency and comparability.

Question 38: What are the practical barriers to extending the local resolution process to community and town councils and how might they be overcome?

Any process / mechanism for local resolution needs to remain within the relevant Town / Community Council as there are significant resource implications if Standards Committees and Monitoring Officers are required to support the process.

Question 39: To what extent is it desirable or necessary to modify the current statutory framework or model code of conduct to facilitate local resolution of complaints?

- To achieve consistency, the first sift, currently required by statute, should remain. However, matters referred to the PSOW, which fail to meet his threshold test, should be referred back for a decision to be taken at local level as to whether or not the matter is suitable for local resolution. As things stand, that decision will be discretionary falling outside the statutory framework.
- However there is no statutory requirement for authorities to adopt a local resolution procedure, much less a requirement for consistency in local protocols. We consider that a model local resolution protocol would be desirable to ensure consistency, transparency and to avoid duplication. At the very least, guidance should be issued setting out the general principles, which would need to address key issues, such as :-
 - Local resolution protocols should relate only to Member / Member complaints;
 - Having completed the first sift, and failing to reach the PSOW's threshold, a matter referred back for local resolution must be capable of early rejection if spurious, trivial or time wasting. There needs to be clarity about who exercises that discretion, as well as how it is exercised, as the process may attract controversy. Our view is that the decision should be taken by an independent member of the Standards Committee, in consultation with the Monitoring Officer. We appreciate that there are other options.
 - There needs to be clarity around the role of the Standards Committee in any local resolution process.
 - There needs to be clarity around potential outcomes from such a process.

Question 40: Should the ethical framework in Wales be more radically modified (e.g. to introduce local assessment and investigation of all alleged breaches of the code of conduct) and, if so, how?

Yes

No

√

A first sift at national level is still desirable for fairness and consistency, and to avoid "tit for tat" complaints.

Question 41: Are the "call-in" arrangements sufficient, or should cases which fall just short of the Ombudsman's current criteria be routinely referred for local investigation and determination?

Yes

No

√

All cases of Member / Member complaints, which fall short of PSOW's current threshold, should be referred for local resolution but there must be a discretion at a local level about whether or not to pursue local resolution, or reject the complaint; a kind of informal second sift. Please see the response to question 39.

Question 42: Is the voluntary cap on indemnities provided for this purpose appropriate and sufficient?

Yes

No

√

Question 43: Should the Welsh Government introduce a statutory limit on indemnities through subordinate legislation?

Yes

√

No

We suggest there should be different caps for hearings before Standards Committees, Adjudication Panel for Wales or High Court, with an overall cap of 20k.

Question 44: What are the perceived barriers, if any, to the establishment of regional standards committees?

We favour maintaining local Standards Committees but providing power to "share" independent members, if and when required, on a sub-regional basis

ATODIAD / ENCLOSURE

3

Local Government (Democracy) (Wales) Act 2013

Section	Notes
PART 5	
OTHER CHANGES TO LOCAL GOVERNMENT	
<i>Presiding members</i>	
51 Presiding member of principal council	ss. 51 to 54 1/10/2013
<i>Private Bills</i>	
52 Promoting private Bills	
53 Opposing private Bills	
54 Restriction on payments in relation to promoting or opposing Bills	
<i>Access to information</i>	
55 Community council websites	No Commencement Date
56 Requirement to give public notices electronically	
57 Meetings and proceedings of communities	
58 Registers of members' interests	No Commencement Date
<i>Local Government (Democracy) (Wales) Act 2013 (anaw 4) v</i>	
<i>Remote attendance at meetings</i>	
59 Remote attendance at meetings of principal councils	ss. 59 to 62 1/10/2013
<i>Democratic services committees</i>	
60 Democratic services committees	
<i>Audit committees</i>	
61 Audit committees	
<i>Independent Remuneration Panel for Wales</i>	
62 Functions relating to payments to members	
63 Functions relating to salaries of heads of paid service	Note: s.63 needs commencement order
64 Relevant authorities	
65 Subsequent annual reports	ss. 64-67 1/10/2013
66 Consultation on draft reports	
67 Publicity requirements in reports	
<i>Joint standards committees</i>	
68 Joint standards committees	No Commencement Date
69 Referral of cases relating to conduct	No Commencement Date



