

Public Document Pack



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Mr Richard Parry Jones, BA, MA.
Rheolwr Gyfarwyddwr Dros Dro – Interim
Managing Director

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd y Cyngor - Council Offices
LLANGFN
Ynys Môn - Anglesey
LL77 7TW

Ffôn / tel (01248) 752500
Ffacs / fax (01248) 750839

RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR SAFONAU	STANDARDS COMMITTEE	
DYDD GWENER, 19 RHAGFYR, 2014 am 9.30 o'r gloch	FRIDAY, 19 DECEMBER 2014 at 9.30 am	
YSTAFELL BWYLLGOR 1, SWYDDFEYDD Y CYNGOR, LLANGFN	COMMITTEE ROOM 1, COUNCIL OFFICES, LLANGFN	
Swyddog Pwyllgor	Mairwen Hughes (01248) 752516	Committee Officer

Aelodau Annibynnol / Independent Members

Mrs. Denise Harris Edwards
Mr. Islwyn Jones (**Is-Gadeirydd/Vice-Chair**)
Mr. Leslie Lord
Mrs. Dilys Shaw
Mr. Michael Wilson (**Cadeirydd/Chair**)

Yn cynrychioli'r Cyngor Sir / Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Dafydd Rhys Thomas

A G E N D A

1 DECLARATION OF INTEREST

To receive any declaration of interest by any Member or Officer regarding any items on the Agenda.

2 MINUTES (Pages 1 - 6)

To submit, for confirmation, the public minutes of the meeting held on 11 September, 2014.

(ENCLOSURE 'A')

3 EXCLUSION OF THE PRESS AND PUBLIC (Pages 7 - 10)

To consider adoption of the following :-

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

(ENCLOSURE 'B')

4 REPORT (Pages 11 - 66)

The Standards Committee to receive and consider a report from the Public Services Ombudsman for Wales (PSOW) in relation to alleged breaches of the Members' Code of Conduct by a County Councillor.

(ENCLOSURE 'C')

STANDARDS COMMITTEE

Minutes of the meeting held on 11 September 2014

PRESENT: **Independent Members**

Mr Michael Wilson (Chair)
Mr Islwyn Jones (Vice-Chair)

Mrs Denise Harris Edwards
Mr Leslie Lord
Mrs Dilys Shaw

Representing Town and Community Councils

Councillors William Raymond Evans and John Roberts (Not present for Item 4)

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (AW)
Communications Officer (GJ)(In respect of Item 4)
Committee Officer (SC)

ALSO PRESENT: Councillor XXXX

APOLOGIES: Councillor Trefor Lloyd Hughes and Councillor Dafydd Rhys Thomas

1 DECLARATION OF INTEREST

Item 4 - The Monitoring Officer declared an interest given Councillor xxx's allegations about one of her Services.

2 MINUTES

The minutes of the meeting held on 11th June, 2014 were confirmed as correct.

ARISING THEREON

The Vice-Chair referred to the Welsh version of the agenda, and the translation of documents into Welsh. He pointed out that the quotations were not translated, and that these documents were published on the Council website. He requested that this should be looked into.

Action: The matter to be referred to the Translation Section.

Item 3 - Standards Committee Forum

The Chair provided an update on Item 3 on the agenda – to obtain a job description for Clerks of Town and Community Councils and submit a copy to the Chair.

The Chair reported that the Solicitor (Corporate Governance) had sent out a document, namely 'The Essential Clerk's Guide' from One Voice Wales to Town and Community Councils. There are also expectations set out in the Ombudsman's Guidance on the Code.

In response, it was concluded that there was not a general job description, and that it was the responsibility of the Town and Community Councils to agree their expectations with their Clerk.

Action: Monitoring Officer will address issue with the Clerks at the forthcoming training.

Item 4 - Declaration of Interests in Meetings and Register of Gifts and Hospitality

Mrs Shaw asked the Chair for an update on funding on software. The Chair responded that he had attended a meeting with the Group Leader and it was agreed that the initiative of the Standards Committee was supported.

The Monitoring Officer reported that it had been agreed in principle, and a report had to be presented to the Executive to allocate funding from the Group Leaders' contingency. They had asked the Standards Committee to contact the WLGA to see if there was funding available. A response has been received from the WLGA, stating that they could not provide funding. The Monitoring Officer further reported that the rationale for refusing funding was the commercial and contractual relationship between the Council and the software developer. The Solicitor (Corporate Governance) would contact the WLGA again to see if they would reconsider.

