

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Mrs Annwen Morgan  
Prif Weithredwr – Chief Executive  
CYNGOR SIR YNYS MÔN  
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<b>RHYBUDD O GYFARFOD</b>		<b>NOTICE OF MEETING</b>	
<b>PWYLLGOR SAFONAU</b>		<b>STANDARDS COMMITTEE</b>	
<b>DYDD MERCHER, 11 MAWRTH 2020 am 2.00 o'r gloch</b>		<b>WEDNESDAY, 11 MARCH 2020 at 2.00 pm</b>	
<b>YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGFNI</b>		<b>COMMITTEE ROOM 1 COUNCIL OFFICES LLANGFNI</b>	
<b>Swyddog Pwyllgor</b>	<b>Mrs Shirley Cooke 01248 752514</b>	<b>Committee Officer</b>	

## **Aelodau Annibynnol / Independent Members**

Mr Thomas Rhys Davies  
Mrs Celyn Menai Edwards  
Mr John Robert Jones  
Mrs Gill Murgatroyd  
Mrs Sharon Warnes

## **Yn cynrychioli'r Cyngor Sir / Representing the County Council**

Y Cynghorydd/Councillor J Arwel Roberts  
Y Cynghorydd/Councillor Dafydd Rhys Thomas

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

Mr Keith Roberts  
Mr Iorwerth Roberts

## **A G E N D A**

### **1 DECLARATION OF INTEREST**

To receive any declaration of interest from a Member or Officer regarding any item of business.

### **2 MINUTES OF MEETING (Pages 1 - 16)**

To confirm the minutes of the meetings held on:-

- 6 February 2019
- 17 September 2019 including matters arising.

### **3 MEMBER RELATED ISSUES (Pages 17 - 18)**

A report by the Head of Democratic Services to provide an update on various Member related issues.

### **4 MEMBER DEVELOPMENT AND TRAINING (Pages 19 - 26)**

A report by the Human Resources Development Manager on Member training.

### **5 TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE (Pages 27 - 30)**

A report by the Solicitor (Corporate Governance) on the training requirements for members of the Standards Committee.

### **6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 31 - 36)**

A report by the Solicitor (Corporate Governance) in relation to:-

- (a) County Councillors, and
  - (b) Town/Community Councillors
- for Quarters 2 and 3 of 2019/20.

### **7 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 37 - 56)**

A report by the Solicitor (Corporate Governance) on the PSOW's Code of Conduct Casebooks for April - June 2019 (Issue 21 - published September 2019) and July - September 2019 (Issue 22 - published October 2019).

### **8 DECISIONS BY THE ADJUDICATION PANEL FOR WALES (Pages 57 - 66)**

A report by the Solicitor (Corporate Governance) on the APW's most recent decisions in Wales.

### **9 ADJUDICATION PANEL FOR WALES' PRACTICE DIRECTION (Pages 67 - 70)**

A report by the Solicitor (Corporate Governance) on the APW's Practice Direction dated 1<sup>st</sup> January, 2020.

### **10 APPLICATIONS FOR DISPENSATIONS**

It is usual practice for a report to be prepared to the Standards Committee by the Monitoring Officer on the applications for dispensations considered by the Standards Committee. During the period between the Standards Committee on 17<sup>th</sup> September, 2019 and the day of publishing this agenda, no applications have been received. On this basis, no report is attached.

**11**     **LOCAL RESOLUTION PROTOCOL** (Pages 71 - 88)

A report by the Solicitor (Corporate Governance) on the Council's Local Resolution Protocol.

**12**     **LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL** (Pages 89 - 96)

A report by the Solicitor (Corporate) Governance on the Local Government and Elections (Wales) Bill.

**13**     **EXCLUSION OF THE PRESS AND PUBLIC**

Under Section 100(A)(2) of the Local Government Act 1972, the press and public are to be excluded from the meeting during discussion on this item on the grounds that it involves the disclosure of confidential information. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. The exclusion is not subject to a Public Interest Test.

**14**     **TO CONSIDER THE RESPONSE RECEIVED FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN A LETTER OF THE 3RD OCTOBER, 2019** (Pages 97 - 102)

A report by the Solicitor (Corporate Governance) on the correspondence received from the PSOW.

**15**     **EXCLUSION OF THE PRESS AND PUBLIC** (Pages 103 - 106)

To consider adopting the following:-

“Under Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public from the meeting during the 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.”

**16**     **REVIEWS FOLLOWING WELSH AUDIT OFFICE (WAO) REPORTS** (Pages 107 - 116)

A report by the Solicitor (Corporate Governance) on the reviews following Welsh Audit Office (WAO) reports.

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**EXTRAORDINARY MEETING OF THE STANDARDS COMMITTEE**

**Minutes of the meeting held on 6 February 2020**

**PRESENT: Independent Members**

Mr John R Jones (Chair)  
Mr Thomas Rhys Davies (Vice-Chair)

Mrs Celyn Menai Edwards  
Mrs Gill Murgatroyd  
Mrs Sharon Warnes

**Representing Town and Community Councils**

Councillor Keith Roberts

**IN ATTENDANCE:** Solicitor (Corporate Governance) (MY)  
Committee Officer (SC)

**APOLOGIES:** Councillor Iorwerth Roberts (Town and Community Councils)  
Councillors J Arwel Roberts, Dafydd Rhys Thomas

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**1. CHAIR FOR THE MEETING**

Mr John R Jones was appointed Chair for the meeting.

**2. MINUTES OF THE MEETING**

The draft minutes of the Standards Committee held on 17 September 2019 were presented to Committee.

The Solicitor (Corporate Governance) explained that there was insufficient quorum present to approve the minutes of the Standards Committee held on 17 September 2019, as only two members from the previous meeting were present, namely the Chair and Councillor Keith Roberts. She stated that three attendees from the previous meeting were required to confirm the minutes as a true record.

The draft minutes will be presented to the next meeting of the Standards Committee on 11 March 2020 for the Committee's confirmation. The Chair and Councillor Roberts confirmed that, in their opinion, the minutes were correct.

The Solicitor (Corporate Governance) reported that she has sent a "matters arising" document to all members of the Standards Committee detailing the actions which have been taken in accordance with the minutes of the meeting held on 17 September 2019.

CC-022335/544773

The Solicitor (Corporate Governance) referred to Item 11 of the minutes - 'North Wales Standards Committee Forum Report'. An email has been shared with the Standards Committee members in relation to the next Forum meeting and any items to be suggested for its agenda.

### **3. DECLARATION OF INTEREST**

No declaration of interest was received.

### **4. ELECTION OF CHAIR**

Submitted - a report by the Solicitor (Corporate Governance) on the procedure to elect a Chair of the Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001 and Paragraph 2.9.2.6.2 of the Council's Constitution.

The Solicitor (Corporate Governance) reported that the Standards Committee shall elect a Chairperson from amongst its independent members. Each member of the Committee has a vote. The Chair shall be elected for a term of four years, or until the independent member's term of office on the Standards Committee expires. The Chair will also be eligible for re-election.

**RESOLVED to elect Mr John R Jones as Chair of the Standards Committee for a term of four years (subject to re-election).**

**Action: See Resolution above**

The Chair thanked the Standards Committee for their confidence in electing him as Chair, and he stated that he would endeavour to do his best in the role. He welcomed the Committee's support, and looked forward to working as a team, with officer assistance. The Chair is conscious that he intends to serve one term only, so as to allow a smooth transition between any future independent members that may be appointed Chair of the Committee.

### **5. ELECTION OF VICE-CHAIR**

Submitted - a report by the Solicitor (Corporate Governance) on the procedure to elect a Vice-Chair of the Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001.

The Solicitor (Corporate Governance) reported that the Standards Committee shall elect a Vice-Chairperson from amongst its independent members for a term of four years or until the independent member's term of office on the Standards Committee expires. The Vice-Chair will also be eligible for re-election. Each member of the Committee has a vote.

Discussion focused on whether the Committee should consider a lesser term than four years for the Vice-Chair's role. The Solicitor (Corporate Governance) explained that the Standards Committee's decision had to be made within the

statutory and constitutional boundaries. Any change to the Vice-Chair's term would require an amendment to the Council's Constitution and this required a decision by full Council.

**RESOLVED to elect Mr Thomas Rhys Davies as Vice-Chair of the Standards Committee for a term of four years (subject to re-election).**

The meeting concluded at 1.40 pm

**MR JOHN R JONES  
CHAIR**

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## **STANDARDS COMMITTEE**

### **Minutes of the meeting held on 17 September 2019**

**PRESENT:**                    **Independent Members**

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

Ms Denise Harris-Edwards  
Mr John R Jones  
Mrs Dilys Shaw

**Representing the County Council**

Councillor Dafydd Rhys Thomas

**Representing Town and Community Councils**

Councillor Iorwerth Roberts  
Councillor Keith Roberts

**IN ATTENDANCE:**    Director of Function (Council Business)/Monitoring Officer  
Head of Democratic Services (for Item 5)  
Solicitor (Corporate Governance) (MY)  
Human Resources Development Manager (for Item 4)  
Trainee HR Development Officer (CD) (for Item 4)  
Committee Officer (SC)

**ALSO PRESENT:**    Mr Thomas Rhys Davies  
Mrs Gill Murgatroyd  
Mrs Sharon Warnes

**APOLOGIES:**            Councillor John Arwel Roberts

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**1.    DECLARATION OF INTEREST**

No declaration of interest was received.

**2.    APPOINTMENT OF FOUR NEW CO-OPTED MEMBERS AND ONE ELECTED MEMBER TO THE STANDARDS COMMITTEE**

Submitted - a report by the Chair of the Standards Committee Selection Panel in relation to the above.

The Monitoring Officer reported that the term of four of the five current independent members of the Standards Committee ends on 19 December

2019. The fifth member, Mr John Robert Jones, appointed in December 2017, will continue in his role.

It was noted that the County Council had delegated its authority to the Standards Committee Selection Panel to conduct the recruitment and selection process for the appointment of new members to the Standards Committee.

The Monitoring Officer reported that the Panel drew up a shortlist of candidates for interview, and interviews were held on 29 and 30 July 2019. The Panel nominated the following four members of the public to be appointed to the role of independent members of the Standards Committee:-

Mr Thomas Rhys Davies  
Mrs Celyn Menai Edwards  
Mrs Gill Murgatroyd  
Mrs Sharon Warnes

The appointments were ratified by full Council at its meeting on 10 September 2019.

It was confirmed that Councillor Dafydd Rhys Thomas will continue in his role as a County Council representative on the Standards Committee until the next election in 2022.

Councillor Trefor Lloyd Hughes has stepped down as a County Council representative on the Standards Committee, and Councillor John Arwel Roberts has taken his place.

**RESOLVED to note the contents of the report and the recommendations made by the Standards Committee Selection Panel, and accepted by full Council on 10 September 2019:-**

- **To appoint Mr Thomas Rhys Davies, Mrs Celyn Menai Edwards, Mrs Gill Murgatroyd and Mrs Sharon Warnes as co-opted independent members of the Standards Committee from 20 December 2019; for up to two terms, as permitted by statute and the Constitution.**
- **Should a further casual vacancy arise for an independent member of the Standards Committee during the next twelve months, to automatically appoint Mrs Pauline Vella to this role without the need for a further recruitment process, provided always that Mrs Vella remains eligible for the role.**
- **To confirm that Councillor Dafydd Rhys Thomas will continue as a County Councillor representative until the next election in 2022.**
- **To confirm the appointment of County Councillor John Arwel Roberts as a member of the Standards Committee, initially until the next election in 2022, with the potential to sit for a further term.**
- **To confirm that the Director of Function (Council Business)/ Monitoring Officer be given authority to include the Standards Committee Selection Panel in the Council's Constitution to avoid the**

**ongoing need for “saving provisions” in the committee structure report, which is affirmed by Council at its annual meetings.**

### **3. MINUTES OF MEETING**

The draft minutes of the Standards Committee held on 13 March 2019 were confirmed as correct.

#### **Matters arising from the minutes:-**

The Monitoring Officer reported that a “matters arising” document has been sent to all members of the Standards Committee detailing the actions which have been taken in accordance with the minutes of the meeting held on 13 March 2019.

The Monitoring Officer reported that Modern.Gov has responded to ICT’s enquiry regarding adding a narrative to the Modern.Gov system, to enable co-opted members to add information from a drop-down list for ‘Declarations of Interest’, ‘Gifts and Hospitality’ and ‘training’. Currently, only elected Members’ names are included on the online ‘drop down’ list.

The Monitoring Officer reported that the cost of updating the Modern.Gov’s system to include a narrative would be £5000.

#### **RESOLVED:-**

- **To note Modern.Gov’s fee to implement the above changes to the Modern.Gov system.**
- **That the Monitoring Officer, on behalf of the Standards Committee seek funding from the Section 151 Officer to update the system to include the co-opted members on the ‘drop down’ list.**

**Action: See Resolution above**

### **4. MEMBER DEVELOPMENT AND TRAINING**

Submitted - a progress report by the Human Resources Development Manager on development opportunities offered to Members since the previous report was submitted to this Committee on 13 March 2019.

The HR Development Manager gave an update on the Member Training and Development Plan. She stated that the Development Plan will be circulated to the Standards Committee and Democratic Services Committee on a quarterly basis to identify suitable courses for Scrutiny Committees, the Standards Committee and co-opted members. It was noted that the Development Plan is an evolving document, which is being continually updated.

The HR Development Manager highlighted the following points:-

- Course evaluation forms are available online and in paper format. Although Members are encouraged to complete forms online, the uptake of electronic forms has been limited.
- Members need to take personal responsibility to record details online of training/courses they have attended/declined. Members are encouraged to publish their attendance records on the Council website under their individual profile.
- With reference to E-Learning, developments have taken place in relation to the NHS E-Learning Platform, which will result in the system becoming more user friendly. Accessibility to E-Learning modules via I-pads will also be enhanced.
- The Learning and Development Team have been working with ICT and Democratic Services to produce a handbook for Members on ICT issues. Drop-in sessions have been arranged to assist Members with any ICT issues.
- The GDPR Powerpoint presentation hosted in February 2019 can now be accessed via MonITor. An additional mandatory training session has been arranged for the Autumn, and members of the Standards Committee and co-opted members will be invited to attend.
- Equalities and Diversity Training - two sessions were arranged and delivered. Further mandatory training sessions have been organised for the Autumn, and members of the Standards Committee and co-opted members will be invited.

#### **RESOLVED:-**

- **To note and accept the Member Training and Development Plan.**
- **That a copy of the elected Member Training Programme be displayed in the Members' lounge.**
- **That the ICT Skills Handbook be circulated to Members and co-opted members.**
- **To request that Group Leaders remind Members of the need to attend mandatory and other training sessions.**

**Action: See Resolution above**

#### **5. MEMBER RELATED ISSUES**

Submitted - an update report by the Head of Democratic Services on various Member related matters.

The Head of Democratic Services reported that 28 out of 30 Members have now completed and published their Annual Reports for 2018/19 online. He stated that two Members have not submitted their Annual Reports for the period, and their Group Leader has been informed.

It was noted that a report will be presented to the Democratic Services Committee on 25 September 2019, in terms of arrangements for the preparation

of Annual Reports for the current financial year. Any expectations on Members will come to light in the forthcoming Local Government Bill.

The Head of Democratic Services reported that the WLGA's Wales Charter for Member Support and Development was awarded to the County Council and officially presented to the Council in July for a period of three years.

**RESOLVED to note progress as detailed in the report.**

**Action: None**

**6. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

Submitted - a report by the Solicitor (Corporate Governance) on the quarterly update of complaints in the form of matrices for (a) County Councillors, and (b) Town and Community Councillors for Quarter 4 of 2018/19 and Quarter 1 of 2019/20.