Deddf Llywodraeth Leol (Democratiaeth)
(Cymru) 2013

2013 dccc 4

Local Government Democracy (Wales) Act
2013

2013 anaw 4

Access to information

55 Community council websites

- (1) A community council must make available electronically –
- (a) information on how to contact it and, if different, its clerk including –
 - (i) a telephone number;
 - (ii) a postal address;
 - (iii) an email address;
 - (b) information about each of its members, including –
 - (i) the member's name;
 - (ii) how the member may be contacted;
 - (iii) the member's party affiliation (if any);
 - (iv) the ward which the member represents (where relevant);
 - (v) any office of the council held by the member;
 - (vi) any committee of the council to which the member belongs;
 - (c) the minutes of the proceedings of the council's meetings and (in so far as is reasonably practicable) any documents which are referred to in the minutes;
 - (d) any audited statement of the council's accounts.
- (2) Nothing in this section authorises or requires a community council to make available any information that it is prevented from disclosing under any enactment.
- (3) In carrying out its duties under subsection (1), a community council must have regard to any guidance issued by the Welsh Ministers.
- (4) The requirement to make available the information listed in subsection (1)(c) and (d) relates only to information produced on or after the coming into force of this section.

56 Requirement to give public notices electronically

In section 232 of the 1972 Act (public notices), after subsection (1) insert –

“(1ZA) A public notice given by a community council must, in addition to the requirements imposed by subsection (1), be published electronically.”.

57 Meetings and proceedings of communities

In Schedule 12 to the 1972 Act (meetings and proceedings of local authorities) –

- (a) in paragraph 26(2) –
 - (i) in paragraph (a), after “be” where it first occurs insert “published electronically and”,

- (ii) after paragraph (a) insert—
 - “(aa) any documents relating to the business to be transacted at the meeting must be published electronically (in so far as reasonably practicable),”
- (b) after paragraph 26(2) insert—
 - “(2A) The duty of a community council under sub-paragraph (1)(aa) to publish documents relating to the meeting does not apply where—
 - (a) the documents relate to business which in the opinion of the council is likely to be transacted in private, or
 - (b) the disclosure of such documents would be contrary to any enactment.”
- (c) in paragraph 30B—
 - (i) for sub-paragraph (3) substitute—
 - “(3) The notice must be given—
 - (a) in writing (but not in an electronic form), or
 - (b) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C.”
 - (ii) in sub-paragraph (7), after “principal council” insert “or community council”,
 - (iii) also in sub-paragraph (7), for “council” where it second occurs substitute “principal council”,
- (d) in paragraph 30C—
 - (i) for sub-paragraph (1) substitute—
 - “(1) For the purposes of paragraph 30B(1), each community council and principal council must provide a facility for notices to be given in electronic form (“electronic notices”).”
 - (ii) in sub-paragraph (2), for “The council must set” insert “A principal council must set for its area”,
- (e) in paragraph 30E(7), after paragraph (a) insert—
 - “(aa) by publishing the notice electronically, and”.

58 Registers of members' interests

- (1) Section 81 of the Local Government Act 2000 (c.22) (disclosure and registration of members' interests) is amended as follows.
- (2) In subsection (6)—
 - (a) the words from “copies” to the end become paragraph (a), and
 - (b) after that paragraph, insert—
 - “(b) the register mentioned in paragraph (a) is published electronically.”
- (3) In subsection (7), after paragraph (a)(ii), insert—

“(iii) states that the register is available to be viewed electronically, and

(iv) specifies how to access the electronic version.”.

(4) After subsection (7), insert—

“(7A) For the purposes of this section—

(a) section 83(13) does not apply, and

(b) in relation to a relevant authority which is a community council, the references in this section to a monitoring officer are to be read as references to the proper officer of that council (within the meaning of section 270(3) of the Local Government Act 1972).”.

Remote attendance at meetings

59 Remote attendance at meetings of principal councils

(1) Section 4 of the 2011 Measure (remote attendance at meetings) is amended as follows.