The Monitoring Officer stated that the report has been prepared and approved formally, but that she was not taking it forward until the WLGA have given their final answer or if any other Councils can provide funding.

Action:

- **The Solicitor (Corporate Governance) to write back to the WLGA following discussion with the Council's Web Manager and provide a further update;**
- **To await a final response from the WLGA or other Councils before moving forward.**
- **Then seek an Executive decision**

Item 9 – Training for Committee Member and Town and Community Councils

Mrs Shaw questioned the position regarding training for Community Councils.

The Monitoring Officer responded stating that the dates had been fixed and invitations sent out, but response has not been very good.

The Chair referred to an engagement meeting. The response by Clerks of the Town and Community Councils was that they did not believe it was their responsibility to provide advice on the Code of Conduct. The Chair attended another meeting in which Town and Community Councils in Holyhead had suggested grouping together for a training session. The majority of Clerks seemed less than enthusiastic about the training.

The Monitoring Officer suggested that the Standards Committee carry on with the training as planned. It was considered that building that relationship further would be beneficial.

RESOLVED to note the report.

Action: To approach the Clerks of Town and Community Councils to remind them of the training being offered.

3 EXCLUSION OF THE PRESS AND PUBLIC

It was 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 during discussion on the following item on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Test”.

4 REPORT FROM OMBUDSMAN

Submitted - A report by the Public Service Ombudsman for Wales (PSOW) investigating a complaint relating to alleged breaches of the Members' Code of Conduct, by a County Councillor.

RESOLVED to conduct a hearing at a date and time to be fixed.

Councillors John Roberts and W R Evans joined at the end of this item.

5 REGISTER OF GIFTS AND HOSPITALITY AND BRIEFING NOTES

Submitted - a report by the Solicitor (Corporate Governance) outlining the concept of publishing occasional briefing notes to Members on discrete subjects on which Members frequently seek advice.

The Solicitor (Corporate Governance) provided an update on the role of the Legal Section in providing information and guidance to Members regarding any questions they may have or to be kept up to date on any relevant changes in the law. The Solicitor stated that in the last 6 months, the Legal Section has completed 4 briefing notes.

It is intended to publish a new briefing note on Gifts and Hospitality, following a review that this Committee undertook this year. It had been noted that not many Members recorded gifts and hospitality. The Solicitor explained that the Legal Section have set out questions that Members are often asking, with suggested answers.

The Vice-Chair suggested that he would like to add receiving tickets and free admission on the form.

It was suggested that briefing sessions were held before meetings, as greater attendances could be achieved.

The Monitoring Officer did not think it was advisable to hold training sessions before meetings due to the work load Members already have. It was suggested that the briefing notes be mentioned again in the Standard Committee's Annual Report.

RESOLVED to note the report.

6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

6A Submitted – a report by the Solicitor (Corporate Governance) in the form of an up-dated matrix for County Councillors

Councillor John Roberts raised his concern that two of the complaints had taken a long time to come before the Committee.

The Monitoring Officer reported that the Ombudsman's target was one year to present a report to the Standards Committee, and this issue has also been raised in the Standards Committee Forum.

RESOLVED to note the report for information and raise the issue again when the North Wales Standards Committee Forum meets with the Ombudsman in November.

6B Submitted – a report by the Solicitor (Corporate Governance) in the form of an up-dated matrix for Town and Community Councils.

RESOLVED to note the report for information.

The Chair referred to Personal Development Reviews and asked members of the Committee to complete a review. He stated that a Welsh version will be available also. He explained that he had allocated half hour slots for Members of the Standards Committee and would report back with a draft training plan for the Committee as a whole.

The meeting concluded at 4:00 pm

**MR MICHAEL WILSON
CHAIR**

DRAFT

This page is intentionally left blank

ATODIAD / ENCLOSURE
B

PRAWF BUDD Y CYHOEDD

PUBLIC INTEREST TEST

Ystyried cwyn yn erbyn Aelod yn dilyn ymchwiliad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru

To consider a complaint against a Member following investigation by the Public Services Ombudsman for Wales