The Solicitor (Corporate Governance) reported that no complaints had been lodged against Anglesey County Councillors between January and March 2019 (Quarter 4), and April and June 2019 (Quarter 1).

Three complaints were reported as having been made against Town and Community Councillors on the matrix for Quarter 4; the Ombudsman was investigating the first complaint, he was not investigating the second, and was considering the third complaint. On the matrix for Quarter 1, it is reported that two matters were with the Ombudsman for his consideration.

In relation to the first of those outstanding complaints, the Ombudsman has concluded, following an investigation, that there is no evidence of a failure to comply with the Code of Conduct. As regards the second, the Ombudsman has decided not to investigate.

**RESOLVED:-**

- **To note the report and Enclosures 1-4.**
- **That the Monitoring Officer circulates Enclosures 1-4 to the Town and Community Councils and Members and co-opted members of the Council.**

**Action: See Resolution above**

**7. PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS**

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising information published by the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebook of Code of Conduct complaints for February and May 2019.

The Monitoring Officer highlighted the following from the report:-

- When using social media, Councillors should separate private social media pages from their role of Councillor. In some cases this will avoid engaging the Code of Conduct.
- Emphasis was placed on the need for Community Councillors to undertake equality and diversity training following a complaint against a Community Councillor who had made ageist and discriminatory comments.
- With regard to pre-registerable interests, Members were reminded of their obligation to register personal interests within 28 days of election to office, and to update, in the event of any changes, within a further 28 days.
- The Monitoring Officer referred to a complaint against a Councillor from Beguildy Community Council, who failed to declare in a meeting that he owned land, which would be affected by the matter under consideration, thereby breaching the Code. The Ombudsman found that the issue was of wider significance to the community, therefore no action was taken.

**RESOLVED:-**

- **To note the report and enclosures.**
- **Subject to the response from the Ombudsman in relation to Beguildy Community Council, that the Monitoring Officer seeks further information if required from the Clerk of Beguildy Community Council, on the basis that such information would be redacted and shared confidentially with members of the Standards Committee for information only.**

**Action: See Resolution above**

**8. ADJUDICATION PANEL FOR WALES DECISIONS**

Submitted - a report by the Solicitor (Corporate Governance) in relation to decisions made and published by the Adjudication Panel for Wales since the last meeting of the Standards Committee on 13 March 2019.

The Solicitor (Corporate Governance) explained that one case was reported, which related to a breach of the Code of Conduct by a former County Councillor (currently Community Councillor) in Monmouthshire County Council. It was noted that the Standards Committee had discussed the original case in its meeting on 13 March 2019 (Item 7 on the agenda). The current report is in relation to further comments made by the Councillor following the original APW hearing.

The case tribunal decided that the case should be dismissed as there was no written complaint, and the PSOW had referred the matter to the APW directly without investigation. It was concerned that the Ombudsman had not followed the correct procedure in referring the matter directly without investigation.

**RESOLVED to note the content of the report and case summary.**

**Action: None**

## **9. DISPENSATIONS**

Submitted - a report by the Solicitor (Corporate Governance) on the outcome of dispensation applications received since the Standards Committee's last meeting on 13 March 2019. On this occasion, all the applications related to the County Council's Schools' Modernisation Programme.

The Solicitor (Corporate Governance) reported on the following applications for dispensation(s):-

- 7.3.19 - A block dispensation was granted to 8 members of Llanelian Community Council to overreach a number of different prejudicial interests in relation to the provision of primary education in the Amlwch area.
- 22.3.19 - A block dispensation was granted to 5 Members of the Executive who have prejudicial interests as grandparents to children and young people who may be affected by a decision in relation to the provision of post-16 education in the County.
- 29.3.19 - A limited dispensation was granted to Councillor Carwyn Jones in relation to prejudicial interests regarding the provision of post-16 education in the County, on the basis that he is a parent to children on Anglesey and works for a post-16 education provider.
- 18.7.19 - a dispensation was granted to Councillor Derek Owen of Llanbadrig Community Council in relation to prejudicial interests regarding the provision of primary education in the Amlwch area.

### **RESOLVED:-**

- **That the Standards Committee note the dispensations granted and the grounds and circumstance in which they were granted.**
- **That the draft minutes of the Dispensation Panel held on 7.3.19 were ratified as correct by members of the Panel only ( Michael Wilson, John R Jones and Keith Roberts).**
- **That the draft minutes of the Dispensation Panel held on 22.3.19 were ratified as correct by members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones).**
- **That the draft minutes of the Dispensation Panel held on 29.3.19 were ratified as correct by members of the Panel only (Michael Wilson, Denise-Harris Edwards and John R Jones).**
- **That the draft minutes of the Dispensation Panel held on 18.7.19 were ratified as correct by members of the Panel only (Michael Wilson, John R Jones and Keith Roberts).**

**Action: See Resolution above**

## **10. REVIEW OF THE REGISTERS OF INTERESTS FOR ELECTED AND CO-OPTED MEMBERS OF IOACC**

Submitted - a report by the Solicitor (Corporate Governance) on the above.

The Solicitor (Corporate Governance) reported that the review of the three Registers of Interests for elected Members and co-opted members was carried out in June/July 2019 by the 5 independent members of the Standards Committee. The review of the 5 independent members' Registers of Interests was carried out by the Town and Community Council representatives of the Standards Committee.

It was noted that the Committee was generally happy with the outcome of the review, and a further improvement on the previous year.

The following points were raised as matters which require attention:-

- Not all Annual Reports have been published on the Council website.
- Co-opted members do not have the facility to record their training records online (matter discussed in Item 3 - Minutes).
- With reference to the Standing Register of Interests, concerns were raised that the information included is not specific enough.
- A link should be included by ICT to Dispensations granted to members from each member's biography page/annual report.

Following an informal meeting of the independent members on 19 July 2019 and the Town and Community Council representatives on 28 June 2019, a general letter of advice (Enclosure 1) has been drafted, which will be circulated to members of the Committee in due course. The Solicitor reported that the Chair of the Standards Committee attended a Group Leaders' meeting on 5 September 2019 to discuss matters arising from the review of the Registers and the contents of Enclosure 1.

**RESOLVED:-**

- **To note the contents of the report.**
- **To approve the contents of Enclosure 1, and agree to share the letter of advice with co-opted and elected Members of the Council.**
- **That the actions identified in Section 2.2.1 and 2.2.4 of the report be raised with ICT/Head of Democratic Services.**

**Action: See Resolution above**

**11. NORTH WALES STANDARDS COMMITTEE FORUM REPORT FROM THE MEETING ON 24 JUNE 2019**

Submitted - a report on the North Wales Standards Committees Forum hosted by Flintshire County Council on 24 June 2019.

The Chair reported that both he and the Vice-Chair attended the meeting. The Chair stated that the Ombudsman gave a presentation, which concentrated on equalities and gender issues; and the Ombudsman's new powers.

Discussion focused on a Joint North Wales Standards Committee. The Vice-Chair sought clarity on the potential advantages and disadvantages of such joint committees, and stated that this matter needs to be discussed further. Discussion followed, but the outcome was inconclusive.

The Chair felt that the minutes were inaccurate in some respects, and did not cover all the points.

**RESOLVED to note the information presented, and the Chair/Vice-Chair would inform officers of any changes requested to the minutes.**

## **12. RESPONSE FROM COMMUNITY COUNCILS REGARDING:-**

### **12.1 Review of the Community Registers in 2018/19**

### **12.2 Training for Community Councillors and Clerks**

Submitted - an update report by the Director of Function (Council Business)/ Monitoring Officer in relation to the above.

The Standards Committee conducted a review of 5 Town and Community Councils in December 2018 / January and February 2019 to ensure compliance with the Code of Conduct for members.

The Monitoring Officer reported that a general report was circulated to all Town and Community Councils on the findings of the Review of the Registers, with a request that the Clerks bring the contents of this report to the attention of all their Town and Community Council members, and include such on their next agendas, with a copy of the minutes forwarded to the Standards Committee.

It was noted that 22 out of 40 Town and Community Councils failed to respond.

Further correspondence was circulated to Town and Community Councils in relation to training. It was noted that 23 out of 40 of the Councils had not responded by 31 July 2019.

### **RESOLVED:-**

- **To note the information presented with regard to Town and Community Councils in the Appendices to the report.**
- **That the Monitoring Officer write to the Clerks of Town and Community Councils expressing the Committee's gratitude to those who have responded positively, and confirm no review of those Councils will take place for at least the next 2 years.**
- **That the new Standards Committee take this data into account when selecting Town and Community Councils for review in the coming years.**

**Action: As noted above**

### 13. REVIEW OF PRECEDENTS/BRIEFING NOTES FOR APPROVAL OF THE COMMITTEE

Submitted - a report by the Solicitor (Corporate Governance) on the above.

The Solicitor (Corporate Governance) reported that the Standards Committee has agreed that the Briefing Notes for Town and Community Councillors in relation to Dispensations should be reviewed.

The Vice-Chair raised an issue regarding Point 9 on the Briefing Note for Dispensations, which refers to disability. He stated that on the Welsh agenda, **disability was referred to as 'anallu', which translates as inability, rather than the correct wording of 'anabledd'**. It was confirmed that the wording is that used in the legislation and confirmation from the PSOW details that it is inability i.e. a statutory disability (rather than a personal disability).

#### **RESOLVED:-**

- **To note the contents of the report.**
- **To confirm the amendments to the Briefing Notes on Dispensations as shown in Enclosures 1 and 2.**
- **That Enclosure 1 be circulated to Town and Community Councils, with a request that the Clerks bring the same to the attention of the members, and for Enclosure 2 to be distributed to the IOACC elected and co-opted members and for the amended document to be uploaded to the intranet system accordingly.**
- **To confirm the amendments to the Methodology Note on the Review of Registers in Enclosure 3.**
- **That the Methodology Note on the Review of Registers in Enclosure 4 be used in any future reviews conducted in Town and Community Councils.**
- **To confirm the adoption of the Constitution of the Standards Committee with the annotated amendments note in Enclosure 5.**
- **To adopt the Terms of Reference with the annotated amendments noted in Enclosure 6, and to publish the same on the Council's website.**

**Action: See Resolution above**

### 14. EXCLUSION OF THE 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 during discussion on Item 15, on the grounds that it involved the disclosure of confidential information pursuant to paragraph 4.2.10.2 of the Council's Constitution.**

**15. TO CONSIDER THE RESPONSE RECEIVED FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN A LETTER OF THE 13 AUGUST 2019**

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on decisions published by the PSOW in its Code of Conduct Casebooks.

As a result of the report presented at its meeting in March 2019, the Standards Committee decided to request further information from the PSOW in relation to five matters.

A response was received from the PSOW clarifying the information requested.

**RESOLVED to note the contents of the initial letter at Enclosure 1, and the response received from the PSOW in Enclosure 2.**

**The Chair thanked all the members of the Standards Committee for their assistance and support over the past eight years. He also expressed his gratitude to Councillor Trefor Lloyd Hughes for his excellent contribution to the Standards Committee.**

**Individual members of the Standards Committee thanked the Chair personally for his support and guidance over the years.**

The meeting concluded at 5.00 pm

**MR MICHAEL WILSON  
CHAIR**

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<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Pwyllgor:</b>	<b>Standards Committee</b>
<b>Dyddiad :</b>	<b>11 March 2020</b>
<b>Teitl:</b>	<b>Member Related Issues</b>
<b>Pwrpas yr adroddiad:</b>	<b>To report on progress to date</b>
<b>Awdur:</b>	<b>Head of Democratic Services</b>

## 1.0 Background

The purpose of this report is to update the Committee on various Member related matters.

### 1.1 Members Annual Report

I reported to the last meeting on arrangements for the preparation of Annual Reports covering the period 2018/19.

Section 5 of the Local Government Measure (Wales) 2011 places a duty on the County Council to ensure that arrangements are in place to enable Members to publish annual reports on their activities.

In relation to 2018/19 annual reports 28 members have prepared reports to date, and these can be viewed on the Council's website - see link below:

<https://www.anglesey.gov.uk/en/Council/Councillors-AMs-MPs-MEPs/Councillors-Annual-Report.aspx>

Group Leaders have been briefed on arrangements for reports covering 2019/20. The template will be sent to all Members at the end of March and Members will be requested to complete reports by the end of April and they will then be published on the Council's website in June 2020.

### 1.2 Annual Report on Members' Remuneration 2020/21

The Independent Remuneration Panel for Wales have published their annual report on allowances to be paid in 2020/21. There is very little change besides an increase in the basic salary to £14,218, which is an increase of £350 a year and is the equivalent of 2.5%. There will be no increase to the senior salaries but the total paid will reflect the increase of £350 to the basic salary.

The Panel notes in the annual report that very few members use the provision in the framework to reimburse the costs of care. They recognise the issues relating to the publication of this this legitimate expense. This is reflected in the change that has been made to the publication requirements, which is that the relevant authorities should only publish the total amount reimbursed during the year. It will

be a matter for each Authority to decide on their responses to any Freedom of Information requests received. However, it is not intended that details of individual claims should be disclosed.

The Independent Remuneration Panel for Wales Annual Report (February 2020) is available here:

<https://gov.wales/sites/default/files/publications/2020-02/annual-report-2020-to-2021.pdf>

The Democratic Services Committee will receive a report on this matter.

### **1.3 Local Government and Elections (Wales) Bill**

Welsh Government has recently consulted on the draft Bill. The Bill covers various key issues that will need attention in the future. A separate report is dealing with the Bill. One aspect of the Bill relates to the publication of official addresses rather than Members' personal addresses on the Council's website. All Members have recently been consulted on this as a result of concerns expressed about personal safety in the Democratic Services Committee before Christmas. Some Members have opted not to publish personal addresses on the Council's website, therefore only the Council's address appears.

## **2.0 Recommendation:**

To note the information contained in this report.

**Huw Jones**  
**Head of Democratic Services**  
**2 March 2020**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	STANDARDS COMMITTEE
<b>DATE:</b>	11 <sup>th</sup> MARCH 2020
<b>TITLE OF REPORT :</b>	MEMBER DEVELOPMENT
<b>REPORT BY :</b>	TRAINEE HR DEVELOPMENT OFFICER/ HR DEVELOPMENT MANAGER/
<b>CONTACT OFFICER :</b>	CHERIE DUFFY/MIRIAM WILLIAMS
<b>PURPOSE OF REPORT :</b>	TO PROVIDE AN UPDATE ON THE PROGRESS OF THE MEMBER DEVELOPMENT PROGRAMME

## 1. BACKGROUND

The purpose of this report is to provide the Standards Committee with an update on the progress of the development opportunities offered to Elected Members since the report submitted 17<sup>th</sup> September 2019. The Report also addresses the queries raised in previous meetings regarding the learning and development of Elected Members.

## 2. MEMBER TRAINING AND DEVELOPMENT PLAN

The HR Development team work in close partnership with the Head of Democratic services to ensure that Elected Members receive the learning and development support they require to fulfil their roles effectively. Annually the HR Development team collate training needs from Elected Members when their Personal Development Reviews are undertaken, as well as consulting with Senior Management Team and Heads of Service in order to identify and plan relevant development opportunities.

The Member Training and Development Plan (appendix1) notes all the training and development opportunities offered to Elected Members via the HR Development team during 2019/2020. The plan is an evolving document that is reviewed and adapted regularly with updates circulated on a quarterly basis to both the Standards Committee and Democratic Services Committee. The plan is also circulated to other key personnel, in order to ensure that specific development courses are also made available to additional audiences; including the Scrutiny Committee, Standards Committee and as appropriate to each co-opted member.

The quarterly update flyer is circulated directly to each Elected Members and is displayed in the Member Lounge, providing information on the upcoming training events. Please see Appendix 2 for a draft example.

In addition to the courses run by the HR development team, the Elected Members are also provided with briefing sessions on the first Thursday of each month. Please see Appendix 3 for details.

### **3. COURSE EVALUATION**

Following each event, a paper based course evaluation form is distributed to the Elected Members in order to confirm relevance/appropriateness of the content and also to identify any additional individual training needs they may have. Electronic versions of this form is also available.

### **4. RECORDING ATTENDANCE**

The HR Development Team capture data regarding courses which are offered/those attended and declined by each Elected Member, within their HR systems. In addition to this, Elected Members are reminded during each event of the need to ensure they take personal responsibility to record details of the training on their electronic training record which in turn enables them to include in their Annual Reports. Once these details are complete they appear on the Council website under each named Elected Member.

### **5. E-LEARNING**

E-Learning is actively promoted as a method of blended learning and is accessible to all staff, Elected Members/Audit/Lay/Standards Committee members etc.

### **6. ICT SKILLS**

The HR Development team work closely with the ICT team to ensure digital support is available to all Elected Members. As part of this partnership working, an ICT handbook has been produced and distributed to both Elected Members.

Ongoing support is available from the HR Development team and the ICT team in the format of 'drop in' sessions.

**CHERIE DUFFY - HR DEVELOPMENT TRAINEE &  
MIRIAM WILLIAMS – HR DEVELOPMENT MANAGER**

**MARCH 2020**

**ELECTED MEMBER DEVELOPMENT PROGRAMME 2019/20**

**(Where possible, training will be arranged Thursdays/Fridays avoiding the first Thursday afternoon each month to avoid clashes with because of Member briefing sessions. Where possible dates/times have been noted)**

<b>What</b>	<b>Audience</b>	<b>Provider</b>	<b>When</b>
Treasury Management	Audit Committee	Richard Basson	<b>November 2019</b>
Safeguarding Issues 'Mop up'	All Elected Members <b>(M)</b>	Annwen M Hughes, Service Manager (Safeguarding and Quality Assurance Provision)	<b>14 November 2019</b>
Regulation and Inspection Act Social Services (Wales)	All Elected Members	Alwyn Rhys Jones, Head of Adults Services	<b>Presentation by Dafydd Bulman and Rachel Williams. Date: TBC</b>
Decisions for Future Generations (Wellbeing of Future Generations Act)	All Elected Members	Workshop - Senior officers and experienced members. E-Learning	<b>Date: TBC</b>
General Data Protection Regulation (GDPR)	All Elected Members <b>(M)</b>	E-Learning/Workshop	<b>25<sup>th</sup> February 2019 16<sup>th</sup> October 2019 (Mop Up)</b>

Appendix 1

Introduction to Equalities	All Elected Members(M)	E-learning/Workshop	<b>28<sup>th</sup> March 2019</b> <b>'Mop up' 2019/2020</b>
Community Leadership and Casework	All Elected Members	E- learning	<b>Ongoing</b>
National Approach to Statutory Advocacy - Free Implementation training	All Elected Members	Natalie Brimble TrosGynnal Plant North Wales Advocacy	<b>5<sup>th</sup> March 2020</b>
WLGA Leadership Programme	Nominated Elected Members	Regional workshops	<b>September - November</b>
Licencing - Update	Members of the Planning and Licensing Committee	Internal Officers	<b>Date: 02/04/2020</b>
Personal Safety and online abuse	All Elected Members	Steve Nicol	<b>Date: TBC</b>
Planning <ul style="list-style-type: none"> <li>• Flood Matters</li> <li>• Elected Members role in the planning process</li> </ul>	All Elected Members	Internal Officers	<b>16 October 2019</b>

Appendix 1

Dealing with Challenging Situations	All Elected Members	David Jones - ACAS	<b>26<sup>th</sup> September 2019</b>
Council Constitution	All Elected Members		<b>Date: TBC</b>
Community Leadership and identifying grants	All Elected Members		<b>Date: TBC</b>
Chairing Meetings	All Elected Members	Available on the Learning@Wales platform	<b>Ongoing</b>
Domestic Abuse	All Elected Members		<b>Date: TBC March / April 2020</b>

**ICT SKILLS**

<b>Use of iPads</b>	All Elected Members	Internal	<b>Ongoing</b>
<b>General ICT Skills</b>	All Elected Members – as required	Internal	<b>Ongoing</b>

**E-LEARNING MODULES**

**Elected Members have flexible access to E-Learning. See below details of current subject areas available. Additional modules will be developed and introduced in due course. The courses noted with (i) below can now be accessed via iPad.**

<b>Member Development</b>	<b>Welsh Language</b>	<b>Health and Safety</b>
<ul style="list-style-type: none"> <li>- Ethics and Standards (i)</li> <li>- The Effective Ward Councillor (i)</li> <li>- Public Speaking Skills (i)</li> <li>- Chairing Meetings (i)</li> <li>- Corporate Parenting (i)</li> <li>- Decisions for Future Generations (i)</li> <li>- Introduction to Scrutiny (i)</li> </ul>	<ul style="list-style-type: none"> <li>- Work Welsh Welcome (i)</li> <li>- Work Welsh Welcome Back (i)</li> </ul>	<ul style="list-style-type: none"> <li>- The safe use of Display Screen Equipment (i)</li> <li>- Managing Health and Safety (i)</li> <li>- Food Hygiene (i)</li> </ul>
<b>Well-being</b>	<b>Customer Care and Professional Skills</b>	<b>Information Technology</b>
<ul style="list-style-type: none"> <li>- Violence Against Women, Domestic Abuse and Sexual Violence <b>(M)</b></li> <li>- Introduction to Equality and Diversity (i)</li> <li>- Health Information (i)</li> <li>- Stress Information (i)</li> <li>- Personal Resilience (i)</li> <li>- Prevent (i) <b>(M)</b></li> <li>- Well-being of Future Generations (Wales) Act 2015 (i)</li> </ul>	<ul style="list-style-type: none"> <li>- General Data Protection Regulations (GDPR) (i) <b>(M)</b></li> <li>- Effective Writing (i)</li> <li>- Managing Yourself and Your Time (i)</li> <li>- Effective Minute Writing (i)</li> <li>- Giving and Receiving Feedback (i)</li> <li>- Meeting Skills (i)</li> <li>- Presentation Skills (i)</li> <li>- Emotional Intelligence (i)</li> <li>- Self Development (i)</li> </ul>	<ul style="list-style-type: none"> <li>- Cyber Awareness <b>(M)</b></li> </ul>

Appendix 1

<ul style="list-style-type: none"><li>- Pre-Retirement Planning (i)</li><li>- Basic Safeguarding Awareness (i)</li><li>- Modern Slavery (i) <b>(M)</b></li></ul>	<ul style="list-style-type: none"><li>- General Information Governance (i)</li></ul>	
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**(M) = Mandatory**

**The programme is an evolving plan which will be amended to include any additional identified training. In addition, a separate Scrutiny Development programme plus briefing sessions on key issues are offered to Elected Members.**

**Elected Members are actively encouraged to complete evaluation forms for any training they attend in order to identify any additional training needs. They are also encouraged to record their attendance separately online.**



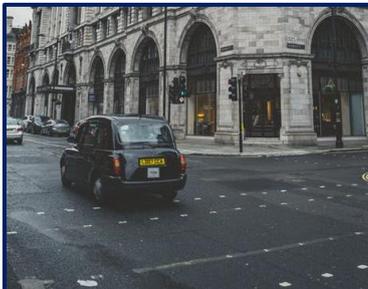
## Elected Member Training Programme

Listed below are the Training and Development Opportunities that are to be held between December 2019 and March 2020

### National Approach to Statutory Advocacy

The aim of this session is to understand the role of an advocate and the different types of advocacy. This course will provide more information on the history of the National Approach and the arching principles.

**05 March 2020**



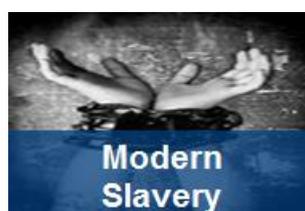
### Licensing Training

This training session gives an overview of the Licensing Act 2003 and focuses on relevant licensing matters such as licencing application, licencing sub-committee hearings and licence reviews.

**06 February 2020**

### E-Learning Portal

Please note that the following E-Learning modules are mandatory for all staff and Elected Members to complete. Please click on icon below to access the desired module:



<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Training for members of the Standards Committee</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise members of the Standards Committee of the proposed training for 2020/2021 and ascertain any further training requirements</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@anglesey.gov.uk">mwyics@anglesey.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxics@anglesey.gov.uk">lbxics@anglesey.gov.uk</a> 01248 752586</b>

## 1.0 BACKGROUND

- 1.1 Elected Members of the Council are offered training to assist with their roles and some training topics are considered mandatory. Co-opted Members are also offered training on various matters; this is based on the training offered to Elected Members, but targeted in accordance with the Committee to which they have been appointed.
- 1.2 With a majority of the Standards Committee Members being newly appointed to the Committee in December 2019 (4 independent members and 1 County Council representative), it is envisaged that training will play a significant part of the Committee’s timetable for 2020/2021.
- 1.3 This report illustrates the training which has been identified as essential / useful for Standards Committee members.

## 2.0 TRAINING

<b>Training</b>	<b>Narrative</b>	<b>Type of training</b>	<b>Proposed Date</b>
Code of Conduct	All Standards Committee members are bound by the Code of Conduct for Members. The Code stipulates that Members	E-learning module on “Ethics and Standards”  Classroom training to be provided in-house by Monitoring Officer	Available on demand  April 2020

	must attend at least one training session on the Code of Conduct during each full term of office, such attendance to take place during the six months following election.		
Dispensations	County Councillors and Town and Community Councillors may apply for dispensations A Panel of the Standards Committee members will consider a written application for dispensations at a Hearing.	A general classroom training session on Dispensations (the grounds for granting / the methodology for conducting the hearings etc) to be provided in-house by the Monitoring Officer  Specific training on the dispensation application before the Panel will be provided before each dispensation Hearing to be provided in-house by the Monitoring Officer.	Summer 2020  As and when required during 2020/2021
Public Services Ombudsman for Wales (PSOW) / Adjudication Panel for Wales (APW) – review of cases	At the formal Standards Committee meetings (March and September), an update will be provided on the cases which have been considered by the PSOW and APW.	Reports provided bi-annually and a discussion held at the Meetings.	March 2020  September 2020  March 2021
IOACC Constitution	To provide a general overview of the Council's Constitution so far as it may affect the Standards Committee	A general classroom training session on the Constitution to be provided in-house by the Monitoring Officer.	TBC - 2020
Mediation in the context of the Local Resolution Protocol	Standards Committee members are integral to the Local Resolution process in accordance with the Protocol which has been adopted by the Committee and approved by Group Leaders.	External provider to produce and deliver a bespoke classroom training session to Standards Committee members, based on the process in IOACC's Local Resolution Protocol.	May / June 2020

Standards Committee Hearings	Whilst no Hearings are currently envisaged in the near future, Standards Committee is required to conduct Hearings should the PSOW refer a matter for determination.	External provider to be approached – perhaps this may be done in collaboration with another/other Standards Committees?	To be discussed further – is this considered a requirement for 2020/2021 or the following year?
Equality and Diversity  Cyber Security  GDPR	General training which has been identified as relevant for Standards Committee Members from the list of training requested of elected Members.	E-learning modules	Available on demand
Safeguarding (Basic)  Violence against women; prevent; CSE; Modern Slavery  Health and Safety  Licensing* / Planning*  <i>* if on the Committee</i>	This is the list of training requested of elected Members. It is not considered relevant for Standards Committee members.		To be discussed further – do members agree that these are not relevant to their roles?
Chairing Committees	To be offered to the newly appointed Chair and Vice-Chair, if desired		TBC - 2020

### 3.0 RECOMMENDATION

For the Standards Committee to determine if the proposed training plan is appropriate / sufficient and identify any further training required.

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Conduct Complaints to the Public Services Ombudsman for Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of the complaints which have been sent to the PSOW in relation to (a) County Councillors and (b) Town and Community Councillors.</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@anglesey.gov.uk">mwyics@anglesey.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxics@anglesey.gov.uk">lbxics@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION

The Standards Committee is provided with an update every quarter on the complaints which have been received by the Public Services Ombudsman for Wales in relation to (a) County Councillors and (b) Town / Community Councillors.

## 2. UPDATES

2.1 The reports for Quarter 4 (January – March 2019) and Quarter 1 (April – June 2019) were submitted at the Standards Committee meeting on 17.09.2019.

2.2 The reports for Quarter 2 (July - September 2019) were distributed to the Standards Committee members by email on 8<sup>th</sup> October 2019.

A further copy of the report for Quarter 2, in relation to County Councillors, appears at **Enclosure 1**.

A further copy of the report for Quarter 2, in relation to Town and Community Councillors, appears at **Enclosure 2**.

2.3 The reports for Quarter 3 (October - December 2019) were distributed to the Standards Committee members by email on 8<sup>th</sup> January 2020.

A further copy of the report for Quarter 3, in relation to County Councillors, appears at **Enclosure 3**.

A further copy of the report for Quarter 3, in relation to Town and Community Councillors, appears at **Enclosure 4**.

- 2.4 The reports for Quarters 2 and 3 (**Enclosures 1- 4**) will be distributed to the Town and Community Councils and the elected and co-opted members of this Council following this Standards Committee meeting.

### **3. RECOMMENDATION**

- 3.1 For the Standards Committee members to note the contents of the **Enclosures at 1-4** and consider trends arising (if any) and any corrective actions which are required.
- 3.2 For the Head of Function (Council Business)/Monitoring Officer to distribute **Enclosures 1-4** to the Town and Community Councils and elected and co-opted members of the Council.

**CWYNION A GYFLWYNWYD I'R OMBWDSMON – “O” – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYNGOR SIR YNYS MÔN - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – “O” -REGARDING  
ISLE OF ANGLESEY COUNTY COUNCILLORS – UPDATE**

**Chwarter 2 (Gorffennaf – Medi 2019) – 2019/2020 – Quarter 2 (July – September 2019)**

<b>Enw'r Cynghorydd Name of Councillor</b>	<b>Enw'r Achwynydd Name of Complainant</b>	<b>Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) “O”</b>	<b>Dyddiad y Gŵyn - “O” Complaint date - “O”</b>	<b>Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation</b>
Cynghorydd Sir / County Councillor	Aelod o'r cyhoedd / Member of the public	(i) CC-021785 (ii) 201901863	17.06.2019	Mae'r Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn / The Ombudsman has decided not to investigate the complaint.

**CWYNION A GYFLWYNWYD I'R OMBWDSMON – "O" – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYMUNEDOL A THREF - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" - REGARDING  
TOWN AND COMMUNITY COUNCILLORS – UPDATE**

Chwarter 2 (Gorffennaf – Medi 2019) – 2019/2020 – Quarter 2 (July – September 2019)

<b>Enw'r Cynghorydd</b>  <b>Name of Councillor</b>	<b>Enw'r Achwynydd</b>  <b>Name of Complainant</b>	<b>Cyfeirnod y Ffeil</b>  <b>File Reference</b>  (i) Un ni/Ours (ii) "O"	<b>Dyddiad y Gŵyn - "O"</b>  <b>Complaint date - "O"</b>	<b>Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol</b>  <b>Result of "O" Investigation and date or the current situation</b>
<b>DIM I'W ADRODD / NOTHING TO REPORT</b>				

**CWYNION A GYFLWYNWYD I'R OMBWDSMON – “O” – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYNGOR SIR YNYS MÔN - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – “O” -REGARDING  
ISLE OF ANGLESEY COUNTY COUNCILLORS – UPDATE**

Chwarter 3 (Hydref – Rhagfyr 2019) – 2019/2020 – Quarter 3 (October - December 2019)

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”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation
DIM I'W ADRODD / NOTHING TO REPORT				

**CWYNION A GYFLWYNWYD I'R OMBWDSMON – "O" – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYMUNEDOL A THREF - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" - REGARDING  
TOWN AND COMMUNITY COUNCILLORS – UPDATE**

Chwarter 3 (Hydref – Rhagfyr 2019) – 2019/2020 – Quarter 3 (October – December 2019)

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"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
Cynghorydd Cymuned / Community Councillor	Aelod o'r cyhoedd / Member of the Public	(i) 022185 (ii) 201904090	01.10.2019	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn. / Ombudsman has decided not to investigate the complaint.
Cynghorydd Cymuned / Community Councillor	Aelod o'r cyhoedd / Member of the Public	(i) 022230 (ii) 201904272	12.10.2019	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn. / Ombudsman has decided not to investigate the complaint.

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Decisions by the Public Services Ombudsman for Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of All Wales decisions published by the Public Services Ombudsman for Wales in his Casebooks for September 2019 (Issue 21) and October 2019 (Issue 22)</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@anglesey.gov.uk">mwyics@anglesey.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business) / Monitoring Officer <a href="mailto:lbxics@anglesey.gov.uk">lbxics@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION

The Public Services Ombudsman for Wales (PSOW) publishes a [Casebook of Code of Conduct Complaints](#) once every quarter.

This report summarises the information published by the PSOW in his Casebook for September 2019 (Issue 21) and Casebook for October 2019 (Issue 22). A summary of the cases for Issue 21 is attached at **ENCLOSURE 1** and Issue 22 is attached as **ENCLOSURE 2**.

## 2. BACKGROUND

The PSOW exercises “first sift” powers under Section 69 of the Local Government Act 2000, which requires him to consider complaints that members of local authorities in Wales may have broken their code of conduct. The PSOW’s jurisdiction includes county councils and town and community councils.

Having received a complaint, the PSOW applies his threshold test to determine whether or not the complaint should be investigated. The threshold test involves the PSOW being satisfied that:-

- There is evidence to suggest that the code of conduct may have been breached; and

- That the matter is sufficiently serious for it to be in the public interest for an investigation to be opened.

When an investigation is opened, the PSOW may reach one of four findings under Section 69 of the Local Government Act 2000 which are:-

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

If (c) or (d) above apply, the PSOW will then submit his report to the local standards committee or to the Adjudication Panel for Wales (APW), and it is for the committee, or a case tribunal of the Panel, to conduct a hearing to consider the evidence and to make the final decision on whether or not the code of conduct has been breached and, if so, whether a penalty should be imposed, and what any penalty should be. Standards committees have statutory authority to issue a suspension against a councillor for a period not exceeding 6 months. Standards Committees have no powers of disqualification and, where there are findings of breach, will try to apply a sanction that is proportionate to the offence. This will often be a censure (public rebuke) or a recommendation of training/undertaking/mediation etc. A case tribunal has authority to suspend for up to 12 months and to disqualify for up to 5 years.

### **3. RECOMMENDATION**

The Chair of the Standards Committee will lead a discussion on any matters of interest reported in **ENCLOSURE 1** and **ENCLOSURE 2**.

**ENCLOSURE 1 – Issue 21 (September 2019)**

<b>Name of Council</b>	<b>Summary of Complaint</b>	<b>Relevant Provision of Code</b>	<b>Decision Summary</b>	<b>Learning Points for Members</b>
Sully and Lavernock Community Council - 201802547	It was alleged that a Member of Sully and Lavernock Community Council had breached the Code of Conduct when he, despite being aware that a grievance had been submitted to the Council about his behaviour, failed to declare an interest when those matters were discussed in Council meetings.	Disclosure and registration of interests	Having reviewed the information provided by the complainant, the Community Council, the County Council and the Member, the Ombudsman found that there was no evidence of a breach of the Code of Conduct.	<p>Members should remember to disclose personal/prejudicial interests in accordance with the Code of Conduct.</p> <p>Members should remember that they may have a close personal association with someone with whom they are in dispute .</p>
Amlwch Town Council - 201802863	The Ombudsman received a complaint that a Member of Amlwch Town Council had breached parts of the Code of Conduct in his conduct towards the Council's Clerk at a meeting.	Promotion of equality and respect; not bringing the authority into disrepute	<p>The Ombudsman interviewed a selection of those present at the meeting, including members of the Council and members of the public. The evidence did not support the complaint.</p> <p>Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman concluded that there was no evidence to suggest that the Member had failed to comply with the Code of Conduct.</p>	<p>Members are encouraged to undertake equality and diversity training, including members of Town and Community Councils.</p> <p>The Standards Committee has previously advised Community Councils they should include a budget for training when setting their precept amounts.</p>
Powys County Council – 201803813 & 201803815	It was alleged that a Member of Powys County Council had breached the Code of Conduct by continuously making comments to the press about the complainant's business, which caused the complainant to feel bullied and	Promotion of equality and respect	<p>The Ombudsman investigated the complaint by reviewing information provided by relevant parties including the complainant and the Monitoring Officer.</p> <p>Following investigation, the Ombudsman found that there was no evidence of a</p>	<p>Members are encouraged to undertake equality and diversity training. This is considered a mandatory topic in IOACC (as decided by Group Leaders).</p> <p>Members should consider</p>

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Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Learning Points for Members
	harassed.		breach of the Code of Conduct. The matters referred to by the complainant were accurate and in the public domain. There was no evidence which was suggestive that matters had been leaked to the press by the Member.	<p>completing the e-learning course available, if they were unable to attend the classroom training arranged in March 2019. The course is available on the following link:</p> <p><a href="https://learning.wales.nhs.uk/login/index.php">https://learning.wales.nhs.uk/login/index.php</a></p>
Magor with Undy Community Council – 201807788	The Ombudsman received a complaint that a Member of Magor with Undy Community Council had breached the Code of Conduct when he organised the transfer of Council data to an external, electronic storage application. It was alleged that the Member acted improperly to persuade Council staff to grant access to the Council's files, and inappropriately accessed the information which was available during the file transfer process.	Integrity	Having been informed, during the course of the investigation, that the Member had resigned from the Council, the Ombudsman concluded that the complaint no longer satisfied the public interest requirements of the two-stage test and the investigation was discontinued.	<p>Matters involving a former Councillor will be considered differently to a Councillor who is still in elected post, due to its effect on the Public Interest Test.</p> <p>Where the Ombudsman decides that a complaint should be investigated, there are four findings which the Ombudsman can arrive at:</p> <ul style="list-style-type: none"> <li>(a) that there is no evidence that there has been a breach of the authority's code of conduct;</li> <li>(b) that no action needs to be taken in respect of the matters that were subject to the investigation;</li> <li>(c) that the matter be referred to the authority's</li> </ul>

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Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Learning Points for Members
				<p>monitoring officer for consideration by the standards committee;                      (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.</p> <p>Where an individual is a member of more than one authority e.g. a county council and a community council / more than one community council, the Ombudsman can utilise option (c) or (d) in relation to the other 'relevant authority', and not the one in which the member committed the breach. For example, had this individual been a county council member too, even though he was no longer a member of the authority in which the breach occurred (Magor with Undy Community Council), the sanction for the breach of Magor with Undy Community Council's Code of Conduct could have been imposed upon him in his capacity as a</p>

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Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Learning Points for Members
				member of the county council.
Cwmlllynfell Community Council - 201704948	The Ombudsman received a complaint that a Member of the Cwmlllynfell Community Council displayed disrespectful and bullying behaviour towards the Clerk (at the time) at two meetings.	Promotion of equality and respect	<p>Following investigation, the Ombudsman found that:</p> <ul style="list-style-type: none"> <li>- there was evidence to suggest that the Member had <u>failed to show respect and consideration</u> to the former Clerk when raising matters of a personal nature, which did not relate to the performance of the Clerk's duties, during the second meeting which was open to the public; the Member's actions were considered to be contrary to one of the Council's Standing Orders; AND</li> <li>- there was evidence to suggest that the Member had displayed <u>bullying behaviour</u> towards the Clerk at this meeting.</li> </ul> <p>The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council's Standards Committee.</p> <p>The Standards Committee determined that the Member's conduct in respect of the second meeting was in breach of paragraphs 4(b) and 4(c) of the Council's Code of Conduct. In addition, the Standards Committee found that in behaving in this way during this meeting</p>	<p><a href="https://democracy.npt.gov.uk/mgAi.aspx?ID=31042">https://democracy.npt.gov.uk/mgAi.aspx?ID=31042</a></p> <p>Information in relation to the matter is limited on NPTCBC's website but the above link refers to the matter.</p>

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<b>Name of Council</b>	<b>Summary of Complaint</b>	<b>Relevant Provision of Code</b>	<b>Decision Summary</b>	<b>Learning Points for Members</b>
			<p>that the Member had also brought the office of member into disrepute in breach of paragraph 6(1)(a). The Standards Committee issued a censure to the Member for the breaches of the Code found.</p>	

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Caia Park Community Council – 201805133	The Ombudsman received a complaint that, in October 2018, a Member of Caia Park Community Council had breached the Code of Conduct for members when they submitted an application for funding for a community project, in which they had an interest, against the advice of the Clerk. It was alleged that the Member's behaviour could bring the Council into disrepute.	Disclosure and registration of interests	<p>The investigation established that the Clerk had advised that the Council could consider an application for funding above the agreed limit; the Member declared an interest and there was no evidence that they sought to influence the decision making.</p> <p>Therefore, the Ombudsman found that there was no evidence that the Member had breached the Code of Conduct.</p>	Members should remember to disclose personal/prejudicial interests in accordance with the Code of Conduct.
Powys County Council - 201803272	The Ombudsman received a complaint that a Member of Powys County Council had breached the Code of Conduct by breaching the part of the Code relating to disrepute. The complaint related to the connection of water supplies to two of the Member's properties and in respect of his actions in relation to his caravan site.	Accountability and openness	<p>Copies of relevant documents were obtained. The evidence found by the investigation was shared with the Member before he was formally interviewed.</p> <p>The Ombudsman determined there was no evidence to suggest that the Member had breached the Code.</p>	
Denbighshire County Council - 201900044	It was alleged that the behaviour of a Member of Denbighshire County Council had been	Promotion of equality and respect	During the course of the investigation information was provided by the relevant parties including the complainant and the Monitoring Officer.	Members are encouraged to undertake equality and diversity training. This is considered a mandatory topic

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	inappropriate and disrespectful and breached the Code of Conduct.		The Ombudsman found that there was no evidence to support the concerns raised and found that there was no breach of the Code of Conduct.	in IOACC (as decided by Group Leaders). Members should consider completing the e-learning course available, if they were unable to attend the classroom training arranged in March 2019. The course is available on the following link: <a href="https://learning.wales.nhs.uk/login/index.php">https://learning.wales.nhs.uk/login/index.php</a>
Prestatyn Town Council - 201900045	It was alleged that the behaviour of a Member of Prestatyn Town Council had been inappropriate and disrespectful and breached the Code of Conduct.	Promotion of equality and respect	<p>During the course of the investigation information was provided by the relevant parties including the complainant, the Clerk to the Council and the Monitoring Officer.</p> <p>The Ombudsman found that there was no evidence to support the concerns raised and found that there was no breach of the Code of Conduct.</p>	Members are encouraged to undertake equality and diversity training. This is considered a mandatory topic in IOACC (as decided by Group Leaders). Members should consider completing the e-learning course available, if they were unable to attend the classroom training arranged in March 2019. The course is available on the following link: <a href="https://learning.wales.nhs.uk/login/index.php">https://learning.wales.nhs.uk/login/index.php</a>
Sully and Lavernock Community Council - 201900025	The Ombudsman received a complaint that a Member of Sully and Lavernock Community Council had breached the Code of Conduct when he allegedly physically attacked	Duty to uphold the law	The Ombudsman's investigation was suspended pending the outcome of a criminal prosecution made against the Member in relation to the incident. The case was heard by the Magistrates Court; there was no direct witness evidence to the alleged incident and the Member was	A Member who receives a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine is disqualified as a member for a period of five

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	someone.		<p>found not guilty.</p> <p>As a result of this, the Ombudsman did not consider that the evidence suggested that the Member had breached the Code of Conduct in this case. The Ombudsman's finding under s69(4)(a) of the Local Government Act 2000 was therefore that there was no evidence that the Member had failed to comply with the Code.</p>	<p>years. However, a lesser penalty could still result in a breach of the Code of Conduct, albeit not an automatic disqualification.</p>
Llandrindod Wells Town Council - 201803394	<p>The Ombudsman received a complaint that a Member of Llandrindod Wells Town Council had inappropriately accessed the Council's computer, withheld information gathered from it from the Council and failed to declare a personal and prejudicial interest in matters the Council was considering. There was also an allegation that the Member had engaged in bullying behaviour towards the Clerk at two meetings in particular.</p>	Promotion of equality and respect	<p>Copies of relevant documents were obtained, including the approved minutes of the two meetings, and telephone interviews were conducted with relevant witnesses. The evidence found by the investigation was shared with the Member before he was formally interviewed.</p> <p>The investigation found that the evidence did not suggest the Member had acted in a bullying manner, prevented the Council from obtaining access to information to which it was entitled or used his position improperly. The Member was entitled to comment on matters to do with the Council and had legitimate grounds for his actions.</p> <p>The investigation found evidence that the Member had failed to show due respect and consideration to the Clerk at one</p>	<p>The outcome shows that the Ombudsman considers the effect of the breach when considering what action to take; a breach of the Code does not automatically mean the Ombudsman will take any further action. However, Members should be careful not to rely on such a case as a defence. Members should ensure they follow the provisions in the Code of Conduct.</p>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>meeting, and that he had failed to take appropriate action in respect of a personal and prejudicial interest. However, the Member had been acting in good faith and in the best interests of the Council. In addition, he demonstrated a reasonable level of personal reflection since the time of the events. On this basis, the Ombudsman found that no action needed to be taken in respect of the matters investigated.</p>	
<p>Bridgend Town Council - 201707582</p>	<p>The Ombudsman received a complaint about a Member of Bridgend Town Council where it was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member failed to show respect and consideration during the meeting and behaved in a bullying manner towards the Clerk to the Council.</p>	<p>Disclosure and registration of interests</p>	<p>During the course of the investigation information was provided by relevant parties including the complainant and the Council.</p> <p>The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations were also suggestive of a failure to comply with the relevant provisions of the Code.</p> <p>Further, the Ombudsman determined that the evidence was suggestive that the Member failed to show respect and consideration to the Clerk during that meeting.</p>	<p>Members are reminded of their obligations in relation to the disclosure of personal/prejudicial interests, in accordance with the Code of Conduct.</p> <p>A Briefing Note on Personal / Prejudicial Interests can be seen here.</p> <p><a href="http://monitor.anglesey.gov.uk/Journals/n/h/o/Personal-and-Prejudicial-Interest---A-Briefing-Note-to-Members.pdf">http://monitor.anglesey.gov.uk/Journals/n/h/o/Personal-and-Prejudicial-Interest---A-Briefing-Note-to-Members.pdf</a></p> <p><a href="http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-Briffio-i-Aelodau---Diddordeb-Personol-a-Rhaqfarnol.pdf">http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-Briffio-i-Aelodau---Diddordeb-Personol-a-Rhaqfarnol.pdf</a></p>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time, the mitigation provided by the Member and recent evidence confirming a significant improvement in working relationships within the Council.</p> <p>The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.</p>	<p>The outcome shows that the Ombudsman takes other factors into consideration when deciding what action to take in relation to a breach of the Code of Conduct. It shows that a breach of the Code does not automatically mean the Ombudsman will take any further action. However, Members should be careful not to rely on such a case as a defence. Members should ensure they follow the provisions in the Code of Conduct.</p>
<p>Bridgend Town Council - 201707583</p>	<p>It was alleged that a Member of Bridgend Town Council had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member had used his position improperly in an attempt to gain an advantage for himself or his close personal associates.</p>	<p>Disclosure and registration of interests</p>	<p>During the course of the investigation information was provided by relevant parties including the complainant, and the Council.</p> <p>The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations are also suggestive of a failure to comply with the relevant provisions of the Code.</p> <p>However, the Ombudsman was not</p>	<p>This matter is similar in its facts to the above matter relating to the same Council.</p> <p>Members are reminded of their obligations in relation to the disclosure of personal/prejudicial interests, in accordance with the Code of Conduct.</p> <p>A Briefing Note on Personal / Prejudicial Interests can be seen here.</p> <p><a href="http://monitor.anglesey.gov.uk/">http://monitor.anglesey.gov.uk/</a></p>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>persuaded that the evidence was suggestive that the Member used his position in an attempt to gain an advantage as suggested.</p> <p>In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time and the mitigation provided by the Member.</p> <p>The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.</p>	<p><a href="#">Journals/n/h/o/Personal-and-Prejudicial-Interest---A-Briefing-Note-to-Members.pdf</a></p> <p><a href="http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-Briffio-i-Aelodau---Diddordeb-Personol-a-Rhagfarnol.pdf">http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-Briffio-i-Aelodau---Diddordeb-Personol-a-Rhagfarnol.pdf</a></p> <p>The outcome shows that the Ombudsman takes other factors into consideration when deciding what action to take in relation to a breach of the Code of Conduct. It shows that a breach of the Code does not automatically mean the Ombudsman will take any further action. However, Members should be careful not to rely on such a case as a defence. Members should ensure they follow the provisions in the Code of Conduct.</p>
Trefeurig Community Council - 201806748	The Ombudsman received a complaint that a Member of Trefeurig Community Council had breached the Code of Conduct when, during a discussion about a planning application for a	Disclosure and registration of interests	<p>During the course of the investigation information was provided by relevant parties including the complainant, and the Clerk to the Council.</p> <p>The Ombudsman found that no action needed to be taken in respect of the</p>	

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	local development, the Member failed to declare an interest in the matter.		matters investigated.	
Prestatyn Town Council - 201700947	The Ombudsman received a complaint that a Member of Prestatyn Town Council may have used threatening and abusive behaviour towards a fellow member of the Council and behaved in an aggressive and confrontational manner at two Council meetings in November 2016 and May 2017.	Promotion of equality and respect	<p>The Ombudsman obtained relevant information about the matter from the Council and interviewed a number of witnesses. The Member was interviewed and provided his response to the complaint.</p> <p>Having considered the evidence the Ombudsman found that there was evidence to suggest that the Member may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.</p> <p>The Standards Committee determined that the Member failed to show respect and consideration to Police Officers who were in attendance at the meeting in November 2016 and towards his fellow member in the meeting in May 2017.</p> <p>In addition, the Standards Committee found that the Member's behaviour at both meetings was capable of bringing the Council into disrepute.</p> <p>The Standards Committee decided that, on the basis of the findings reached, the Member should be suspended from office</p>	<p><a href="https://moderngov.denbighshire.gov.uk/ieListDocuments.aspx?CId=212&amp;MIId=5998&amp;Ver=4&amp;LL=0">https://moderngov.denbighshire.gov.uk/ieListDocuments.aspx?CId=212&amp;MIId=5998&amp;Ver=4&amp;LL=0</a></p> <p>The report presented to Denbighshire County Council's Standards Committee can be seen as Agenda Item 4 on the above link.</p> <p>The range of sanctions available to the Standards Committee include:</p> <ul style="list-style-type: none"> <li>• no further action should be taken in respect of the failure to comply with the Code of Conduct; or</li> <li>• that the Member should be censured; or</li> <li>• that the Member should be suspended or partially suspended from being a member of the relevant authority for a period not exceeding six months.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			of member of the Council for a period of four months.	
Neath Town Council - 201707990	It was alleged that a Member of Neath Town Council had failed to observe the code of conduct for members when she commented that a Neath resident had deserved to be murdered.	Promotion of equality and respect	<p>The investigation found that the Member's unsolicited comments about the victim were both disrespectful and distasteful and, whilst it may have been the member's private opinion, there was no reason for it to have been expressed publicly.</p> <p>In view of the effect of the Member's comments on the citizens of Neath Town Council, many of whom believe that the Member is no longer a suitable representative, and the effect on the reputation of the Town Council itself, the Ombudsman concluded that the Member may have breached paragraph 6(1)(a) of the Code of Conduct.</p> <p>The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council's Standards Committee.</p> <p>The Standards Committee found that the Member had breached the Code of Conduct and she was suspended for four months.</p>	<p><a href="https://democracy.npt.gov.uk/mgAi.aspx?ID=33107">https://democracy.npt.gov.uk/mgAi.aspx?ID=33107</a></p> <p>The Minutes of the relevant Neath Port Talbot County Borough Council's Standards Committee meeting can be seen on the above link.</p> <p>The range of sanctions available to the Standards Committee include:</p> <ul style="list-style-type: none"> <li>• no further action should be taken in respect of the failure to comply with the Code of Conduct; or</li> <li>• that the Member should be censured; or</li> <li>• that the Member should be suspended or partially suspended from being a member of the relevant authority for a period not exceeding six months.</li> </ul>
Mathern	During a public hearing of	Promotion of	The Ombudsman considered that a	This case was considered by

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Community Council - 201802799	<p>the Adjudication Panel For Wales held on 19 July 2018, a member of Mathern Community Council made a statement which he followed up with a letter to the Adjudication Panel for Wales. Both the statement and the letter contained language either the same as or similar to language which the Adjudication Panel for Wales had advised him would amount to a breach of the Code of Conduct.</p> <p>The Ombudsman decided to investigate whether the Member's actions amounted to a breach of paragraph 6(1)(a) of the Code of Conduct on the basis that the matter had come to his attention as a result of the investigation which was being heard by the Adjudication Panel for Wales on 19 July.</p>	equality and respect	<p>reasonable person would conclude that the Member's actions affected the reputation of both the office of Member and the Authority of which he is a member and that they may amount to a breach of paragraph 6(1)(a) of the Code of Conduct.</p> <p>The Ombudsman also considered that any restriction of the Member's right to freedom of expression under article 10 of the Human Rights Act, would be necessary for the protection of the rights and interests of others.</p> <p>The Ombudsman referred the matter to the Adjudication Panel for Wales.</p> <p>However, on 17 July 2019 the Adjudication Panel determined that the matter did not come to the Ombudsman's attention as a result of the investigation heard on 19 July 2018 as that investigation concluded on 20 December 2017 (when the matter was referred to the Adjudication Panel for Wales) and determined it would therefore not consider the case. No further action was taken.</p>	<p>the Standards Committee at its meeting on 17 September 2019 – see link:</p> <p><a href="http://democracy.anglesey.gov.uk/documents/s14681/520615-%20-%20Item%208%20-%20Report%20full.pdf?LLL=0">http://democracy.anglesey.gov.uk/documents/s14681/520615-%20-%20Item%208%20-%20Report%20full.pdf?LLL=0</a></p> <p>It relates to Councillor Graham Down of Mathern Community Council. The "original" case against Councillor Down was considered by the Standards Committee at its meeting on 13 March 2019 (item 7). By way of reminder, Councillor Down was found to have breached the Code of Conduct by making homophobic remarks in his role as Councillor on Monmouthshire County Council. A copy of the Adjudication Panel for Wales' decision can be seen here: <a href="https://adjudicationpanel.gov.wales/apw0032017-018ct-councillor-graham-down">https://adjudicationpanel.gov.wales/apw0032017-018ct-councillor-graham-down</a></p> <p>A copy of the latter decision (relating to this entry) by the Adjudication Panel for Wales can be seen here:</p>

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Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				<a href="https://adjudicationpanel.gov.wales/apw0012018-019ct-councillor-graham-down-0">https://adjudicationpanel.gov.wales/apw0012018-019ct-councillor-graham-down-0</a>



<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Decisions by the Adjudication Panel for Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To provide information about the matters considered by the Adjudication Panel for Wales to date (publishing period September 2019 – February 2020)</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwycs@ynysmon.gov.uk">mwycs@ynysmon.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

The Adjudication Panel for Wales (APW) was established by the Local Government Act 2000. It has two statutory functions:-

1. To form case tribunals, or interim case tribunals, to consider reports from the Public Services Ombudsman for Wales (PSOW) following investigations by the PSOW into allegations that a member has failed to comply with their authority's code of conduct; and
2. To consider appeals from members against the decisions of their own authority's standards committee that they have breached the code of conduct (as well as deciding if permission will be given to appeal in the first instance).

This report includes decisions published by the APW during the period since the Standards Committee on the 17<sup>th</sup> September 2019. It is intended as a factual summary of the matters decided by the APW. The reported cases for the relevant period are currently available on the [APW website](#)

## 2. SUMMARY OF THE RELEVANT CASES

A summary of the relevant case/s is/are at **ENCLOSURE 1**.

## **2.1 Decisions made**

19.11.2019 - Councillor Edwin Roderick of Powys County Council and Brecon Beacons National Park Authority [APW/002/2018-019/CT]

27, 28 and 29.01.2020 – Councillor Aaron Shotton of Flintshire County Council [APW/001/2019-020/CT]

## **2.2 Appeals adjudicated**

None

## **3. RECOMMENDATION**

To note the content of the case summary/ies.

**Summary of Cases in Tribunal – September 2019 – February 2020**

Name	Summary of Facts	Decision Summary	Findings
<p>Councillor Edwin Roderick of Powys County Council and Brecon Beacons National Park Authority</p> <p>Hearing date – 19.11.2019</p>	<p>An allegation that Councillor Roderick had breached the Codes of Conduct of Powys County Council ('the Council') and Brecon Beacons National Park Authority ('the Authority') by:</p> <p>(i) Slapping the bottom of a female Councillor before a meeting of the Authority (alleged breaches of paragraphs 4 (b) and 6 (1)(a) of the Code);</p> <p>and</p> <p>(ii) Threatening to divulge information about the Councillor if she pursued the complaint (alleged breaches of paragraphs 4 (b), 6 (1)(a) and 7 (a) of the Code).</p> <p>The circumstances of the first complaint were that, shortly before the start of a meeting of the Authority on 8 December 2017, Councillor Roderick allegedly slapped the complainant's bottom as councillors were gathering at the start of the meeting. The complainant lodged a complaint on 5 January 2018.</p> <p>The second complaint arose from two conversations which Councillor Roderick subsequently had with Ms</p>	<p>The Tribunal considered that <u>suspension</u> was the most applicable sanction. The conduct was too serious for no action to be taken and there was no particular aspect of the Councillor's conduct that made a partial suspension appropriate.</p> <p>In relation to the first breach, in assessing the seriousness of the breach and its consequence, the tribunal considered that the Respondent's conduct had degraded and humiliated the complainant and considered wholly unacceptable in any public arena. The Councillor had denied the gravity and nature of the incident until recently, thereby potentially extending the period of upset to the complainant. It was claimed that the delay in conceding was attributable to the fact that the Councillor did not have a good understanding of the code of conduct (albeit the Councillor had received training on the Authority's code of conduct and signed an undertaking in relation to the Authority and the Council's Code). The Tribunal also took into account that it had been a one-off incident and that the Councillor had accepted that his actions had not been appropriate and/or intended as disrespectful with hindsight and that he offered to apologise. The Tribunal bore in mind that the Councillor was not familiar with the heightened level of formality and the ethos of committee</p>	<p>The relevant parts of the Code of Conduct are as follows:</p> <ul style="list-style-type: none"> <li>• Paragraph 4 (b); <i>"You must- (b) show respect and consideration for others;"</i></li> <li>• Paragraph 6 (1) (a); <i>"(1) You must – (a) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;"</i></li> <li>• Paragraph 7 (a); <i>"You must not – (a) In your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;"</i></li> </ul> <p>In reaching its decision and determining the appropriate sanction to impose, the Case Tribunal considered all of the facts of the case and the Respondent's submissions in mitigation. The Tribunal applied the <a href="#">Guidance issued by the President under s.75(10) of the Local Government Act 2000</a>, it considered the Nolan Committee's Principles for Public Life from which the National Assembly for Wales' core principles were derived.</p> <p>Councillor Roderick's Biography page on</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>Doel, the then Chairman of the Authority, and Ms Foxley, the then Monitoring Officer. During the first conversation on 15 January 2018, Councillor Roderick indicated that he had information about the complainant's behaviour which her husband would have been interested in. Ms Doel understood that he was threatening the disclosure of the information if the complaint was pursued. During the second conversation on 23 January, it was alleged that Councillor Roderick said that he would make public something that the complainant would not have liked and that he would "<i>hang her out to dry</i>". Ms Doel's complaint was dated 4 April 2018.</p> <p>Councillor Roderick, in the first instance denied both allegations. However, by way of further representations made by his solicitor in a letter to the Tribunal, Councillor Roderick confirmed he would "not seek to contest the facts as presented to the Tribunal and accepts that he has breached the code in relation to the two complaints that the panel will be considering".</p> <p>In light of the Councillor's admission</p>	<p>environment and he had accepted he had made an error of judgement but that no malice was intended..</p> <p>In relation to the second complaint, the Case Tribunal considered that "the threats that the Respondent made could have been described as akin to blackmail. It was not clear to the Tribunal on what basis the Respondent had denied breaches of the Code, despite admitting the thrust of the allegations in relation to the complaint." The Tribunal was concerned that the Councillor's conduct had been repeated on two occasions and there had been an attempt to use his position for gain. The Tribunal also bore in mind that the Councillor had accepted that he had not expressed himself as thoughtfully as he would have liked and thus showed insight; he had admitted an inadvertent breach of paragraph 4 (b) of the Code at an early stage.</p> <p>In more general terms, the Tribunal considered that the Councillor had a strong set of character references and the conduct subject to the complaint appeared to be out of character. The Tribunal expressed that the Councillor's level of dedication to his community was impressive. It was noted that the Councillor had no prior record of misconduct with the Ombudsman.</p>	<p>Powys County Council confirms the suspension commenced on 20 November 2019 and will end on 20 March, 2020.</p> <p><a href="https://powys.moderngov.co.uk/mqUserInfo.aspx?UID=550">https://powys.moderngov.co.uk/mqUserInfo.aspx?UID=550</a></p>

Name	Summary of Facts	Decision Summary	Findings
	<p>of facts and guilt as included in his solicitor's letter to the Tribunal, the tribunal unanimously decided that the Councillor had breached paragraphs 4 (b), 6 (1)(a) and 7 (a) of the Code.</p>	<p>The Tribunal concluded by unanimous decision that <b>Councillor Roderick should be suspended from acting as a member of the authorities for a period of 4 months.</b></p> <p>The Tribunal also recommended that Councillor Roderick should receive further training in relation to the code of conduct.</p> <p>The decision itself can be seen on this link -  <a href="https://adjudicationpanel.gov.wales/apw0022018-019ct-cllr-edwin-roderick">https://adjudicationpanel.gov.wales/apw0022018-019ct-cllr-edwin-roderick</a></p>	
<p>Councillor Aaron Shotton of Flintshire County Council</p> <p>Hearing date – 27, 28 and 29.01.2020</p>	<p>An allegation that Councillor Shotton had breached the Code of Conduct of Flintshire County Council by failing to comply with Paragraphs 6(1)(a), 7(a) and 7(b) of the Code of Conduct in relation to certain events connected to interactions with his Personal Assistant (“PA”) in 2012 and also in 2016 and 2017.</p> <p>The three allegations were that:</p> <p>1. Councillor Shotton, in his official capacity or otherwise, used or attempted to use his position improperly to confer on or secure for himself or his PA, an advantage</p>	<p>The Case Tribunal found the following <b>undisputed</b> material facts</p> <ul style="list-style-type: none"> <li>• The Respondent is a Councillor and the former Leader at Flintshire County Council (“the Council”). He was first elected to the Council in 1999 and was Leader of the Council from 2012 until his resignation in April 2019.</li> <li>• The personal assistant (“PA”) was seconded to the role of PA to the Leader and Deputy Leader on 28 May 2012. The PA was interviewed for the permanent role of PA on 29 November 2012 and was duly appointed to the role. The Respondent was due to take part in the interview however did not attend</li> </ul>	<p>The relevant parts of the Code of Conduct are as follows:</p> <ul style="list-style-type: none"> <li>• Paragraph 6 (1) (a);  “(1) <i>You must –</i>  (b) <i>Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;</i>”</li> <li>• Paragraph 7 (a);  “<i>You must not –</i>  (a) <i>In your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;</i>”</li> <li>• Paragraph 7 (b);  “<i>You must not –</i></li> </ul>

Name	Summary of Facts	Decision Summary	Findings
	<p>or create or avoid for himself or his PA a disadvantage by providing an opportunity to view questions before her interview for the permanent role of PA and also whether he thereby conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.</p> <p>2. Councillor Shotton used, or authorised his PA to use the resources of the authority (hire of vehicles):-            (i) imprudently;            (ii) in breach of the authority's requirements;            (iii) unlawfully;            (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which he had been elected or appointed;            (v) improperly for political purposes; or            (vi) improperly for private purposes.            and also whether he thereby conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.</p>	<p>in the end.</p> <ul style="list-style-type: none"> <li>• The Respondent received training on the Council's Code of Conduct for Members in 2013 and signed an undertaking to observe the Code.</li> <li>• The Respondent conducted an inappropriate close personal relationship with the PA which involved hotel meetings and 'sexting' between January 2016 and May 2017.</li> <li>• The Respondent used hire cars paid for by the County Council on 27 and 28 February 2016, 11 to 13 April 2016 and 21 and 22 May 2016 which included personal purposes in relation to the hotel meetings.</li> </ul> <p>The Case Tribunal found the following in respect of the <b>disputed</b> material facts:</p> <ul style="list-style-type: none"> <li>• The Respondent did use his position improperly to confer an advantage on the PA by providing an opportunity to view questions before her interview.</li> <li>• The Respondent was not aware nor could he have been expected to be aware that he was using hire vehicles for private purposes at the Council's cost.</li> <li>• The Respondent sent and encouraged the PA to send inappropriate messages, to include messages of a sexual nature, during office hours.</li> </ul>	<p>(b) use, or authorise others to use, the resources of your authority –</p> <ul style="list-style-type: none"> <li>(i) imprudently;</li> <li>(ii) in breach of your authority's requirements;</li> <li>(iii) unlawfully;</li> <li>(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;</li> <li>(v) improperly for political purposes; or</li> <li>(vi) improperly for private purposes”.</li> </ul> <p>In reaching its decision and determining the appropriate sanction to impose, the Case Tribunal also considered Article 8 of the ECHR, which states as follows:-            “1. Everyone has the right to respect for his private and family life, his home and his correspondence.            2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>3. Councillor Shotton conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute by sending and/or encouraging his PA to send inappropriate messages, to include messages of a sexual nature, during office hours.</p> <p>The three allegations arose as a result of the discovery by the PA's husband of a series of "WhatsApp" messages and a subsequent complaint to the Chief Executive of the Relevant Authority and an investigation leading to disciplinary proceedings involving the PA.</p> <p>Full details of the facts are included in the Decision which has been published, albeit details in relation to the third allegation are limited on the basis the majority of information in relation to this allegation was considered in private session and the information is not available in the public domain.</p>	<ul style="list-style-type: none"> <li>Insofar as there was any difference in accounts, Disputed Fact 2.4 in relation to the precise extent of any relationship required no formal finding and therefore did not impact on the assessment of credibility of either the Respondent or the PA.</li> </ul> <p>The decision itself is very detailed and can be seen on this link - <a href="https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2020-02/apw-decision-cllr-aaron-shotton.pdf">https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2020-02/apw-decision-cllr-aaron-shotton.pdf</a></p> <p>The Tribunal considered that <u>suspension</u> was the most applicable sanction.</p> <p>The conduct found in relation to Allegations 1 and 3 were "serious", with Allegation 3 being "particularly egregious, both comprising of the type of behaviour that would normally attract lengthy suspension or disqualification, particularly in the light of a Leader's vital role in improving a Council's culture and building its good reputation."</p> <p>As well as the factual context of each proven Allegation, the Case Tribunal took account of the aggravating factors which also included long experience, seniority and position of responsibility, deliberate conduct and abuse and exploitation of a position of trust. It also</p>	<p>In reaching its decision about sanction, the Panel considered all of the facts of the case and the Respondent's submissions in mitigation. The Tribunal applied the <a href="#">Guidance issued by the President under s.75(10) of the Local Government Act 2000</a>.</p> <p>Councillor Shotton's Biography page on Flintshire County Council confirms the suspension will end on 29 April, 2020 - <a href="http://committeemeetings.flintshire.gov.uk/mg/UserInfo.aspx?UID=174&amp;LLL=0">http://committeemeetings.flintshire.gov.uk/mg/UserInfo.aspx?UID=174&amp;LLL=0</a></p>

Name	Summary of Facts	Decision Summary	Findings
		<p>consisted of deliberate or reckless conduct with little or no concern for the Code.</p> <p>In terms of mitigating factors however, the Case Tribunal accepted that the Respondent had a previous record of good service over a long period of time and was a deeply committed politician who worked hard for his community and his Authority. With regard to Allegation 3, the Respondent had recognised his failure to abide by the Code, he had also shown deep remorse for the misconduct and its consequences, he was contrite and had apologised early in the investigation and throughout to all those affected, he had co-operated throughout the investigation and co-operated with the Adjudication Panel for Wales and finally, he had voluntarily resigned his position as Leader together with the relevant senior responsibility allowance. The Case Tribunal also accepted that the Respondent, as well as others, had already suffered a form of punishment through public humiliation and adverse publicity over a considerable period of time and the Case Tribunal was satisfied that the behaviour would never be repeated.</p> <p>The Case Tribunal concluded by unanimous decision that <b>Councillor</b></p>	

Name	Summary of Facts	Decision Summary	Findings
		<p><b>Shotton should be suspended from acting as a member of the authorities for a period of 3 months.</b></p> <p>The Case Tribunal considered that this relatively short suspension of three months properly reflected all of the relevant mitigating and aggravating factors and the facts of the case. It considered that a period of three months' suspension was proportionate in all the circumstances and was the minimum sanction necessary to uphold the Code of Conduct. It noted that even if the Case Tribunal had considered that the Respondent had been acting in his private capacity in relation to sending and encouraging his PA to send inappropriate messages during office hours, it would nevertheless have considered that a short suspension of this nature would have been appropriate and proportionate having regard to Article 8 of the ECHR.</p>	

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Practice Direction issued by the Adjudication Panel for Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To provide information about the Practice Direction published by the Adjudication Panel for Wales dated 1<sup>st</sup> January 2020</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwy@ynysmon.gov.uk">mwy@ynysmon.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbx@anglesey.gov.uk">lbx@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The President of the Adjudication Panel for Wales (APW) has issued a Practice Direction in relation to the processes governing the procedures of the APW. A copy is enclosed at **Enclosure 1**. A further copy can be seen on the APW’s website via this link - <https://adjudicationpanel.gov.wales/practice-direction>
- 1.2 Following an investigation by the Public Services Ombudsman for Wales (PSOW), one of the options available to the PSOW is to refer the matter to the APW. When the APW receives a reference from the PSOW, a case tribunal will be convened.
- 1.3 The procedure for the tribunal is included in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (‘the Regulations’). The Schedule to the Regulations sets out the procedure which must be followed and Paragraph 3 of the Schedule explains the process for the written reply of the “accused person”.
- 1.4 The Practice Direction is issued so as to clarify the process of the tribunal in relation to the written acknowledgment reply an “accused person” (the individual alleged to have breached the Code of Conduct) must deliver to the Registrar of the APW.

## 2. THE PRACTICE DIRECTION

- 2.1 The Practice Direction seeks to provide information to assist “accused persons” in fully completing the response (required under paragraph 3 of the Schedule in the Regulations) and to explain the consequential process should the same not be followed.
- 2.2 The Regulations detail that a response shall be sent by the “accused person” within 21 days of the receipt of the notice. It is clear that, following the publication of this Practice Direction, “the tribunal will not direct that a second or further opportunity is given to provide a full response, unless it believes that it is in the interests of justice to do so”.
- 2.3 The Regulations detail that a tribunal may extend the time for a member to file a full response to a later date as determined by the tribunal. It is clear that, following the publication of this Practice Direction, “applications for extensions of time must be made within the initial 21 day response window (unless this is not possible for good reason) and must be supported by evidence explaining why the extension is required and would be in the interests of justice”.
- 2.4 The effect of the Practice Direction:
- 2.4.1 It clarifies the process for “accused persons” and the answers s/he must provide in the response to the tribunal
  - 2.4.2 Improves case management of the case by the tribunal
  - 2.4.3 Could lead to fewer delays in waiting for “accused persons” to provide a “full response”

## 3. RECOMMENDATION

- 3.1 For the Standards Committee to
- 3.1.1 Note the contents of the Practice Direction at **Enclosure 1**; and
  - 3.1.2 Confirm that the contents of the Practice Direction at **Enclosure 1** be brought to the attention of elected and co-opted members of this Council and the members in the town and community councils.

**Adjudication Panel for Wales: Practice Direction 1**

**Response to a reference from the Public Services Ombudsman for Wales**  
**(“PSOW”)**

1. The President of the Adjudication Panel for Wales (‘the Panel’) makes this direction under section 61(2) of the Wales Act 2017. It has been approved by the Welsh Ministers under section 61(4) of the same Act, following consultation with the President of the Welsh Tribunals under section 61(8).

**Response to a reference from the PSOW**

2. Following a reference to the President of the Adjudication Panel for Wales by the PSOW under section 71(3) of the Local Government Act 2000, a case tribunal (“the tribunal”) will be convened (either a full case tribunal or an interim case tribunal depending on the terms of the reference). The regulations governing the procedures of the tribunal are set out in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (as amended) (“the Regulations”). The Regulations refer to “the accused person”; for the avoidance of doubt, this refers to a member of a relevant authority who is the subject of a reference to the President by the PSOW and in this Practice Direction such a person is referred to as “a member”.
3. The Schedule to the Regulations (“the Paragraphs”) sets out in detail the procedures to be followed.

Paragraph 3 states:

*“(1) An accused person must deliver to the registrar a written reply acknowledging receipt of the notice and stating—*

*(a) whether or not that person intends*

*(i) to attend or be represented at the hearing, or*

*(ii) to dispute the contents of the report and, if so, on what grounds;*

*(b) the name and address and the profession of any person who is to represent him or her and whether such address is to be his or her address for service for the purposes of the adjudication; and*

*(c) whether that person wishes the hearing to be conducted in English or Welsh.*

*(2) Such reply shall be signed either by the accused person or by his or her nominated representative and shall be delivered to the address for the tribunal specified in the notice given under paragraph 2(c) above not later than 21 days after the date on which the notice was received or by such later date as the tribunal may allow.*

*(3) If no reply is received by the registrar within the specified time or any extension of time allowed by the tribunal, or if the accused person states in his*

*or her reply that he or she does not intend either to attend or be represented at the hearing or to dispute the contents of the report, the tribunal may determine the adjudication without a hearing.”*

4. In order to comply with the obligation imposed upon her/him by paragraphs 3(1) and (2) of the Schedule as set out above, a member must complete in full the response form provided by the Panel and return it to the Panel, or provide a written reply containing all the information required by Paragraph 3(1) and (2), within 21 days of receipt of the notice of the reference from the Registrar. Statements such as “*to be confirmed*” or “*to be provided*” are not a full response and will not be regarded as complying with the requirements of Paragraph 3.
5. The failure to complete in full the response form, or to return a fully completed response form or written reply compliant with Paragraph 3, may trigger the application of Paragraph 3(3). The same may occur if a member declares that they do not intend to attend or be represented at a hearing. The tribunal may at its discretion then determine the reference without a hearing.
6. From the date hereof, when a response that is not fully compliant with Paragraph 3 is received or no response is received at all, the tribunal will determine the reference without a hearing, unless the tribunal considers that it is, in all the circumstances, in the interests of justice to hold a hearing. The tribunal will not direct that a second or further opportunity is given to provide a full response, unless it believes that it is in the interests of justice to do so. The onus will be on a member to persuade the tribunal that it is in the interests of justice to be given another opportunity to provide a response.
7. Paragraph 3(2) of the Schedule provides that a response shall be filed by a member or her/his representative within 21 days of the receipt of the notice of reference but it also empowers the tribunal to extend the time for a member to file a full response “*to such later date as the tribunal may allow*”. From the date hereof, applications for extensions of time must be made within the initial 21 day response window (unless this is not possible for good reason), and must be supported by evidence explaining why the extension is required and would be in the interests of justice.

Date: 1 January 2020

Signed:

Claire Sharp

President of the Adjudication Panel for Wales

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>11 March 2020</b>
<b>REPORT TITLE:</b>	<b>Local Resolution Protocol</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To update the current Local Resolution Protocol</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley</b> <b>Solicitor – Corporate Governance</b> <a href="mailto:mwycs@anglesey.gov.uk">mwycs@anglesey.gov.uk</a>
<b>LINK OFFICER:</b>	<b>Lynn Ball</b> <b>Director of Function (Council Business) /</b> <b>Monitoring Officer</b> <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> <b>01248 752586</b>

## 1. BACKGROUND

- 1.1 The Public Services Ombudsman for Wales (PSOW) following revision of his test for investigating complaints, encouraged local authorities in Wales to deal with low level misconduct complaints between members through an informal local resolution protocol.
- 1.2 There were a number of objectives behind this development, including:-
  - to reduce complaints submitted to the PSOW;
  - earlier resolution of local issues to avoid escalation;
  - the fostering of good and positive relationships between members (and between members and officers).
- 1.3 Each local authority in Wales was responsible for adopting its own protocol. The PSOW/Welsh Government (which strongly supported the initiative) did not specify the requirements of a protocol, nor provide any standard format to be followed.
- 1.4 The Protocol adopted and approved by the Isle of Anglesey County Council appears as **Enclosure 1**. This was approved in March 2018.
- 1.5 The Protocol has no statutory force and is a voluntary and informal scheme. It is not mandatory for any member to submit to the Protocol but it would be hoped that they do so to ensure effective and fair operation of the scheme for all concerned and as part of sound local governance arrangements. It should be noted, though, that members are still encouraged to resolve any issues direct with one another or through group leaders.

## 2. REASON FOR CHANGING

- 2.1 Whilst the current Protocol reflects the intention of the Standards Committee when the Protocol was adopted, it seems that, in reality, the process will usually be different. The current Protocol refers to two members of the Standards Committee conducting a mediation meeting between members. The Protocol also refers to a form which must be completed before the process can be instigated.
- 2.2 It is imperative that the written procedure reflects reality and thus it is considered appropriate that the Local Resolution Protocol is amended to reflect the evolved procedure. An amended Protocol, with changes noted, is included as **Enclosure 2**. A clean copy (without tracked-changes) is included as **Enclosure 3**.

## 3. THE PROPOSAL

- 3.1 Under the amended Local Resolution Protocol:
- 3.1.1 the process may be used by County Councillors or, at the Chair's discretion, Town and Community Councillors;
  - 3.1.2 the process may be instigated by another member or a senior officer of the County Council (if the matter relates to a County Councillor) but the process may not be instigated by a third party;
  - 3.1.3 the Chair of the Standards Committee may delegate conduct of the process, including the mediation meetings, to any member of the Committee
- 3.2 The intention is for the Standards Committee to consider and agree on the amended Protocol before the same is canvassed with Group Leaders with the Chair of the Standards Committee attending a meeting of the Group Leaders. The amended Local Resolution Protocol will be presented to Councillors within the Standards Committee's annual report to Council in May 2020.
- 3.3 So as to ensure compliance with the Protocol, and to ensure members of the Standards Committee feel confident in their role, external bespoke training on Mediation in the context of the Isle of Anglesey County Council's Local Resolution Protocol will be arranged for Standards Committee members. It is envisaged that this training will be conducted in May / June 2020, subject to availability.

## 4. RECOMMENDATION

- 4.1 The Standards Committee is asked to:
- 4.1.1 confirm its agreement to amend the Local Resolution Protocol (as per **Enclosure 2**) and/or with any other provision the Committee deems appropriate;
  - 4.1.2 note that training on Mediation within the context of this Council's Local Resolution Protocol will be arranged in May/June 2020, subject to availability; and
  - 4.1.3 authorise the Chair of the Standards Committee to present the new draft Protocol to the Group Leaders and to the County Council meeting on the 19<sup>th</sup> May 2020 and seek the support of elected members.

# ISLE OF ANGLESEY COUNTY COUNCIL

## LOCAL RESOLUTION PROTOCOL

### Generally

1. The purpose of this informal Protocol is to:
  - promote high standards of conduct;
  - foster and maintain positive working relationships between members;
  - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and public interest;
  - deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation of issues;
  - safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against members under two paragraphs of the Code of Conduct, namely:  
**4(b)**  
allegations of failure to show respect and consideration for others;  
and/or  
**6(1)(d)**  
allegations that a member has made vexatious, malicious or frivolous complaints against other members.
3. The Protocol does not apply to complaints by third parties.
4. The Protocol seeks to achieve swift resolution and reconciliation by way of a mediation process. It is a voluntary arrangement, so both parties must agree to mediate. The process has no statutory basis. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.
5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

### Procedure to instigate a mediation meeting

7. A member wishing to use the Protocol must put their complaint in writing to the Chair of the Standards Committee (form attached) explaining:
  - when and where the alleged breach occurred;
  - how and why paragraph 4(b) and/or 6(1)(d) has been breached;
8. Any written complaint must be sent to the Chair of the Standards Committee within 14 days from the date of the event which is the subject of the complaint, or 14 days from the date when the event came to the knowledge of the complainant.

9. The Chair of the Standards Committee will share the complaint with the member who is the subject of the complaint.
10. The member receiving the complaint will have 14 days, from receipt, within which to send a written reply to the Chair of the Standards Committee setting out their response.
11. Having received a reply from the member complained of, the Chair of the Standards Committee will:-
  - copy the full response to the complainant; and
  - arrange a mutually convenient and private meeting between the complainant and the member who is the subject of the complaint, together with two independent members of the Standards Committee. This will take place as soon as reasonably practicable.
12. The meeting shall take place in private.
13. If no response has been received under paragraph 10 above, within the 14 day period, then no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.
14. **The Mediation Meeting**
  - 14.1 The informal “panel” of the Standards Committee shall consist of any two independent members of the Committee, on a rotational basis. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.
  - 14.2 Paperwork shall be limited to the initial complaint and response.
  - 14.3 The purpose of the meeting will be for the parties to come to an agreed resolution. The Standards Committee members will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.



## LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

### A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

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### B: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

- C.1 Name of the member you are complaining about:
- C.2 What do you think they did wrong?
- C.3 Do you think they broke the Members' Code of Conduct and why?
- C.4 Describe how you have been affected by the conduct which is the subject of your complaint
- C.5. When did you first become aware of the matter which is the subject of your complaint?

C.6 Have you already tried to resolve your complaint with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.

C.7 What is your expectation at the end of the process?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

When you have completed this form, please send it to:

The Chair of the Standards Committee

Email : [mxwcs@ynysmon.gov.uk](mailto:mxwcs@ynysmon.gov.uk)

**Please note that a copy of your completed form will be shared with the member who is the subject of your complaint.**

**ISLE OF ANGLESEY COUNTY COUNCIL  
LOCAL RESOLUTION PROTOCOL  
February 2020**

**Generally Purpose of the Protocol**

1. The purpose of this informal and voluntary Protocol is to:
- promote high standards of conduct;
  - foster and maintain positive working relationships ~~between members~~;
  - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and or public interest;
  - deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation of issues;
  - safeguard the Council's reputation.

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2. The Protocol seeks to achieve swift resolution and reconciliation by way of a voluntary mediation process, where the parties are assisted by a member of the Standards Committee to reach an amicable resolution.

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3. In order to ensure informality, paperwork will be kept to a minimum.

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4. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.

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5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members. The Protocol is also not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

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**Circumstances in which the Protocol applies**

6. The Protocol is adopted for the benefit of this Council's members and is to be used in circumstances where a member raises a concern about another member or where a senior officer of this Council raises a concern about a member's conduct. The Protocol does not apply to complaints against members by third parties.

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7. At the Chair's discretion, and subject to the agreement of the relevant parties to the concern, this model may be used between members of a Town or Community Council.

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2-8. The Protocol will ~~only~~ apply to cases of alleged misconduct ~~by against~~ members under the following two paragraphs of the Code of Conduct, namely:

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4(a) – allegations of failure to carry out duties and responsibilities with due regard to the principle of equality for all people;

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4(b) – allegations of failure to show respect and consideration for others; and/or

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4(c) -

Allegations a member is bullying or harassing another individual;

4(d) -

Allegations a member is acting in a way which compromises/likely to compromise the impartiality of the council's officers

5(a) -

Allegations that a member has disclosed confidential information / information of a confidential nature, without consent

5(b) -

Allegations that a member has prevented a person from gaining access to information to which that person is entitled by law

6(1)(a) -

allegations that a member has acted in a way which could bring her/his office or authority into disrepute;

6(1)(d) - -

allegations that a member has made vexatious, malicious or frivolous complaints against other members.

7(a) -

Allegations that a member has used or attempt to use her/his position improperly to confer an advantage or avoid a disadvantage for herself/himself or any other person

7(b) -

Allegations that a member has used, or authorised others to use, the resources of the authority improperly / unlawfully

9. It will be at the Chair's discretion as to whether she/he considers the concern raised to be too serious for mediation / to be dealt with under this Protocol.

3. The Protocol does not apply to complaints by third parties.

4. The Protocol seeks to achieve swift resolution and reconciliation by way of a mediation process. It is a voluntary arrangement, so both parties must agree to mediate. The process has no statutory basis. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.

5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members.

6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

### Procedure to instigate a mediation meeting to follow under the Protocol

10.7. A member wishing to use the Protocol is asked to must put their complaint concern in writing to the Chair/Vice-Chair of the Standards Committee or to meet with the Chair/ Vice-Chair to confirm (form attached) explaining:-

- when and where the alleged breach occurred; and
- how and why paragraph 4(b) and/or 6(1)(d) the Code has been breached. A written form is attached to this Protocol should this be of assistance to members in submitting their concern.

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- If the concern is raised by a senior officer, the referral should be made via the Monitoring Officer.:-

11.8. Any ~~written complaint concern~~ must be ~~made sent~~ to the Chair/Vice-Chair of the Standards Committee within 14 days from the date of the event which is the subject of the ~~complaint concern~~, or 14 days from the date when the event came to the knowledge of the ~~complainant individual instigating the Local Resolution process~~.

9.12 The Chair/Vice-Chair of the Standards Committee will ~~consider the concern and contact the individual raising the same to confirm if s/he considers it appropriate under the Local Resolution Protocol~~. The Chair/Vice-Chair will contact the individual who raised the concern to advise of her/his decision.

13. ~~If the Chair/Vice-Chair is willing to assist by way of Local Resolution, the Chair/Vice-Chair will contact the individual against whom a concern has been made to explain a concern has been raised and to ask whether s/he would be willing to attend a mediation meeting under the Local Resolution Protocol. share the complaint with the member who is the subject of the complaint. Details of the concern will be shared with the member. The individual will be asked to respond before the expiry of 14 days.~~

10. ~~The member receiving the complaint will have 14 days, from receipt, within which to send a written reply to the Chair of the Standards Committee setting out their response.~~

14.4. Having received a ~~positive~~ reply from the ~~member complained of member~~, the ~~Chair~~Chair/Vice-Chair of the Standards Committee will:-

- ~~copy the full response to the complainant; and~~ arrange ~~four private meetings at a mutually convenient and private meeting times~~, as soon as reasonably practicable;  
The first meeting with the individual who raises the concern so as to gather information and ascertain what sort of resolution s/he wishes to see;  
The second meeting with the individual subject to the concern so as to explain the situation, listen to her/his view and ascertain whether s/he would be willing to meet with the person raising the concern so as to reach an amicable solution;  
Thirdly, a further meeting with the individual who raised the concern to confirm whether the member is willing to meet with her/him and explain the member's point of view;  
Fourthly, a meeting ~~between the person raising the concern complainant and the member who is the subject of the complaint concern with a view to reaching an agreed resolution~~. The Standards Committee member will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

15. Whilst this Protocol refers to the Chair/Vice-Chair conducting the mediation process, the Chair/Vice-Chair may delegate actioning points 12 to 14 above to any other member of the Standards Committee. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose. , together with two independent members of the Standards Committee. This will take place as soon as reasonably practicable.

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~~126.~~ The meetings shall take place in private.

~~17.~~ Paperwork shall be limited to any initial written concern and any notes made by the Standards Committee member at the meetings. All notes will be destroyed immediately at the end of the process. No copies will be kept and nothing will be circulated.

Commented [MWY1]: Include reference on the Retention Schedule

~~138.~~ If no response has been received under paragraph ~~4013~~ above, within the 14 day period, a reminder may be sent. Should there be no further response, then no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.

#### ~~14.~~ **The Mediation Meeting**

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~~14.1~~ The informal "panel" of the Standards Committee shall consist of any two independent members of the Committee, on a rotational basis. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.

~~14.2~~ Paperwork shall be limited to the initial complaint and response.

~~14.3~~ The purpose of the meeting will be for the parties to come to an agreed resolution. The Standards Committee members will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

~~19.~~ Participation in the Local Resolution Process is voluntary and an individual can withdraw from the process at any time.



## LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

**A: Your Details**

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Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

**B: About your ~~concern~~complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)**

- C.1 Name of the member you are complaining about:
- C.2 What do you think they did wrong?
- C.3 Do you think they broke the Members' Code of Conduct and why?
- C.4 Describe how you have been affected by the conduct which is the subject of your ~~complaint~~concern
- C.5 When did you first become aware of the matter which is the subject of your ~~concern~~complaint?
- C.6 Have you already tried to resolve your ~~complaint~~concern with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.
- C.7 What is your expectation at the end of the process?

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

When you have completed this form, please send it to:

The ~~Chair~~Chair/Vice-Chair of the Standards Committee

Email : ~~mxwcs@ynysmon.gov.uk~~

JohnJones@ynysmon.gov.uk

RhysDavies@ynysmon.gov.uk

**~~Please note that a copy of your completed form will be shared with the member who is the subject of your complaint.~~**

CC-1948622335-LB/441292(441290)544186

# ISLE OF ANGLESEY COUNTY COUNCIL

## LOCAL RESOLUTION PROTOCOL

### February 2020

#### **Purpose of the Protocol**

1. The purpose of this informal and voluntary Protocol is to:
  - promote high standards of conduct;
  - foster and maintain positive working relationships;
  - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and/or public interest;
  - deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation of issues;
  - safeguard the Council's reputation.
2. The Protocol seeks to achieve swift resolution and reconciliation by way of a voluntary mediation process, where the parties are assisted by a member of the Standards Committee to reach an amicable resolution.
3. In order to ensure informality, paperwork will be kept to a minimum.
4. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.
5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members. The Protocol is also not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

#### **Circumstances in which the Protocol applies**

6. The Protocol is adopted for the benefit of this Council's members and is to be used in circumstances where a member raises a concern about another member or where a senior officer of this Council raises a concern about a member's conduct. The Protocol does not apply to complaints against members by third parties.
7. At the Chair's discretion, and subject to the agreement of the relevant parties to the concern, this model may be used between members of a Town or Community Council.
8. The Protocol will apply to cases of alleged misconduct by members under the following paragraphs of the Code of Conduct, namely:
  - 4(a) – allegations of failure to carry out duties and responsibilities with due regard to the principle of equality for all people;
  - 4(b) - allegations of failure to show respect and consideration for others;
  - 4(c) - Allegations a member is bullying or harassing another individual;
  - 4(d) –

Allegations a member is acting in a way which compromises/likely to compromise the impartiality of the council's officers

5(a) –

Allegations that a member has disclosed confidential information / information of a confidential nature, without consent

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Allegations that a member has prevented a person from gaining access to information to which that person is entitled by law

6(1)(a) –

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Allegations that a member has used, or authorised others to use, the resources of the authority improperly / unlawfully

9. It will be at the Chair's discretion as to whether she/he considers the concern raised to be too serious for mediation / to be dealt with under this Protocol.

#### **Procedure to follow under the Protocol**

10. A member wishing to use the Protocol is asked to put their concern in writing to the Chair/Vice-Chair of the Standards Committee or to meet with the Chair/ Vice-Chair to confirm when and where the alleged breach occurred; and how and why the Code has been breached. A written form is attached to this Protocol should this be of assistance to members in submitting their concern.

If the concern is raised by a senior officer, the referral should be made via the Monitoring Officer.

11. Any concern must be made to the Chair/Vice-Chair of the Standards Committee within 14 days from the date of the event which is the subject of the concern, or 14 days from the date when the event came to the knowledge of the individual instigating the Local Resolution process.
12. The Chair/Vice-Chair of the Standards Committee will consider the concern and contact the individual raising the same to confirm if s/he considers it appropriate under the Local Resolution Protocol. The Chair/Vice-Chair will contact the individual who raised the concern to advise of her/his decision.
13. If the Chair/Vice-Chair is willing to assist by way of Local Resolution, the Chair/Vice-Chair will contact the individual against whom a concern has been made to explain a concern has been raised and to ask whether s/he would be willing to attend a mediation meeting under the Local Resolution Protocol. Details of the concern will be shared with the member. The individual will be asked to respond before the expiry of 14 days.

14. Having received a positive reply from the member, the Chair/Vice-Chair of the Standards Committee will arrange four private meetings at mutually convenient times, as soon as reasonably practicable:

The first meeting with the individual who raises the concern so as to gather information and ascertain what sort of resolution s/he wishes to see;

The second meeting with the individual subject to the concern so as to explain the situation, listen to her/his view and ascertain whether s/he would be willing to meet with the person raising the concern so as to reach an amicable solution;

Thirdly, a further meeting with the individual who raised the concern to confirm whether the member is willing to meet with her/him and explain the member's point of view;

Fourthly, a meeting between the person raising the concern and the member who is the subject of the concern with a view to reaching an agreed resolution. The Standards Committee member will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

15. Whilst this Protocol refers to the Chair/Vice-Chair conducting the mediation process, the Chair/Vice-Chair may delegate actioning points 12 to 14 above to any other member of the Standards Committee. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.
16. The meetings shall take place in private.
17. Paperwork shall be limited to any initial written concern and any notes made by the Standards Committee member at the meetings. All notes will be destroyed immediately at the end of the process. No copies will be kept and nothing will be circulated.
18. If no response has been received under paragraph 13 above, within the 14 day period, a reminder may be sent. Should there be no further response, no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.
19. Participation in the Local Resolution Process is voluntary and an individual can withdraw from the process at any time.



## LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

### A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

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### B: About your concern (please continue your answers to the following questions on a separate sheet(s) if necessary)

C.1 Name of the member you are complaining about:

C.2 What do you think they did wrong?

C.3 Do you think they broke the Members' Code of Conduct and why?

C.4 Describe how you have been affected by the conduct which is the subject of your concern

C.5. When did you first become aware of the matter which is the subject of your concern?

C.6 Have you already tried to resolve your concern with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.

C.7 What is your expectation at the end of the process?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

When you have completed this form, please send it to:

The Chair/Vice-Chair of the Standards Committee

Email :

[JohnJones@ynysmon.gov.uk](mailto:JohnJones@ynysmon.gov.uk)

[RhysDavies@ynysmon.gov.uk](mailto:RhysDavies@ynysmon.gov.uk)

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<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Meeting:</b>	<b>Standards Committee</b>
<b>Date:</b>	<b>11 March 2020</b>
<b>Title of report:</b>	<b>Local Government and Elections (Wales) Bill</b>
<b>Purpose of report:</b>	<b>To provide members with an overview of the proposals contained within the Local Government and Elections (Wales) Bill and ensure they are informed of proposed legislative changes to the local government framework</b>
<b>Report Author:</b> Tel: E-mail:	<b>Lynn Ball – Director of Function (Council Business) / Monitoring Officer</b>
<b>Link Officer</b>	<b>Lynn Ball – Director of Function (Council Business) / Monitoring Officer</b>

## 1.0 BACKGROUND

1.1 On the 18th November 2019, Welsh Government published a draft version of the Local Government and Elections (Wales) Bill which proposes a number of changes to the way in which Local Government operates and elections are administered in Wales. The Bill is a significant and substantial piece of legislation and full details of it are available on the following link.

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=26688>

1.2 Amongst other proposals, the Bill includes provisions for

- Reforming electoral arrangements which include allowing 16 and 17 year-olds and foreign citizens legally resident in Wales to vote in local elections; improving voter registration; enabling councils to choose a voting system;
- A general power of competence for principal councils and community councils;
- Encouraging public participation in local democracy and improving transparency;
- Reforming leadership arrangements with the appointment of a statutory Chief Executive and encouraging greater diversity and opportunity within the executive arrangements;
- Job-sharing possibility in Executive;
- Changes to Family Absence rules prescribed in the Local Government Measure 2011;
- Abolition of Community Polls and strengthening of Council petition schemes
- Proposals for statutory regional collaboration and establishing Corporate Joint Committees (CJC);
- Stronger self-assessment process for council performance and support / intervention powers for Welsh Ministers;
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area;

- Performance role for group leaders in relation to the members of the groups; and
- Provisions relating to local government finance including non-domestic rating and council tax.

1.3 It is anticipated that the Bill will receive Royal Assent by the end of summer 2020. Some of the provisions within the Bill, such as family absence changes, will commence immediately due to the need to keep pace with current legislation. Other sections of the Bill are likely to commence in 2022, at the commencement of the new term of office, subject to the discretion of Ministers in passing Statutory Instruments.

## **2.0 THE CONTENTS OF THE BILL**

2.1 Given the Bill is very detailed and not all aspects of the Bill necessarily sit within the remit of the Standards Committee, a broad overview of the provisions is attached at **Appendix A**. This information is general. I have highlighted matters which are of particular interest to the Standards Committee. There are three areas:

### **2.1.1 Duty on group leaders to high standards of conduct**

2.1.1.1 Under this proposal, political group leaders must take reasonable steps to promote and maintain high standards of conduct by their group members and co-operate with the standards committee. The standards committee will be required to ensure that group leaders have access to advice and training to support these duties and the standards committee must monitor group leaders' compliance with their duty under this provision.

2.1.1.2 The standards committee will need to work with group leaders to ensure they are aware of the requirement upon them in relation to the standards of conduct of their group members.

2.1.1.3 The standards committee's terms of reference will also need to be updated.

### **2.1.2 Standards Committee's annual report to Council**

2.1.2.1 Under this proposal the standards committee will be required to make an annual report to the authority describing the discharge of its functions during the financial year and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations made by the standards committee within 3 months of receipt.

2.1.2.2 The standards committee will need to update its terms of reference.

2.1.2.3 Submitting an annual report to council is already an established practice in this Council. However, there will need to be provision in place to ensure future standards committee annual reports include the matters as listed in the new legislation.

### **2.1.3 Community council training plans**

2.1.3.1 The Bill includes a requirement for community councils to develop training plans. Whilst this will not be a requirement for the county council, it may be of interest to members in relation to their roles as community councillors.

2.1.3.2 The relevance of the provision is different for the standards committee as they have been promoting this, with no little resistance, from some community councils over the last 5-6 years.

2.1.3.3 This matter has also been discussed by the standards committee when conducting the reviews of the registers of interests and other documentation in the town and community councils.

## **3.0 RECOMMENDATION**

- 3.1 The Committee is asked to note the report and the contents of **Appendix A** and consider what further action it requires (if any), including whether it wishes any further work to be conducted on any of the areas highlighted within the proposed legislation and which are of relevance to the remit of the Standards Committee.

## **APPENDIX A**

### **Local Government and Elections (Wales) Bill**

#### **→Part 1 – Elections**

##### **Right to vote**

16 & 17 year olds being able to vote in Local Government Elections. This will follow on from the extension of the franchise for Welsh Assembly elections allowing 16 & 17 year olds to vote at the 2021 elections. This will extend to elections that use the local government franchise (e.g. referendums) but it will not be applicable to elections outside the control of its devolved powers.

##### **Nationality Extension**

The local government franchise currently allows UK, EU and Commonwealth citizens to register and vote in local government. The Bill will extend the franchise to allow any citizens lawfully resident in Wales to register and to vote in local government elections regardless of their nationality.

##### **Changing the voting system for council elections**

All local elections in Wales currently use the first past the post electoral system. The Bill allows each council to choose between a First Past The Post (FPTP) electoral system or Single Transferable Vote (STV). The Bill includes specific criteria which must be met before any change can take place such as two-thirds majority decision, electoral review and increase in multimember wards, and being unable to revert back to FPTP for a set period.

##### **Electoral Cycle**

Confirmation of the change of the election cycle from four years to five years.

##### **Electoral Registration Database**

The Bill proposes that data sharing be utilised to enable an Electoral Registration Officer to add an individual to the electoral register without the need for them to apply, subject to further legislation and specific criteria to be followed.

##### **Right to Stand**

In line with the changes to eligibility to vote, an extension will be made to the right to stand for election irrespective of nationality.

The Bill will allow Council employees to stand for election to their employing council except for employees who hold politically restricted posts. They will need to resign their employment only if they are elected.

The Bill extends the disqualification provisions to include anyone subject to notification requirements of, or an order under, the Sexual Offences Act 2003.

##### **Electoral Pilots**

Ministers can instruct councils to conduct pilots in relation to different voting methods at local government elections. Previously councils needed to apply.

## →Part 2 – General Power of Competence

The general power will allow qualifying local authorities to act in their communities' best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade in line with existing powers. The Bill allows councils to assume they have a power unless there is a statutory restriction preventing such action.

## →Part 3 –Promoting Access to Local Government

### **Duty to encourage public participation**

Councils will be required to encourage participation in local democracy. They will also be required to prepare, consult on and review a public participation strategy with the aim of making it easier for people to understand how the council works, makes decisions and how they can get involved.

### **Petition scheme**

In order to promote greater and more effective use of petitions within the local government sector, the Bill includes provisions which require a principal council to make a petition scheme setting out how it will handle and deal with petitions, including e-petitions. The Bill will repeal the rules with regard to community polls and intend for the petition schemes to replace this.

### **Councillor Information**

Councils will need to publish an email and postal address on the website for every councillor so that members of the public can contact them. It does not have to be personal details though and councillors could use the council address.

### **Constitution Guide**

Councils will be required to publish a simple, easy to read guide on their constitutions.

### **Webcasting**

The Bill will require all meetings that are open to the public to be live streamed with people being able to see and hear the participants and proceedings. The unavailability of a broadcast either during or after the meeting does not affect the validity of the proceedings.

### **Remote Attendance at Meetings**

The Bill amends the prescriptive provisions contained within the 2011 local government measure to make remote attendance at meetings more accessible and practical.

## →Part 4 – Local Authority Executives, Members, Officers and Committees

### **Chief Executive appointment and performance**

Appointments will be made to Chief Executives of local authorities rather than head of paid service with specific duties and specified performance management arrangements.

### **Appointment of assistant to Executive Members**

Executive members can appoint assistants/deputies from among the other members of the Authority to assist with casework and understand the portfolio as well as gain experience and understanding of the role of an executive member. Assistants/Deputies would not form part of the executive, have a vote nor be remunerated for that post.

### **Job-sharing in Executive**

The Bill will allow for Executive members to job share posts. The job share will not increase the number of senior remuneration salaries as set by the IRPW and remuneration would need to be split between members. Exact arrangements could depend on the type of job share members want to undertake. There would only be one vote in Executive per executive position and the job share would not create an additional vote.

### **Absence entitlement for family reasons**

Update of provisions to bring family absence rules in line with employees of the Council.

### **Duty on group leaders to high standards of conduct**

Political group leaders must take reasonable steps to promote and maintain high standards of conduct by members of their group. In doing so they must co-operate with the council's standards committee in exercising its functions.

### **Standards Committee's annual report to Council**

Standards committees will be required (after the end of each financial year) to make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations made by the standards committee within 3 months of receipt.

### **Community council training plans**

The Bill includes a requirement for community councils to develop training plans. Whilst this will not be a requirement for the county council, it may be of interest to members in relation to their roles as community councillors.

## **→ Part 5 – Collaborative Working by principal councils**

### **Power to require LAs to establish corporate joint committees**

The Bill provides for local authorities and ministers to establish a Corporate Joint Committee (CJC) to encourage regional collaboration and improvements on specific topics as set by legislation including School Improvement, Economic Development, Strategic Planning and Transport.

Full details on functions, boundaries and governance arrangements will be made in regulations by the Welsh Minister.

CJCs will sit as a separate entity to that of the principal council with authorities contributing to the operation of the CJC and each authority's executive leader being a member.

## **→ Part 6 – Performance and Governance of principal councils**

### **Duty to keep performance under review**

Local authorities will be required to undertake an annual self-assessment of performance and a periodic review to provide an external, expert perspective on performance. There is a duty to consult local people and report its findings.

The Bill supports existing arrangements that are in place in terms of the Welsh Audit Office's ability to carry out assessments and the power for Welsh Ministers to intervene where performance is not seen as satisfactory.

### **Audit Committees**

Audit Committees to be renamed Governance and Audit Committees and prescribing that one third of members must be lay members and the chair should also be a lay member.

→**Part 7 – Mergers and Restructuring of principal areas**

Provisions allow for local authorities that wish to merge to be able to do so and sets out the process that would be followed in dissolving and establishing new councils.

→**Part 8 – Local Government Finance**

The Bill provides provision in relation to local government finance including non-domestic rating and council tax.

→**Part 9 – Miscellaneous**

**Head of Democratic Services**

The Bill allows for the Head of Democratic Services role to be undertaken by the Monitoring Officer and treated as a Chief Officer previously not allowed by the 2011 Measure.

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# **PRAWF BUDD Y CYHOEDD**

## **PUBLIC INTEREST TEST**

**Adolygiadau o Gofrestr Diddordebau a gynhaliwyd mewn dau Gyngor Cymuned yn dilyn Adroddiadau gan Swyddfa Archwilio Cymru**

***Review of the Register of Interests for two Community Councils subject to Welsh Audit Office Reports***

Y PRAWF – THE TEST

Mae yna fudd y cyhoedd wrth ddatgelu oherwydd / There is a public interest in disclosure as:-

**Byddai datgelu'r adroddiad a'i atodiadau yn caniatáu i wybodaeth ynghylch yr adolygiad o gofrestr diddordebau yn y ddau gyngor cymuned gael ei wneud yn gyhoeddus. Gallai hyn gynorthwyo'r cyhoedd i ddeall yr adolygiad a gynhaliwyd gan y pwyllgor safonau a'r canfyddiadau wnaethpwyd ym mhob cyngor cymuned.**

Disclosure of the report and its attachments would allow information in relation to the review of the register of interests in the two community councils in question to be made public. This may assist the public in understanding the review undertaken by the standards committee and the findings made in each community council.

Y budd y cyhoedd with beidio datgelu yw / The public interest in not disclosing is:-

**Mae'r wybodaeth sydd wedi ei chynnwys yn yr adroddiad a'i atodiadau yn cyfeirio at ddata sy'n perthyn i'r unigolion sy'n gysylltiedig efo'r cynghorau cymuned sy'n cael eu hadolygu. Gallai'r wybodaeth hon, ar y cyd efo data arall sydd eisioes yn y parth cyhoeddus, gael eu cyfuno ac arwain at ddatgelu gwybodaeth bersonol a / neu ddatgelu adnabyddiaeth yr unigolion sy'n gysylltiedig efo'r cynghorau cymuned hyn.**

**Pan gynhaliwyd yr adolygiadau, rhoddwyd sicrwydd i bob cyngor cymuned na fyddai'r canfyddiadau wnaethpwyd gan y pwyllgor safonau yn ystod yr adolygiadau yn cael eu cyhoeddi gan y pwyllgor safonau. Mae hyn yn rhywbeth mae'r pwyllgor safonau yn gyson yn ei ddulliau; mae ei adroddiadau cyhoeddus yn dilyn adolygiadau yn gyffredinol (pwyntiau dysgu cyffredinol / arfer dda ayyb) a ni fydd cyfeiriad at unrhyw gyngor cymuned yn benodol / ni chaiff ei enwi. Mae hyn yn allweddol er mwyn sicrhau fod gwybodaeth ynghylch unigolion ddim yn cael ei adnabod yn nogfennau cyhoeddus y pwyllgor. Byddai'n niweidiol i berthynas y pwyllgor safonau efo'r cynghorau tref a chymuned petai gwybodaeth fel hyn yn cael ei ddatgelu gan y pwyllgor.**

**Yn ychwanegol, mae'r wybodaeth sydd wedi ei chynnwys yn atodiadau'r adroddiad yn ei hanfod yn cynnwys gwybodaeth sy'n berthnasol i faterion busnes y cyngor cymuned h.y. manylion am ddeallusrwydd cynghorwyr ynghylch y cod ymddygiad / cyfeiriadau at ymarfer dda a materion sydd angen eu gwella. Gallasai gwybodaeth fel hyn, o'i gyhoeddi yn y parth cyhoeddus, gael ei ddefnyddio er afles i'r cyngor cymuned ac / neu ei aelodau.**

The information included in the report and its attachments refers to data which relates to the individuals connected with the community councils being reviewed. This information, together with other data which is already in the public domain, could be combined and thus lead to the disclosure of personal information and /or reveal the identity of the individuals linked to these community councils.

When conducting the reviews, assurance was given to each community council that the findings made by the standards committee as a result of its review would not be published by the standards committee. This is something on which the standards committee is consistent in its approach; its published reports following reviews will be general (general points of learning / good practice etc.) with no reference to any particular / named community council. This is imperative to ensure that information relating to individuals is not identified in the committee's published documents. It would be harmful to the standards committee's relationship with the town and community councils should such information be disclosed by the committee.

Furthermore, the information included in the report's attachments by its very nature includes information relating to the business affairs of the community council i.e. details of councillors' understanding of the code of conduct / reference to examples of good practice and areas which need to be improved. Such information, if made available and in the public domain, could be used to the detriment of the community council and/ or its members.



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