(2) In subsection (4), for the words from “remote” to the end substitute “actual attendance constitutes less than 30% of the total number of members in attendance at the meeting.”.

(3) After subsection (4), insert—

“(4A) Subsection (4) does not prevent a local authority from making standing orders which require more than 30% of the total number of members in attendance at a meeting to be in actual attendance for the meeting to be quorate.”.

Democratic services committees

60 Democratic services committees

(1) After section 11 of the 2011 Measure (local authorities to appoint democratic services committees) insert—

“11A Reviews at request of a local authority

(1) The democratic services committee of a local authority may, at the request of the authority, review any matter relevant to—

(a) the support and advice available to members of that authority, and

(b) the terms and conditions of office of those members.

(2) A democratic services committee must make reports and recommendations to the authority following a review.

(3) It is for a democratic services committee to determine how to exercise its functions under this section.”

(2) In section 19 (reports and recommendations by democratic services committees), after “11(1)(c)” insert “or 11A(2).”.

- (a) a local health board,
- (b) a police and crime commissioner panel,
- (c) a relevant authority,
- (d) a body designated as a public body in an order made by the Welsh Ministers.”.

Joint standards committees

68 Joint standards committees

- (1) The Local Government Act 2000 (c.22) is amended as follows.
- (2) In section 53 (standards committees) –
 - (a) in subsection (1), for “(referred to in this Part as a standards committee)” substitute “or, with one or more other relevant authorities, a joint committee”,
 - (b) after subsection (1) insert –

“(1A) In this Part, a reference to a “standards committee” is a reference to a committee or a joint committee established under subsection (1).”.
 - (c) in subsection (11) –
 - (i) in the opening words, for “National Assembly for Wales” substitute “Welsh Ministers”,
 - (ii) in paragraph (a), after “authority” insert “or authorities”,
 - (iii) after paragraph (d) insert –

“(da) about establishing a standards committee which is a joint committee (including, in particular, provision about any restrictions on the number or types of relevant authority that may establish a joint committee),”.
 - (iv) in paragraph (e), for “such” substitute “standards”,
 - (d) after subsection (12) insert –

“(13) A relevant authority which is considering establishing a joint committee must have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.”.
- (3) In section 54 (functions of standards committees) –
 - (a) in subsection (5), for “National Assembly for Wales” substitute “Welsh Ministers”,
 - (b) after subsection (5) insert –
 - (5A) Regulations made under subsection (5) may modify any provision of this Part, or any other enactment relating to a standards committee or to any functions of a standards committee, in relation to cases where a function of a standards committee is exercisable by a joint committee.
 - (5B) In subsection (5A) “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)), whenever passed or made.”.

(c) for subsection (7) substitute –

“(7) A standards committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.”.

(4) In section 106 (Wales) –

(a) in subsection (5), after “section 21G” add “or regulations under section 53(11) or 54(5)”,

(b) in subsection (6), after “section 21A(13)(b)” insert “or regulations made under section 53(11) or (subject to subsection (6A)) section 54(5)”,

(c) after subsection (6) insert –

“(6A) Where a statutory instrument contains regulations made under section 54(5) which include provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales, the instrument may not be made unless a draft of it has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

69 Referral of cases relating to conduct

(1) The Local Government Act 2000 is amended as follows.

(2) In section 73 (matters referred to monitoring officers) –

(a) in subsection (2) –

(i) in paragraph (b), after “authority” where it second occurs insert “, or to the standards committee of another relevant authority,”,

(ii) after paragraph (b), insert –

“(ba) enabling a standards committee of a relevant authority to refer a report or recommendations made by its monitoring officer to the standards committee of another relevant authority,”,

(b) for paragraph (c) substitute –

“(c) enabling a standards committee of a relevant authority to consider any report or recommendations made or, as the case may be, referred to it by –

(i) a monitoring officer of a relevant authority, or

(ii) the standards committee of another relevant authority.

(ca) the procedure to be followed by a standards committee as respects a report or recommendation made or referred to it,”,

(c) in paragraph (d), for “the authority” substitute “a relevant authority”,

(d) in subsection (4) –

(i) in paragraph (a), omit “of the authority,”, and

(ii) in paragraph (b), after “the authority” insert “of which they are a member”.

(3) In section 81 (disclosure and registration of members’ interests) –

- (a) in subsection (4), after “standards committee” insert “, or by the standards committee of another relevant authority,”,
- (b) in subsection (5) –
 - (i) the words from “circumstances” to the end become paragraph (a), and
 - (ii) after that paragraph, insert –
 - “(b) procedure to be followed for the granting of dispensations.”.

PART 6

MISCELLANEOUS AND GENERAL PROVISION

70 Ancillary provision

- (1) The Welsh Ministers may by order make such incidental, consequential, supplemental, transitional, transitory or savings provision as they consider appropriate for the purposes of, or in connection with, giving full effect to, any provision made by or under this Act.
- (2) An order under this section may modify this or any other enactment.

71 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Act (other than an order under section 47) is exercisable by statutory instrument and includes power to –
 - (a) make incidental, consequential, supplemental, transitional, transitory or savings provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act,
 - (b) modify any enactment (including this Act), and
 - (c) make different provision for different purposes and areas.
- (2) A statutory instrument which contains –
 - (a) an order under section 34(3)(e) or 70(1),
 - (b) an order under section 37(1) which includes provision altering the area of a principal council or a preserved county or which abolishes a principal area, or
 - (c) regulations under section 41(1),is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Despite subsection (2), any statutory instrument containing an order or regulations made under this Act which includes provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales is not to be made until a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (4) This section does not apply to an order made under section 45 or 75.

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PAPUR / ENCLOSURE
NG

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	STANDARDS COMMITTEE
DATE:	12 SEPTEMBER 2013
TITLE OF REPORT:	GENERIC DISPENSATION - INDEMNITIES
PURPOSE OF THE REPORT:	TO AVOID THE NEED FOR ANY INDIVIDUAL APPLICATIONS DURING THE CURRENCY OF THIS COUNCIL
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER
CONTACT OFFICER:	LYNN BALL, HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER (ext 2586)

1. INTRODUCTION & BACKGROUND

Pursuant to the County Council's Code of Conduct for elected Members, any Member who has a personal and prejudicial interest in an item of business is precluded from participation. In some limited, and specified, circumstances a Member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

2. PROCESS

Any Member wishing to obtain a dispensation must put an application in writing, identifying the impediment and the grounds upon which the application is sought. The Standards Committee, or a properly constituted Panel of the Standards Committee, will then hear the application. The Hearing will usually be in public. The Standards Committee has a discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations as appropriate to the circumstances of the application.

3. APPLICATION

The application appears at **Enclosure 1** and the circumstances for which the dispensation is sought are set out in paragraph 6 thereto. The grounds upon which the dispensation is sought are set out in paragraph 7.

4. RECOMMENDATION

To grant the dispensation as worded in **Enclosure 2**.

PAPUR / ENCLOSURE

1

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION PURSUANT
TO SI 2001 No. 2279 (W. 169)

1. **Name of Applicant** : All Members of the Isle of Anglesey County Council.
Full list is attached at **Enclosure 1**

2. **Address of Applicant** : Please see **Enclosure 1**

3. **Relevant Authority** : Isle of Anglesey County Council

4. **Committee/Committees** : Indemnities Sub-Committee

5. **Interest Registered pursuant to Section 81 (1) & (2) of the Local Government Act 2000** :

n/a

6. **Details of interest in respect of which Dispensation sought** :
 - The Isle of Anglesey County Council has adopted an Indemnities Policy **Enclosure 2**.
 - The Policy enables Members, in some circumstances, to make applications to the Council to secure an indemnity for their legal costs. In practice, this will usually relate to costs to be incurred in defending allegations brought under the Members' Code of Conduct.
 - The Council has delegated its decision making power to the Indemnities Sub-Committee.
 - Any Member wishing to apply for an indemnity must submit an application in writing to the Sub-Committee, which will then meet to consider the application.
 - The applicant may pursue their application in one of three ways:-
 1. Request the Sub-Committee to consider the application on the papers only; or
 2. Instruct their legal representative to present the application and answer any questions; or
 3. Appear in person to present their application and answer any questions.

- Should a Member choose to exercise their right to attend in person then, as matters currently stand, they would breach the Members' Code of Conduct as the combination of their application, and their attendance at the meeting, would create a personal and prejudicial interest. A copy of the Code, with the relevant sections highlighted, is attached. **Enclosure 3**
- This situation has the potential to cause serious prejudice to any Member who wishes to exercise their right to appear before the Indemnities Sub-Committee, particularly as any legal costs incurred at that stage will not be recoverable; the Policy only providing for indemnity from the point at which the Sub-Committee grants any indemnity. It has no retrospective powers.
- The only way to avoid this potentially unfair outcome is for the Standards Committee to grant a dispensation. As Monitoring Officer, I am making this application to the Standards Committee for a generic dispensation on behalf of all Members of the County Council.
- Accordingly, this application is lodged for the benefit of all Members of the County Council. Clearly, applications for indemnities are rare and any generic dispensation granted is unlikely to be utilised by more than a few Members. However, this course is recommended as a pragmatic approach to avoid a series of individual applications, all relying upon the same statutory grounds.
- An application for indemnity may be made at any time after the Public Services Ombudsman for Wales (PSOW) has decided to investigate. At present, from among the County Council's thirty Members, there are no matters currently under consideration by the PSOW.

7. **Statutory Grounds relied upon in support of the Application :**

It is suggested that the grounds under which a dispensation may be granted under the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 are :-

- **2.(d)** "the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business."
- **2.(f)** "the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise"
- Some relevant factors which the Committee may wish to take into consideration in deciding whether to not to grant this application under the statutory grounds, reproduced above, are :
 - The Council's Policy reflects legislation which permits indemnities to be granted in certain circumstances.
 - A significant degree of information is required for the Indemnities Sub-Committee to decide an application, including a detailed justification for anticipated costs and an assessment of the merits of the defence.

- Any application submitted to the Indemnities Sub-Committee will be accompanied by a report from the Monitoring Officer (or her nominee) and advice is provided in person to the Sub-Committee by the Monitoring Officer (or her nominee) and the Section 151 Officer (or her nominee).
- Any indemnity granted will include suitable caveats and claw-back provisions in accordance with the legislation.
- The applicant would only be entitled to attend the meeting to put their case and answer questions. They are required to leave the meeting in order for the Sub-Committee to deliberate in private.
- In summary it is submitted that there is clear legislative intention to provide indemnities in appropriate circumstances, and that adequate safeguards exist within the system to protect “public confidence” **(2.(d))**
- It is clear that only the applicant can fairly and adequately present their application and answer questions and to insist on the instruction of a legal representative would be to put the Member at a financial disadvantage as those costs would not be recoverable under the Policy **(2.(f))**

8. **Date application submitted** : September 2013

9. **Date by which Decision required** :

* * * * *

10. **Decision of Standards Committee** :

11. **Date Decision made** :

12. **Parties to be notified** :

PAPUR / ENCLOSURE
2

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE
ON 12th SEPTEMBER 2013

The Standards Committee's Dispensation Panel unanimously agreed to the following :-

- Should the need arise, all current Members of the Isle of Anglesey County Council are hereby granted dispensation to attend before the Indemnities Sub-committee (or its successor, if any) to present any application they wish the Sub-committee to consider in accordance with the Policy and Procedure for Indemnities.
- This dispensation is granted under Standards committee (Grant of Dispensation) (Wales) Regulations 2001 2.(d) and 2.(f).
- Any Member exercising this right shall be entitled to present their application and answer questions, but any deliberations by the Sub-committee shall take place in private.
- This dispensation shall not prejudice the right of any Member to request that their application be considered on the papers alone, or their right to be represented by a legal advisor.
- This dispensation shall, if required, also extend to any consideration by the Standards Committee in accordance with their powers under the Local Authority's (Indemnities for Members and Officers) (Wales) Order 2006 when any Member shall be entitled to put their case in person to the Standards Committee, before the Committee retires to private session to consider the exercise of its statutory powers.
- This dispensation shall only apply to current Members of the Isle of Anglesey County Council and shall endure for the remaining term of this Council.

Standards Committee Co-Opted Members Only

12.09.2013

PRAWF BUDD Y CYHOEDD PUBLIC INTEREST TEST

Cwyn yn erbyn Cyngorydd Sir a adroddwyd i'r Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac ymchwiliwyd ganddo / *Complaint against a County Councillor reported to and investigated by the PSOW*

Paragraff(au) <i>Paragraph(s)</i>	18A & 18C	Atodlen 12A Deddf Llywodraeth Leol 1972 <i>Schedule 12A Local Government Act 1972</i>
Y PRAWF – THE TEST		
Mae yna fudd y cyhoedd wrth ddatgelu oherwydd / <i>There is a public interest in disclosure as:-</i>	Y budd y cyhoedd with beidio datgelu yw / <i>The public interest in not disclosing is:-</i>	
Mae'r adroddiad yma yn ymwneud a mater sydd wedi cael ei ymchwilio gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru o ran torri'r cod ymddygiad / <i>This report refers to matters investigated by the Public Services Ombudsman for Wales (PSOW) relating to breaches of the Code of Conduct.</i> Pwrpas y Côd yw annog safonau ymddygiad mewn bywyd cyhoeddus, fel y disgrifir yn y Côd, a'i orfodi pan fo angen. Mae hwn yn fater budd cyhoeddus oherwydd bod cydymffurfiaeth gyda'r Côd yn cyflawni rôl sicrwydd bwysig o ran yr hyn a wneir gan Aelodau etholedig pan maent yn cynrychioli'r cyhoedd. Yn gryno, mae'r ffaith fod y Côd yn bodoli, i raddau helaeth, er budd y cyhoedd / <i>The purpose of the Code is to encourage standards of conduct in public life, as described in the Code, and, when necessary, to enforce them. This is a public interest issue as compliance with the Code plays an important assurance role in the actions of elected Members when representing the public. In short, the fact that the Code exists is largely for the benefit of the public.</i>	Mae paragraff 18A yn ymwneud â " <i>information which is subject to any obligations of confidentiality</i> ". / <i>Schedule 18A relates to "information which is subject to any obligations of confidentiality"</i> . Mae'r Ombwdsmon wedi gorfodi dyletswydd cyfrinachedd mewn perthynas â'r Adroddiad. Mae hyn yn creu disgwyliad o gyfrinachedd ar ran y Cyngor. Mae'n gwestiwn hefyd a fyddai modd cynnal yr amod cyfrinachedd pe bai'n cael ei herio / <i>The PSOW has imposed a confidentiality obligation on his Report. This creates an expectation of confidentiality on the part of the Council, albeit it is questionable whether the confidentiality requirement could be maintained if challenged in relation to all or parts of the Report.</i> Serch hynny, byddai'r Cyngor yn torri disgwyliad diamwys yr Ombwdsmon ynghylch cyfrinachedd pe bai'n datgelu yr Adroddiad, a gallai olygu fod y Cyngor yn agored i her gyfreithiol neu gŵyn i'r Comisiynydd Gwybodaeth. Waeth beth fyddai rhinweddau her o'r fath, mae gan hyn	

	<p>y potensial o gynnwys y Cyngor mewn anghydfodau diangen sy'n wastraff o adnoddau cyhoeddus / <i>Nevertheless, disclosure by the Council of any of the Report would now breach the PSOW's explicit expectation of confidentiality and might leave the Council open to legal challenge or complaint to the Information Commissioner. Regardless of the merits of such challenge this has the potential to involve the Council in needless disputes that waste public resources.</i></p> <p>Wedi gorfodi dyletswydd cyfrinachedd "hollgynhwysfawr", mater i'r Ombwdsmon fyddai cyfiawnhau ei safbwynt os cyflwynir her yn sgil diffyg datgelu, gan nad yw'r Cyngor yn gwybod beth yw ei resymeg na'i gyfiawnhad / <i>Having imposed a "blanket" confidentiality obligation it should be for the PSOW to justify his position in the event of challenge to non-disclosure, as the Council is not privy to his reasoning or justification.</i></p> <p>Mae paragraff 18C yn caniatáu i'r Pwyllgor Safonau ystyried materion mewn preifat ac fe all hyn gynnwys clywed tystiolaeth ar faterion sy'n eithriedig o dan baragraffau eraill / <i>Paragraph 18C allows the Standards Committee to deliberate on matters in private and this could include the hearing of evidence on matters exempt under other paragraphs</i></p>
<p>Argymhelliad - Mae budd y cyhoedd wrth gadw'r eithriad o bwys mwy na budd y cyhoedd wrth ddatgelu'r wybodaeth.</p> <p>Recommendation - The public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	

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PRAWF BUDD Y CYHOEDD PUBLIC INTEREST TEST

Cwyn yn erbyn Cynghorydd Cymuned a gyflwynwyd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac yr ymchwiliwyd iddi ganddo / *Complaint against a Community Councillor reported to and investigated by the PSOW*

Paragraff(au) <i>Paragraph(s)</i>	18A & 18C	Atodlen 12A Deddf Llywodraeth Leol 1972 <i>Schedule 12A Local Government Act 1972</i>
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<p>Mae'r adroddiad yma yn ymwneud a mater sydd wedi cael ei ymchwilio gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru o ran torri'r cod ymddygiad / <i>This report refers to matters investigated by the Public Services Ombudsman for Wales (PSOW) relating to breaches of the Code of Conduct.</i></p> <p>Pwrpas y Côd yw annog safonau ymddygiad mewn bywyd cyhoeddus, fel y disgrifir yn y Côd, a'i orfodi pan fo angen. Mae hwn yn fater budd cyhoeddus oherwydd bod cydymffurfiaeth gyda'r Côd yn cyflawni rôl sicrwydd bwysig o ran yr hyn a wneir gan Aelodau etholedig pan maent yn cynrychioli'r cyhoedd. Yn gryno, mae'r ffaith fod y Côd yn bodoli, i raddau helaeth, er budd y cyhoedd / <i>The purpose of the Code is to encourage standards of conduct in public life, as described in the Code, and, when necessary, to enforce them. This is a public interest issue as compliance with the Code plays an important assurance role in the actions of elected Members when representing the public. In short, the fact that the Code exists is largely for the benefit of the public.</i></p>	<p>Mae paragraff 18A yn ymwneud â "<i>information which is subject to any obligations of confidentiality</i>". / <i>Schedule 18A relates to "information which is subject to any obligations of confidentiality".</i></p> <p>Mae'r Ombwdsmon wedi gorfodi dyletswydd cyfrinachedd mewn perthynas â'r Adroddiad. Mae hyn yn creu disgwyliad o gyfrinachedd ar ran y Cyngor. Mae'n gwestiwn hefyd a fyddai modd cynnal yr amod cyfrinachedd pe bai'n cael ei herio / <i>The PSOW has imposed a confidentiality obligation on his Report. This creates an expectation of confidentiality on the part of the Council, albeit it is questionable whether the confidentiality requirement could be maintained if challenged in relation to all or parts of the Report.</i></p> <p>Serch hynny, byddai'r Cyngor yn torri disgwyliad diamwys yr Ombwdsmon ynghylch cyfrinachedd pe bai'n datgelu yr Adroddiad, a gallai olygu fod y Cyngor yn agored i her gyfreithiol neu gwyn i'r Comisiynydd Gwybodaeth. Waeth beth fyddai rhinweddau her o'r fath, mae gan hyn y potensial o gynnwys y Cyngor mewn anghydfodau diangen sy'n wastraff o</p>	

adnoddau cyhoeddus / *Nevertheless, disclosure by the Council of any of the Report would now breach the PSOW's explicit expectation of confidentiality and might leave the Council open to legal challenge or complaint to the Information Commissioner. Regardless of the merits of such challenge this has the potential to involve the Council in needless disputes that waste public resources.*

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Argymhelliad - Mae budd y cyhoedd wrth gadw'r eithriad o bwys mwy na budd y cyhoedd wrth ddatgelu'r wybodaeth.

Recommendation - The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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