<p>Paragraff(au) <i>Paragraph(s)</i> 12, 13, 18A</p>	<p>Atodlen 12A Deddf Llywodraeth Leol 1972 <i>Schedule 12A Local Government Act 1972</i></p>
<p>Mae yna fudd y cyhoedd wrth ddatgelu oherwydd / <i>There is a public interest in disclosure as:-</i></p> <p>Gwrandawriad rhagarweiniol yw hwn i ganfyddiad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru y gall Aelod fod wedi torri'r Côd Ymddygiad.</p> <p>Pwrpas y Côt yw annog safonau ymddygiad mewn bywyd cyhoeddus, fel y cânt eu disgrifio yn Côt, a'u gorfodi pan fo raid. Mae hwn yn fater o diddordeb cyhoeddus oherwydd mae cydymffurfio gyda'r Côt â rôl sicrwydd bwysig o ran yr hyn y mae Cynghorwyr yn ei wneud pan yn cynrychioli ddiddordeb cyhoeddus. Yn gryno, mae'r ffaith fod y Côt yn bodoli o gwbl er budd y cyhoedd i raddau helaeth.</p> <p><i>This is a preliminary hearing into a finding by the Public Services Ombudsman for Wales (PSOW) that a Member may have breached the Code of Conduct.</i></p> <p><i>The purpose of the Code is to encourage the 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 for the actions of Members when representing the public interest. In short, the fact that the Code exists at all is largely for the benefit of the public</i></p>	<p>Y budd i'r cyhoedd with beidio datgelu yw / <i>The public interest in not disclosing is:-</i></p> <p>Mae paragraff 18A o atodlen 12A yn cyfeirio at "information which is subject to any obligations of confidentiality".</p> <p>Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi rhoi'r cyfarwyddyd isod i'r Cyngor:-</p> <p>"Prior to any hearing the Ombudsman asks the recipient of the Report to treat it as confidential in advance of the hearing".</p> <p>O'r herwydd, mae OGCC wedi mynnu bod ei Adroddiad yn cael ei gadw'n gyfrinachol sy'n creu disgwyliad y bydd y Cyngor yn parchu cyfrinachedd.</p> <p>Byddai datgelu'r Adroddiad, a thrafod ei gynnwys mewn cyfarfod, bellach yn torri disgwyliadau pendant OGCC o ran cyfrinachedd a gallai olygu bod y Cyngor yn agored i her gyfreithiol neu gŵyn i'r Comisiynydd Gwybodaeth. Er gwaethaf teilyngdod her o'r fath, gallai ddwyn y Cyngor i mewn i anghydfodau dianghenraid sy'n gwastraffu adnoddau cyhoeddus.</p> <p>Wedi mynnu ar ymrwymiad o ran cyfrinachedd "cyffredinol", dylai fod yn fater i OGCC gyfiawnhau ei safiad pe ceid her oherwydd y penderfyniad i beidio datgelu oherwydd nid yw'r Cyngor yn gwybod beth yw ei resymau neu ei gyfiawnhad.</p> <p>Ymhellach, mae adroddiad yr Ombwdsmon yn datgelu hunaniaeth unigolyn ac fe allai hyn achosi poendod neu niwed i'r unigolyn. Ni</p>

	<p>fuasai yn helpu i ddileu enw'r unigolyn gan y byddai'n parhau i fod yn bosibl i adnabod yr unigolyn o weddill y wybodaeth sydd o fewn yr adroddiad.</p> <p><i>Paragraph 18A of Schedule 12A relates to "information which is subject to any obligations of confidentiality".</i></p> <p><i>The PSOW has instructed the Council that:-</i></p> <p><i>"Prior to any hearing the Ombudsman asks the recipient of the Report to treat it as confidential in advance of the hearing".</i></p> <p><i>Accordingly, the PSOW has imposed a confidentiality obligation on the Report, creating an expectation of confidentiality on the part of the Council.</i></p> <p><i>Disclosure of the Report, including discussion of its content in a public meeting, 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><i>Having imposed a "blanket" confidentiality obligation it should be for the PSOW to justify its position in the event of challenge to non-disclosure, as the Council is not privy to its reasoning or justification.</i></p> <p><i>Further, the Ombudsman's report discloses the identity of a third party and this disclosure could cause distress or detriment to that individual. To redact the name of the individual would not assist as it would still be possible to identify the individual from other information contained within the report.</i></p>
<p>Argymhelliad - Wedi pwyso a mesur, mae'r budd i'r cyhoedd o ran cadw'r eithriad, yn fwy na fyddai'r budd i'r cyhoedd petai'r wybodaeth yn cael ei datgelu.</p> <p>Recommendation - <i>On balance, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</i></p>	

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank