

Public Document Pack



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

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RHYBUDD O GYFARFOD		NOTICE OF MEETING	
PWYLLGOR SAFONAU		STANDARDS COMMITTEE	
DYDD MAWRTH 15 RHAGFYR 2020 am 2.00 o'r gloch		TUESDAY 15 DECEMBER 2020 at 2.00 pm	
CYFARFOD RHITHIOL		VIRTUAL MEETING	
Swyddog Pwyllgor	Mrs Shirley Cooke 01248 752514	Committee Officer	

Aelodau Annibynnol / Independent Members

Dr 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 (Pages 1 - 24)

To submit for confirmation, the draft minutes of the previous meetings held on:-

- 17 September 2019
- 11 March 2020 (Extraordinary)

3 MEMBER DEVELOPMENT (Pages 25 - 32)

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

4 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 33 - 40)

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

- (a) County Councillors, and
- (b) Town/Community Councillors
for Quarter 4 of 2019/20, and Quarters 1 and 2 of 2020/21.

5 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 41 - 44)

A report by the Solicitor (Corporate Governance) on the Public Services Ombudsman for Wales (PSOW)'s Code of Conduct Casebook for October - December 2019 (Issue 23 - published January 2020).

6 DECISIONS BY THE ADJUDICATION PANEL FOR WALES (Pages 45 - 54)

A report by the Solicitor (Corporate Governance) on the Adjudication Panel for Wales (APW)'s decisions since the last Standards Committee on 11 March 2020.

7 ADJUDICATION PANEL FOR WALES - PRESIDENTIAL GUIDANCE (Pages 55 - 70)

A report by the Solicitor (Corporate Governance) on Presidential Guidance published by the President of the Adjudication Panel for Wales on (a) Anonymity; (b) Disclosure, and (c) the role of the Monitoring Officer in APW proceedings.

8 DISPENSATION(S) (Pages 71 - 76)

A report by the Solicitor (Corporate Governance) detailing the applications for Dispensations considered by a Panel of the Standards Committee since the last Standards Committee meeting on 11 March 2020.

9 THE STANDARDS COMMITTEE'S ANNUAL REPORT BY THE CHAIRMAN (Pages 77 - 78)

A report by the Solicitor (Corporate Governance) on the Annual Report presented by the Chair of the Standards Committee at the Council's meeting on 8 September 2020.

10

REVIEW OF THE REGISTER OF INTERESTS IN THE TOWN AND COMMUNITY COUNCILS (Pages 79 - 82)

A report by the Solicitor (Corporate Governance) on the forthcoming reviews at Town and Community Councils, as identified in the Committee's work programme for 2020-2021.

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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

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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EXTRAORDINARY MEETING OF THE STANDARDS COMMITTEE

Minutes of the meeting held on 11 March 2020

PRESENT: **Independent Members**

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

Mrs Celyn Menai Edwards
Mrs Gill Murgatroyd

Representing the County Council

Councillor J Arwel Roberts

Representing Town and Community Councils

Councillor Keith Roberts

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
 Head of Democratic Services (for Item 3)
 Solicitor (Corporate Governance) (MY)
 Human Resources Development Manager (MW) (for Item 4)
 Trainee HR Development Officer (CD) (for Item 4)
 Committee Officer (SC)

APOLOGIES: Councillor Iorwerth Roberts (Town and Community Councils)
 Mrs Sharon Warnes

The Chair gave a warm welcome to all those present, and extended a particular welcome to the new members of the Standards Committee. He stated that Councillor Iorwerth Roberts and Mrs Sharon Warnes were both unwell, and he wished them a speedy recovery.

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on the following dates were presented for confirmation:-

- 17 September 2019
- 6 February 2020

The Chair reported that due to insufficient quorum present at the last meeting, the minutes of 17 September 2019 were presented to today's meeting. As the Committee members required to confirm the minutes were absent from today's meeting, the minutes will now be presented to the next meeting of the Standards Committee for confirmation.

The minutes of the Extraordinary meeting of the Standards Committee held on 6 February 2020 were confirmed as correct.

A question was raised as to why the Committee's attendances in the Registers of Interests is recorded as 'in attendance' rather than 'present' on the Council website, and whether this could be amended.

RESOLVED that the Monitoring Officer discusses with ICT whether the Members' attendances in meeting could be amended to 'present'.

Action: See Resolution above.

3. 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 Members have been requested to complete annual reports for the period 2018/19. To date, 28 Members have published their reports, which can be viewed online.

It was noted that Group Leaders have been briefed on arrangements for annual reports for 2019/20, and Members will receive the pack in March for completion by the end of April, and publishing in June. It was suggested that the Chair and Vice-Chair attend Group Leaders' meetings in future to discuss relevant issues, including annual reports.

Discussion focused on the Independent Remuneration Panel for Wales (IRP)'s allowances for 2020/21 for Members and lay members. It was noted that there has been a small increase in the basic payments for Members.

The Head of Democratic Services reported that there is provision within the framework to reimburse Members on childcare and care costs for the elderly. The uptake on the payments has been low, and Members are encouraged to take advantage of the financial assistance. The IRP report will be presented to the Democratic Services Committee in due course, followed by the County Council for approval.

The Head of Democratic Services reported that Welsh Government has recently consulted on the draft Local Government and Elections (Wales) Bill. He highlighted the publication of Members' addresses on Council websites, and referred to concerns raised previously by the Democratic Services Committee in December 2019, and nationally about the issue. He stated that 21 Members of Anglesey County Council have requested that their personal addresses are not

shared publicly. It was concluded that the Council will only publish those Members' names in future, and use the Council's address as a point of contact.

Discussion focused on whether the same applied during election periods in relation to candidates' addresses. It was noted that the Council's address or email could be used as a point of contact for election purposes. Nomination papers will still show addresses unless requests are received for changes to be made to the current system.

RESOLVED:-

- **To note the information presented in the report.**
- **That the Chair and Vice-Chair attend Group Leaders' meetings in due course to discuss relevant issues, including Members' Annual Reports.**

Action: As noted above.

4. MEMBER DEVELOPMENT AND TRAINING

Submitted - a progress report by the Trainee HR Development Officer and HR Development Manager on development opportunities offered to Members since the previous report was submitted to Committee on 17 September 2019.

The Trainee HR Development Officer reported that the Member Training and Development Plan notes the training sessions that are currently available to Members. The HR team work closely with the Head of Democratic Services and senior management to identify suitable training for Members. Feedback from Members on courses they have attended is evaluated to ascertain whether the training met the needs of the audience, and to identify any additional training individuals may require. It was noted that the Development Plan (which is regularly evolving and updated) is presented to the Standards Committee and Democratic Services Committee every quarter for information.

The use of E-Learning work packages is encouraged, and digital support is available to Members on ICT issues. Guidelines are available on e.g. use of I-Pads, access to the E-Learning platform, and the ICT team hold regular 'drop in' sessions for Members.

The HR Development Manager reported that Members are requested to complete course evaluation forms following training. She stated that the forms are analysed to evaluate any further development needs individual Members may have. It was noted that HR staff also assess Members' training requirements through feedback received from their individual Personal Development Plans (PDRs).

Concerns were raised that the facility to record their attendances in meetings is not available online for co-opted members. The Monitoring Officer reported that the Standards Committee has previously explored all the available options with ICT and the Section 151 Officer, and concluded that it is not cost effective for

the Council to adopt the facility. The HR Development Manager reported that she would look into the issue of recording attendances on training courses centrally on the HR system and report back to the Committee in due course.

Mrs Sharon Warnes, a member of the Standards Committee had requested that 'Risk Assessment' be included in the elected Member Development Programme. The Standards Committee were unclear regarding the context of risk Mrs Warnes referred to. The Committee agreed that the Head of Democratic Services seeks clarity on the issue from the Council's Audit team.

Discussion focused on whether the quality of training provided internally is evaluated externally. It was noted that Human Resources use evaluation forms to obtain feedback from Members and co-opted members attending training. In addition, HR staff may often sit in on training sessions. It was further noted that, prior to employing external providers, the HR officers will liaise with other local authorities to discuss training providers. Liaison with the Welsh Local Government Association (WLGA) also occurs, in order to obtain advice and guidance on training provision. Wherever possible, the option of officers delivering training is also considered.

Councillor J Arwel Roberts reminded the Standards Committee that although Members are encouraged to attend training sessions, only some courses are mandatory. He reported that when Members work full time, they often have to decline invitations to meetings and training sessions.

Concerns were raised that when training is declined, attendance is recorded as non-attendance. This point is referred to in annual reports. When training is arranged, in recognition that some Elected Members are employed, the HR team have a flexible approach regarding the timing of training sessions to accommodate Members' commitments.

The Monitoring Officer reported that the new Bill states that Group Leaders are responsible for their Members' performance, including training. She stated that each Member has a Personal Development Review (PDR) annually, and Group Leaders should target what is important to Members, and judge their performance against their needs.

RESOLVED:-

- **To note the Member Training and Development Plan and observations presented.**
- **That the Head of Democratic Services contacts the Council's Audit team to seek clarity on the issue of 'Risk Assessment', as raised by a member of the Standards Committee.**

Action: See Resolution above.

5. TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE

Submitted - a report by the Solicitor (Corporate Governance) on the training requirements for elected Members and co-opted members of the Standards Committee.

The Monitoring Officer gave an in-depth summary of each heading in the proposed training plan, which have been identified as essential or beneficial for members of the Standards Committee.

The training options were presented to the Standards Committee for comment, and will be included in the Chair's Annual Report, which will be presented to full Council.

The Standards Committee agreed that the following headings be included in the training plan:-

- Code of Conduct
- Dispensations
- Public Services Ombudsman for Wales (PSOW)/Adjudication Panel for Wales (APW) – review of cases
- IoACC Constitution
- Mediation in the context of the Local Resolution Protocol
- Standards Committee Hearings (to be arranged as necessary)
- Equality and Diversity
- Cyber Security
- GDPR
- Health and Safety
- Charing Committees
- Safeguarding (Basic)

The Monitoring Officer reported that occasionally joint Charing sessions are held across North Wales. It was suggested and agreed, that the Monitoring Officer liaises with other Monitoring Officers in Conwy and Gwynedd to ascertain whether they would be interested in convening a joint Charing session between the three local authorities.

RESOLVED:-

- **That the Standards Committee agreed that training on the above topics is appropriate and sufficient for members of the Standards Committee to undertake.**
- **That the Monitoring Officer contacts other Monitoring Officers in Conwy and Gwynedd with a view to convening a joint Charing session between the three local authorities.**

Action: See Resolution above.

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/Community Councillors.

The Monitoring Officer reported that one complaint had been lodged against a County Councillor by a member of the public between July and September 2019 (Quarter 2), which the Ombudsman decided not to investigate. None were received against Town/Community Councillors for the same period.

No complaints were made against County Councillors for the period October to December 2019 (Quarter 3). Two complaints were made against Town/Community Councillors by members of the public for the same period, which the Ombudsman decided not to investigate. No further complaints have been received since December 2019. It was noted for information, that the Ombudsman informs elected Members and the Standards Committee when a complaint is made against them.

Discussion focused on complaints resolved internally by the County Council, and a request was made for the Standards Committee to be provided with samples as case studies. The Monitoring Officer responded that she would willingly share redacted copies of individual cases with the Committee.

RESOLVED:-

- **To note the contents of the report and Enclosures 1 - 4.**
- **That the Monitoring Officer distributes Enclosures 1 - 4 to Members and co-opted members of the Council and Clerks of Town/Community Councils.**
- **That the Monitoring Officer shares redacted versions of complaints received against Members of the Council/Town/Community Councils with the Standards Committee members.**

Action: See Resolution above.

7. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) on the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebook of Code of Conduct complaints for September and October 2019.

The Monitoring Officer gave a summary of information published by the Ombudsman, and stated that she would prepare a briefing newsletter for members and Clerks of Town/Community Councils highlighting key points from the report.

It was noted that the Standards Committee has been asking Town/Community Councils every year to develop a training programme for their elected members

and Clerks. Some Town/Community Councils have complained that they cannot afford to fund the training, even though there is funding available through their precept. It was noted that One Voice Wales offer training for members of Town/Community Councils, and links to training courses are available via their website.

The Chair responded that it will be mandatory for Town/Community Councils to have a training programme in place under the new Bill, and the Standards Committee will have a role to review training and ensure that the requirements are met. Concerns were raised that some Town/Community Councils do not have a website to upload agendas and minutes, which is also a statutory requirement.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Monitoring Officer forwards a briefing newsletter on behalf of the Standards Committee to Members and Clerks of Town/Community Councils highlighting the key points raised in today's meeting.**
- **That the Solicitor (Corporate Governance) reminds Town/Community Councils that One Voice Wales offers opportunities for training, which includes a website with links that members and Clerks may find useful.**
- **That the content of the report be brought to the attention of elected Members and co-opted members of this Council.**

Action: See Resolution above.

8. DECISIONS BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) in relation to two recent decisions considered by the Adjudication Panel for Wales (APW) since the Committee's last meeting on 17 September 2019.

The Solicitor (Corporate Governance) reported that the first case relates to a Councillor from Powys County Council who had breached the Code of Conduct. The allegation was considered too serious for no action to be taken, and the Tribunal considered that a suspension of four months was the most applicable sanction.

As the Ombudsman had referred this case to the Adjudication Panel rather than back to the Standards Committee, it is likely that the Ombudsman would have been disappointed with this outcome, and would have expected a suspension of at least six months.

The second case refers to a Councillor from Flintshire County Council who had breached the Code of Conduct under three headings. The Tribunal considered two of the allegations to be of a serious nature, and felt that a suspension of three months was the most applicable sanction. The Solicitor reported that the complainant had changed her statement during the Tribunal. It was noted that

because the Councillor had recognised his failure to abide by the Code, and had shown deep remorse for his misconduct, the Tribunal considered that the sanction was appropriate. Had the complainant's evidence not changed, the suspension may have been for a longer period.

RESOLVED:-

- **To note the content of the case summaries.**
- **That the content of the case summaries be brought to the attention of elected Members and co-opted members of this Council and members of Town/Community Councils.**

Action: See Resolution above.

9. PRACTICE DIRECTION ISSUED BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) on the Adjudication Panel for Wales' Practice Direction in relation to the processes governing the procedures of the APW.

The Monitoring Officer reported that guidance has been sent by the Wales Adjudication Panel for future action. She stated that the Panel is going to speed up the timetable and flexibility for accused persons to respond to the Panel's notice of a case against them. It was noted that the accused person has to respond to that case within 21 days, and no extensions will be granted normally.

RESOLVED:-

- **To note the content of the Practice Direction.**
- **That the content of the Practice Direction in Enclosure 1 be brought to the attention of elected Members and co-opted members of this Council and members of Town/Community Councils.**

Action: See Resolution above.

10. APPLICATIONS FOR DISPENSATIONS

No dispensations have been received since the last meeting of the Standards Committee on 17 September 2019, and the date of publishing this agenda.

11. LOCAL RESOLUTION PROTOCOL

Submitted - a report by the Solicitor (Corporate Governance) on the Isle of Anglesey County Council's Local Resolution Protocol approved in March 2018.

The Solicitor (Corporate Governance) reported that the Ombudsman's objective is to encourage local authorities to deal with low level misconduct complaints themselves, and reduce the number of complaints that are referred to the PSOW.

The draft Local Resolution Protocol has been updated in Appendix 2 of the report to reflect reality of how Local Resolution has been conducted recently and expand the scope of situations that are applicable under the Protocol. It was noted that cases have been presented to the Standards Committee in the past that have had wider grounds than the two grounds noted in the current Protocol.

The Solicitor (Corporate Governance) reported that there is a backstop, in that the Chair can use his discretion when reviewing a complaint, and inform the concerned party/parties of the process, if he thinks a case is too serious to be dealt with under the Protocol. The Standards Committee has attempted to move away from 'complaints' to 'concerns', so as to illustrate a conciliatory process of mediation between the parties, with the assistance of a Member of the Standards Committee.

The Monitoring Officer reported that all the Members of the Standards Committee will undergo mediation training within the context of this Council's Local Resolution Protocol in May/June 2020, subject to availability.

The Standards Committee discussed the content of the draft Protocol and presented their observations, which included the following action points:-

- A question was raised in relation to Para 11.8, whether 14 days was sufficient time to notify the Chair/Vice-Chair and instigate a complaint. The Standards Committee agreed that it would be put to the discretion of the Chair/Vice Chair to decide whether to consider a concern raised outside this limit.
- A member of the Standards Committee referred to 's/he' being used in Paras 12 and 13 of the Protocol rather than 'they'. The member requested that persons be referred to as 'they' in future for the purpose of being gender neutral.

RESOLVED:-

- **To accept the Local Resolution Protocol (as per Enclosure 2) and to include the amendments above in the Protocol.**
- **To note that the Standards Committee will undertake mediation training within the context of the Local Resolution Protocol in May/June 2020, subject to availability.**
- **To accept that the time permitted to instigate a complaint includes reference to the discretion of the Chair or Vice-Chair.**
- **That the Chair and Vice-Chair present the draft Local Resolution Protocol to Group Leaders and the County Council in due course.**

Action: See Resolution above.

12. LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Local Government and Elections (Wales) Bill's proposals published in November 2019, on how Local Government operates and elections are administered.

The Solicitor (Corporate Governance) reported on the main points in the Bill and gave a summary of the three areas of interest that are within the remit of the Standards Committee:-

2.1.1 - There is a duty on Group Leaders to take reasonable steps to promote and maintain high standards of conduct by their Members. The Standards Committee will have a role to ensure that Group Leaders have access to advice and training to support these duties, and monitor Group Leaders' compliance under this provision, as has happened in the past.

2.1.2 - The Chair of the Standards Committee already submits an annual report to Council each May; need to ensure future annual reports include the matters listed in the new legislation too. The Constitutional remit of the Standards Committee will need to be considered in light of this development.

It was noted that feedback was obtained from other North Wales authorities in relation to the content of their Work Programme for the annual reports, and the Ombudsman was contacted for his observations. His response was positive, and his office quoted the following:-

"The only suggestion that we would make would relate to the Town/Community Councils in your area. The Ombudsman considers that it would be particularly helpful if the Standards Committee were minded to include additional tasks which may assist in promoting high standards of conduct in these Councils. You may wish to consider including a specific action to promote the Code of Conduct training with members of these Councils. Similarly, we are aware of a Standards Committee whose members occasionally attend meetings of the Town/Community Councils in their areas to observe standards of behaviour of the members. Similarly, we are aware of another who engage with the Chairs of such Councils periodically to discuss the Code and standards of behaviour in general."

2.1.3 - The Bill includes a requirement for Community Councils to develop training plans. The Standards Committee will need to consider this matter (as it has previously done) when reviews of Town/Community Councils are conducted.

The Chair suggested that the Committee reviews the Committee's Terms of Reference in due course.

RESOLVED to note the report and Appendix A.

Action: None

13. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to adopt the following:-

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 3 OCTOBER 2019

Submitted - a report by the Solicitor (Corporate Governance) on correspondence received from the Public Services Ombudsman for Wales.

The Standards Committee had requested further information in relation to a report that was presented to Committee in September 2019 in the Ombudsman's Code of Conduct Casebooks.

The then Chair of the Standards Committee wrote to the Ombudsman on 27 September 2019, and a response was received on 3 October 2019.

RESOLVED:-

- **To note the contents of Enclosures 1 and 2.**
- **To note and accept the Ombudsman's conclusions on the case.**

Action: None

15. 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 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

Submitted - a report by the Solicitor (Corporate Governance) on the reviews at Community Councils following the publication of Welsh Audit Office (WAO) reports.

The Solicitor (Corporate Governance) reported that although the majority of the contents of the WAO reports are outside the scope of the Standards

Committee's responsibility, some governance matters could result in a breach of the Code of Conduct for Members, which is of course part of the Standard's Committee's remit.

It was noted that the initial letters were sent to the Clerks of each community council in May 2019 offering reviews on the same terms as the Standards Committee usually conducts its reviews of the Register of Interests. The Standards Committee conducted reviews in July and October 2019 with personalised letters being sent to each community council reviewed.

RESOLVED:-

- **To note the report and enclosures.**
- **To note the action taken by the Standards Committee following the publication of the WAO public interest reports.**
- **That the Monitoring Officer reports back to the WAO on the Standard's Committee's findings.**

Action: See Resolution above.

The meeting concluded at 4.15 pm

**MR JOHN R JONES
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	15th DECEMBER 2020
TITLE OF REPORT :	MEMBER DEVELOPMENT
REPORT BY :	TRAINING MANAGER - HUMAN RESOURCES
CONTACT OFFICER :	MIRIAM WILLIAMS
PURPOSE OF REPORT :	TO PROVIDE AN UPDATE ON THE PROGRESS OF MEMBER DEVELOPMENT AND TRAINING 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 11th March 2020.

The current pandemic has obviously had an impact on the training delivery.

2. MEMBER TRAINING AND DEVELOPMENT PLAN

The Member Training and Development Plan attached (appendix 1) is the plan for the Financial Year 2019/2020, with some events outstanding. In order to highlight those events completed, the author has placed a RAG status in order to easily identify those which may need to be carried over into the 2020/22 plan.

Very little activity has taken place in terms of training offered to Elected Members during the last quarter of 2019/2020 due to the pandemic.

The intention is to gather training needs and formulate a revised Development plan for the current period up until the elections in 2022 and submit to Full Council for approval.

3. PERSONAL DEVELOPMENT REVIEWS(PDR) FOR MEMBERS

Arrangements with regards to completion of PDR's for the forthcoming financial year were to be completed mid-March, 2020 with this activity being co-ordinated by the Head of Democratic Service.

Training needs have been included in the draft plan and focus primarily on chairing skills and use of ICT. The plan will be further updated following completion of the annual PDR's during quarter four.

4. TRAINING DELIVERY

On a general note, due to social distancing requirements, traditional training delivery methods have not been an option over the past few months, with all arranged training courses booked having been postponed. Regular review of arrangements are taking place.

Training providers have been contacted to establish whether alternative methods of training delivery through social media such as MS Teams/Zoom with a view to delivery of relevant webinars. Future delivery of Elected Member training may well see an increased use of this method of delivery. The options within these webinars allow flexibility for attendees to contribute/do groupwork etc. This option could also potentially also reduce training costs.

During the lockdown period, some training/guidance on the use of MSTeams has been available by ICT Officers to Elected Members in order to facilitate the ability of Members to participate in meetings. Members of the Audit Committee have also attended webinars with CIPFA.

E-Learning modules, accessed via the Authority's Learning Pool platform continue to be available, with an increased amount of additional information being included on a weekly basis. The Learning and Development Team are considering developing an Elected Members' Section on the Authority's E-Learning platform so that communication regarding training events/health and wellbeing information can be easily accessed.

As always, support with regards to ICT skills are available on a 1-1/group basis should this be required.

5. WLGA

Discussions have been held with the WLGA Policy and Improvement Officer, in order to establish what resources may be available during this period. It is hoped that guidance and information with regards to future training provision will be shared across all Authorities.

Work on E-Learning modules for Elected Members continues.

6. RECOMMENDATIONS

- Views are requested from the Committee on the draft plan up to local elections in 2022
- All training needs emanating from Personal Development Reviews be forwarded to the HR Training Manager by 28 February 2021 in order that the plan can be revised and training prioritised
- Training Plan for 2020/2022 be presented for approval to the Democratic Services Committee prior to submission of the Full Council in 2021.

**MIRIAM WILLIAMS
HR TRAINING MANAGER
DECEMBER 2020**

ELECTED MEMBER DEVELOPMENT PROGRAMME			
(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)			
What	Audience	Provider	When
Treasury Management	Audit Committee	Richard Basson	November 2019
Safeguarding Issues 'Mop up'	All Elected Members (M)	Annwen M Hughes, Service Manager (Safeguarding and Quality Assurance Provision)	14 November 2019
Regulation and Inspection Act Social Services (Wales)	All Elected Members	Alwyn Rhys Jones, Head of Adults Services	Presentation by Dafydd Bulman and Rachel Williams. Date: TBC
Decisions for Future Generations (Wellbeing of Future Generations Act)	All Elected Members	Workshop - Senior officers and experienced members. E-Learning	Date: TBC
General Data Protection Regulation (GDPR)	All Elected Members (M)	E-Learning/Workshop	25th February 2019 16th October 2019 (Mop Up)
Introduction to Equalities	All Elected Members (M)	E-learning/Workshop	28th March 2019 'Mop up' 2019/2020
Community Leadership and Casework	All Elected Members	E- learning	Ongoing
National Approach to Statutory Advocacy - Free Implementation training	All Elected Members	Natalie Brimble TrosGynnal Plant North Wales Advocacy	5th March 2020
WLGA Leadership Programme	Nominated Elected Members	Regional workshops	September - November

Licencing - Update	Members of the Planning and Licensing Committee	Internal Officers	Date: 02/04/2020
Personal Safety and online abuse	All Elected Members	Catrin Love	Date: TBC
Planning <ul style="list-style-type: none"> Flood Matters Elected Members role in the planning process 	All Elected Members	Internal Officers	16 October 2019
Dealing with Challenging Situations	All Elected Members	David Jones - ACAS	26 th September 2019
Council Constitution	All Elected Members		Date: TBC
Community Leadership and identifying grants	All Elected Members		Date: TBC
Chairing Meetings	All Elected Members	Available on the Learning@Wales platform	Ongoing
Domestic Abuse	All Elected Members		Date: TBC March / April 2020

ICT SKILLS

Use of iPads	All Elected Members	Internal	Ongoing
General ICT Skills	All Elected Members – as required	Internal	Ongoing

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.

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

(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.

DEVELOPMENT AREAS FOR CONSIDERATION FOR 2020/2022

1. GENERAL PRIORITIES IDENTIFIED BY WLGA

- Community Work *
- Making essential decisions
- Update Members on the Authority's plans/actions in order that they are able to inform and measure the needs of the community;
- Decisions regarding COVID matters;
- Financial pressures and setting budgets in light of austerity;
- Brexit;
- Chairing and taking part in remote meetings;
- ICT use
- Re-Visiting Scrutiny in an emergency
- Personal Resilience
- Opportunities for Members of the Cabinet

Suggestions for the next 18 months:

Focus on continuing with briefing sessions rather than group training with access to information/relevant individuals with good examples of best practice that will enable them to be innovative and respond quickly to changing situations – specifically regarding Planning/Housing/Social Care and Education.

2. SOCIAL MEDIA

- **Consider:** Positive/Appropriate marketing as these areas are intertwined into all aspects of Member's work including Data Security, Safeguarding, Discipline of the Code of Conduct, Commercial Confidentiality etc. It's likely that members of the public communicate regularly with Elected Members via social media and Elected Members need to be familiar with their obligations in using Facebook, Twitter etc.

** Previous session held in 2018, with 11 attending – with the current situation, perhaps more use is being made of this activity and therefore may need more support?

3. FINANCE

- Treasury Management – Annual Update
- Fraud
- Managing Risk
- Audit Matters – E-Learning module

4. SCRUTINY

- Public Speaking in remote Meetings of the Scrutiny Committees – Protocols
- Effective use of Scrutiny

5. PLANNING MATTERS

- Awareness of the Local Development Plan and the Monitoring report etc.
- Vacant seat on the planning committee therefore specific training on planning matters will be required by the new Member

Appendix 1

- Awareness sessions on the findings of the AMB

6. LLESIANT AELODAU A GWEITHIO O BELL

- Use of the resources available on IOACC Learning Pool platform

7. DIGITAL SKILLS

- Cyber Security Awareness

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Conduct Complaints to the Public Services Ombudsman for Wales
PURPOSE OF THE REPORT:	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.
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxics@anglesey.gov.uk 01248 752586

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 2 (July - September 2019) and Quarter 3 (October - December 2019) were submitted at the Standards Committee meeting on 11 March 2020.

2.2 A copy of the report for Quarter 4, in relation to County Councillors, appears at **Enclosure 1**.

A copy of the report for Quarter 4, in relation to Town and Community Councillors, appears at **Enclosure 2**.

2.3 A copy of the report for Quarter 1, in relation to County Councillors, appears at **Enclosure 3**.

A copy of the report for Quarter 1, in relation to Town and Community Councillors, appears at **Enclosure 4**.

2.4 A copy of the report for Quarter 2, in relation to County Councillors, appears at **Enclosure 5**.

A copy of the report for Quarter 2, in relation to Town and Community Councillors, appears at **Enclosure 6**.

2.5 As a result of the Coronavirus Pandemic, usual business was abandoned in order to respond to the emergency. The reports for Quarter 4 (2019/2020) and Quarter 1 (2020/2021) were sent to the Standards Committee members on 6 July 2020. The reports for Quarter 2 (2020/2021) were sent to the Standards Committee members on 5 October 2020.

2.6 The reports for Quarters 4, 1 and 2 (**Enclosures 1- 6**) 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 1-6** and consider trends arising (if any) and any corrective actions which are required.

3.2 For the Director of Function (Council Business)/Monitoring Officer to distribute **Enclosures 1-6** 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 4 (Ionawr – Mawrth 2020) – 2019/2020 – Quarter 4 (January – March 2020)

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 4 (Ionawr – Mawrth 2020) – 2019/2020 – Quarter 4 (January – March 2020)

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				

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**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 1 (Ebrill – Mehefin 2020) – 2020/2021 – Quarter 1 (April - June 2020)

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 1 (Ebrill – Mehefin 2020) – 2020/2021 – Quarter 1 (April - June 2020)

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 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 2020) – 2020/2021 – Quarter 2 (July – September 2020)

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 2 (Gorffennaf – Medi 2020) – 2020/2021 – Quarter 2 (July – September 2020)

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				

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Decisions by the Public Services Ombudsman for Wales
PURPOSE OF THE REPORT:	To advise the Committee of All Wales decisions published by the Public Services Ombudsman for Wales in his Casebook for October – December 2019 (Issue 23).
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxics@anglesey.gov.uk 01248 752586

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 October-December 2019 ([Issue 23](#)) [**ENCLOSURE 1**].

Though cases are usually reported every quarter no report has been published for matters arising during 2020.

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**.

ENCLOSURE 1 – Issue 23 (October-December 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Learning Points for Members
<p>Merthyr Tydfil County Borough Council – Case Number: 201805269</p>	<p>The Ombudsman received a complaint that a Member of Merthyr Tydfil County Borough Council had breached the Code of Conduct by voting on the setting of the rate of council tax at a meeting of full Council in March 2018 when he was in arrears of council tax for a former home.</p> <p>It is an offence under s106 of the Local Government Finance Act 1992 for a member to vote on setting the rate of council tax when they are themselves in arrears.</p> <p>The Ombudsman obtained relevant documentary evidence, including copies of the council tax records for the property involved. He also viewed the webcast for the meeting of full Council and interviewed the Council’s Monitoring Officer and the Member.</p>	<ul style="list-style-type: none"> • Paragraph 6(1)(a) relating to bringing the authority into disrepute; • Paragraph 10(1) in relation to the requirement to consider if there is a personal interest to disclose; • Paragraph 11(1) in relation to the disclosure of personal interests at meetings; • Paragraph 14(1)(a) in relation to the requirement not to participate in a meeting when the business in which you have a prejudicial interest arises; • Paragraph 14(1)(b) in relation to the requirement not to exercise executive functions in relation to a matter in which you have a prejudicial interest; • Paragraph 14(1)(c) in relation to the requirement not to try and influence a decision in which you have a prejudicial interest. 	<p>The Ombudsman considered that the evidence suggested that the Member had breached the Code as he accepted that he had not declared an interest and had voted on setting the council tax rate. The Member also accepted that at the time of that meeting he was in arrears of council tax for the former property.</p> <p>However, the Ombudsman decided that it would <u>not be in the public interest to pursue the matter given the significant mitigating circumstances in this particular case</u>. These included the personal circumstances that had led to the Member incurring the original debt and the fact that the member was inexperienced. He had apologised, paid off the arrears and said that it would not happen again.</p> <p>In view of the mitigating circumstances, the Ombudsman concluded that no further action needed to be taken.</p>	<p><u>Members should not rely on this case</u> as a way of defending voting on the Budget when in council tax arrears.</p> <p>Only limited information is provided in the case summary. However, it shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high.</p>

ENCLOSURE 1 – Issue 23 (October-December 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Learning Points for Members
<p>Merthyr Tydfil County Borough Council – Case Number: 201807334</p>	<p>The Ombudsman received a complaint that a Member had breached the Code of Conduct; it was alleged that, contrary to the Monitoring Officer’s advice that a conflict of interest existed, the Member accepted a specific cabinet position. It was also alleged that the Member had failed to declare an interest in such matters.</p> <p>During the investigation, information was sought on the Monitoring Officer’s advice, and the Member was interviewed. The Member explained that he had considered the advice of the Monitoring Officer and was confident that an appropriate strategy had been formulated to manage and mitigate any potential conflicts of interest. The Member said that he and the Leader of the Council had undertaken research to identify where similar scenarios had occurred in other councils and the impact it had on those authorities. The Member also produced evidence of declarations of interest that he had made.</p>	<p>Disclosure and registration of interests under paragraphs 10 - 12.</p>	<p>Although the Ombudsman was satisfied that the Member had regard to the Monitoring Officer’s advice, the lack of transparency in relation to aspects of the appointment (including the timing of the Member’s resignation from employment which would have conflicted with the appointment) was of concern and caused others to reasonably question the appointment.</p> <p>As the Member had eventually resigned from his former employment and taken up his role the Ombudsman found that it was not in the public interest to pursue the matter further and found that no further action needed to be taken. Given the potential for a conflict of interest to arise, the Member was reminded of the need to seek advice from the Monitoring Officer in future matters.</p>	<p><u>Members should not rely on this case</u> as a way of defending potential situations of conflict between employment and their role as Councillor.</p> <p>Only limited information is provided in the case summary. However, it shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high.</p> <p>Members are reminded to contact the Monitoring Officer for advice where they are unsure of Code of Conduct matters including, as in this case, the declaring of personal/prejudicial interests.</p>

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Adjudication Panel for Wales Decisions
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales to date (publishing period March 2020 – December 2020)
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwycs@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

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 11th March 2020. 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

None

2.2 Appeals adjudicated

[APW/002/2019-020/AT: Councillor Neil McEvoy - 22 June 2020](#)

3. RECOMMENDATION

To note the content of the case summary/ies.

Summary of Cases in Tribunal – March 2020: December 2020

Name	Summary of Facts	Decision Summary	Findings
<p>Councillor Neil McEvoy</p> <p>Cardiff County Council</p> <p>APW/002/2019-020/AT</p> <p>[He is also Member of the Senedd Cymru for South Wales Central, a constituency that covers the area he represents as a Councillor.]</p>	<p>The complaint considered by PSOW:</p> <p>By letter dated 7th June 2019, the Monitoring Officer for Cardiff Council received a referral from the Public Service Ombudsman for Wales (“The PSOW” or “Ombudsman”) in relation to misconduct allegations made against Cllr McEvoy.</p> <p>The Ombudsman’s referral followed an investigation carried out in relation to a complaint submitted to the Ombudsman by the director of a private care home contracted to provide services to the Council. The complaint alleged that Cllr McEvoy’s conduct on 29th April 2018, and on 11th May 2018, towards three employees of the private care home, and his involvement in the case of a child in its care (referred to as Child X) had been inappropriate, intimidating and bullying, in breach of the Members’ Code of Conduct.</p> <p>Having considered the complaint, the Ombudsman decided to investigate whether Cllr McEvoy</p>	<p>An Appeal Tribunal considered an appeal by Cllr Neil McEvoy against the decision of Cardiff County Council Standards Committee on 14th January 2020 that he had breached the Cardiff County Council Code of Conduct and should be suspended as a Councillor for four months. The Appeal Tribunal only considered the sanction imposed, based on the findings of the Standards Committee about facts and breach alone.</p> <p>In reaching its decision in relation to the sanction imposed, the APW Appeal Tribunal had two choices:</p> <p>(a) To endorse any penalty imposed, or</p> <p>(b) refer the matter back to the Standards Committee with a recommendation that a different penalty be imposed.</p> <p>The Appeal Tribunal determined its adjudication by way of written representations on 22nd June 2020 at a meeting held remotely.</p> <p>The Tribunal explained that it attaches little weight to decisions taken by other panels or Committees on different facts in relation to different people, preferring</p>	<p>Learning points for elected members</p> <ul style="list-style-type: none"> Recognising a mistake and showing remorse and insight acts in a Councillor’s favour when the APW considers sanction. Attending training for Conduct will assist members to improve understanding and act as a mitigating factor before the APW. Members are advised, if they have not already done so to undertake the online training available on **this link**. <p>Learning points for the Standards Committee</p> <ul style="list-style-type: none"> Though not a requirement, it is good practice to follow the APW’s Sanctions Guidance when considering sanction and for the decision record to confirm the same.

Name	Summary of Facts	Decision Summary	Findings
	<p>had failed to comply with those provisions of the Code of Conduct requiring him:</p> <ul style="list-style-type: none"> - To show respect and consideration for other; - Not to use bullying behaviour or harass any person; and - Not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute. <p>The Ombudsman concluded that there was evidence to suggest that Cllr McEvoy's conduct may have amounted to a breach of the Members' Code of Conduct.</p> <p>The incidents subject to the complaint:</p> <p><u>Incident 1</u> - On 29th April 2018 a telephone call was made by Cllr McEvoy to a residential children's care home and the telephone call was answered by "Witness 2". Cllr McEvoy introduced himself as Assembly Member and Corporate Parent and said he wanted to visit a resident, Child X, at the care home that day. Witness 2 said that Cllr McEvoy could not visit Child X because he was not named on the child's care plan, and she advised</p>	<p>instead to apply the 'Sanctions Guidance' in conjunction with directly relevant material and the operation of its collective judgment. This approach accords with best practice in other areas of law where sanctions guidance or guidelines have largely overtaken the citation of previous decisions. The Tribunal prefers to assess the facts of the case against the 'Sanctions Guidance' and come to a view as to any available range; and as appropriate, the Appellant's position within the available range.</p> <p>The Tribunal followed the Sanctions Guidance of the APW.</p> <p>This details the five step process followed by a case and appeal tribunals in determining sanction:</p> <ul style="list-style-type: none"> - assess the seriousness of the breach and any consequences for individuals and/or the council (para.34 - 38) - identify the broad type of sanction that the Tribunal considers most likely to be appropriate having regard to the breach; (para.39) - consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration; (para.40 to 42) - consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms 	

Name	Summary of Facts	Decision Summary	Findings
	<p>Cllr McEvoy to arrange a visit through a social worker. Cllr McEvoy said that he would be attending that day and that he would be bringing a colleague with him. Witness 2 maintained that Cllr McEvoy was not authorised to visit Child X. Cllr McEvoy said that he would be raising the matter at the Welsh Assembly. Witness 2 said that if Cllr McEvoy attended at the care home without authorisation, she would have to call the police, because of her duty to safeguard the residents of the home. Cllr McEvoy asked Witness 2 to speak with her Director and get back to him within a deadline that day. Witness 2 called Cllr McEvoy back and repeated her previous advice. Cllr McEvoy did not attend at the care home that day.</p> <p><u>Incident 2 -</u> On 11th May 2018, Cllr McEvoy attended the head office of the care home with the father of Child X with the aim of attending a scheduled therapy meeting for X. Cllr McEvoy was invited to attend the therapy meeting by the Father, but he did not personally receive confirmation from the Council agreeing to his attendance at the meeting. Cllr McEvoy and the</p>	<p>of fulfilling the purposes of the sanctions; (para.43)</p> <p>- confirm the decision on sanction and include, within the written decision, an explanation of the tribunal's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. (para.53)</p> <p>An appeal tribunals can only recommend a suspension (partial or full) for up to 6 months and cannot recommend disqualification due to the constraints upon its powers.</p> <p>The Tribunal unanimously confirmed the decision on sanction taken at first instance. This was considered a serious case that merited a sanction at the top of the identified, appropriate range. The Appeal Tribunal therefore found that Cllr McEvoy's suspension from office for four months was justified, proportionate and appropriate in all the circumstances, given the findings of the Standards Committee about facts and breach alone.</p>	

Name	Summary of Facts	Decision Summary	Findings
	<p>father were met shortly after entering the building by "Witness 4". Cllr McEvoy and the father had two interactions with Witness 4. Cllr McEvoy and the father subsequently had an interaction with "Witness 3". Witness 3 passed on a message to the father and Cllr McEvoy telling them that the therapy meeting had been cancelled by a (referred to as "the") social worker. Part of the interaction with Witness 3 was covertly recorded by the father under the instructions of Cllr McEvoy. During this recorded interaction, Cllr McEvoy was on the telephone to the Council's former Assistant Director of Social Services. Cllr McEvoy said to the Assistant Director that he wished to make a complaint about Witness 3 and gave a description of him, which included the term 'slightly overweight'. Cllr McEvoy left the building with father.</p> <p>Background of the case leading up to Appeal: A Hearings Panel (sub-Committee of the Standards and Ethics Committee) was convened between 6th and 14th January 2020 at City Hall, Cardiff to consider the allegations in relation</p>		

Name	Summary of Facts	Decision Summary	Findings
	<p>to Cllr McEvoy.</p> <p>On 14th January, given its findings of fact, the Committee decided that:</p> <p>a. In respect of the incident on 29th April 2018, Cllr McEvoy failed to show respect and consideration for Witness 2 [breach of paragraph 4(b) of the Code]; he had used bullying behaviour and harassment towards Witness 2 [breach of paragraph 4(c) of the Code] and had brought Cardiff Council into disrepute [breach of paragraph 6(1)(a) of the Code.], and that</p> <p>b. In respect of the incident on 11th May 2018, Cllr McEvoy had brought Cardiff Council into disrepute and thus breached paragraph 6(1)(a) of the Code of Conduct.</p> <p>The Committee then further decided that having regard to the number of aggravating circumstances, as well as the mitigation, Cllr McEvoy would be suspended as a Councillor for four months.</p> <p>Allowing the appeal: In her decision dated 5th March 2020, the President of the APW gave permission to appeal in the</p>		

Name	Summary of Facts	Decision Summary	Findings
	<p>following terms: <i>“While the Appellant framed his objection to the sanction imposed primarily in terms that it was disproportionate due to discrimination, he did also comment that it was harsh in light of the findings made by the standards Committee. I cannot say in all the circumstances that there is no reasonable prospect of success for this ground of appeal, given an Appeal Tribunal considering the findings made by the standards Committee on both facts and breach of the Code may conclude that the sanction is disproportionate. I also note that there is no evidence as to whether the standards Committee took into account any sanctions guidance when reaching its decision, though it appears to have considered relevant factors and the use of such guidance is not mandatory. I make the decision to allow an appeal on this point, notwithstanding the fact that the Appellant refused to make any submission to the standards Committee on the issue of sanction. I remind the parties that if the Appeal Tribunal chooses to recommend that the sanction be</i></p>		

Name	Summary of Facts	Decision Summary	Findings
	<p><i>reconsidered by the standards Committee, the tribunal has the ability to recommend a reduction or increase in the period of suspension. It therefore will be considered by an Appeal Tribunal in due course, but its consideration will be based on the findings of the standards Committee about facts and breach alone."</i></p>		

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Adjudication Panel for Wales – Presidential Guidance
PURPOSE OF THE REPORT:	To advise the Standards Committee on the publishing of three Presidential Guidances by the Adjudication Panel for Wales
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION

- 1.1 Following consultation over the summer period, the Adjudication Panel for Wales (APW) has published three presidential guidances, on
- (a) Anonymity
 - (b) Disclosure; and
 - (c) The role of the Monitoring Officer in APW proceedings.
- 1.2 Presidential guidance documents are not legally binding and they are provided to assist monitoring officers, the parties, relevant authorities and their members, and the wider public to understand their role within APW proceedings. The guidances do not constitute legal advice and do not supersede individuals' own duties, the requirements of their own Code of Conduct if applicable or their professional obligations, but they are a source of useful guidance to be taken into account when APW proceedings are being conducted and may be useful in connection with proceedings before the Standards Committee.
- 1.3 Whilst these documents do not directly affect the work of the Standards Committee, they provide an insight into the workings and considerations of the APW and so are informative and provide some background for the Standards Committee members. Their contents will be of limited relevance to Members of the County Council and the Community Councils until such time as they may be subject to APW proceedings.

2. PRESIDENTIAL GUIDANCE:

- 2.1 Below is a summary of the main elements included in each of the presidential guidances published by the APW.

2.2 Presidential Guidance – Anonymity

The Guidance (**Enclosure 1**) assists on the issue of Anonymity. The main matters covered in the Guidance include:

➤ **Power to anonymise:**

Whilst the APW does not have the power to issue restricted reporting orders or control what is reported by the press or through social media, it does have the power to control its own proceedings and give directions to the parties, witnesses and third parties.

APW final hearings take place in public, except where the tribunal considers that publicity would prejudice the interests of justice. However, anonymisation can allow all or the majority of the hearing to take place in public, enabling the public to fully understand the proceedings without breaching the rights of the individual whose identity has been concealed. This is compliant with the open justice principle; it is less restrictive to anonymise individuals than to have a private hearing in whole, or in part.

➤ **European Convention on Human Rights :**

The paramount object of the APW is to do justice in accordance with the right to a fair hearing, but if it is strictly necessary to withhold either evidence, or the identity of an individual, from public consideration because it is in the interests of justice to do so, this can be directed following a balanced consideration of the various rights of those involved and the open justice principle. The Convention entitles parties to a fair and public hearing, but the press and public may be excluded from all or part of the hearing where the interests of the parties so require, or to the extent strictly necessary where publicity would prejudice the interests of justice.

➤ **The approach of the APW**

In certain circumstances, the identity of a complainant, witness or third party may be anonymised at the direction of an APW tribunal, or the President, for the purposes of the hearing and decision; but the identity of that individual will be known to the parties and the tribunal. The identity of the member subject to the proceedings will not be anonymised.

Only the tribunal hearing the case, or the President, can make a direction in relation to anonymity – no party can guarantee anonymity to a complainant, witness or third party.

➤ **Practical measures that may be used to as to ensure anonymity**

- Using “Witness A/B/C/ etc” or “Mr/Ms A/B/C etc” on documents
- Altering the Hearing Bundle
- Special Measures such as screens / video links

2.3 Presidential Guidance – Disclosure

The Guidance (**Enclosure 2**) assists on the issue of Disclosure. The main elements covered in the Guidance include:

➤ **General**

The tribunal may receive evidence of any fact which appears to the tribunal to be relevant, notwithstanding that such evidence would be inadmissible in proceedings before a court of law. The tribunal should allow evidence to be adduced if it is fair to do so (in the interests of justice) and the evidence is relevant to the determinations it must make; it can exclude irrelevant evidence.

➤ **Before APW proceedings start**

A final report is issued by the PSOW, setting out the allegations originally made, the evidence gathered, and his conclusions. The evidence relied upon by the PSOW is exhibited to the final report and served upon the member and either the standards committee or APW.

The PSOW has agreed to serve a schedule setting out what unused material exists to its knowledge (this is material not used to prepare the final report), what it is, and its location

when the final report is issued. The schedule of unused material may be in two sections – ordinary evidence and sensitive evidence. Sensitive evidence is defined for these purposes as evidence relating to national security, given in expectation of confidence, relating to a criminal investigation or proceedings, relating to a minor, or relating to the private life of a witness (not the member) or third party. If the member seeks disclosure of evidence listed within the unused material schedule, it should be sought within 28 days of receipt of the schedule. The tribunal may also direct disclosure of a document from the unused material schedule.

➤ **Once APW proceedings start**

Once the reference is made by the PSOW or permission to appeal has been given by the President of the APW (or their delegate), the Panel becomes responsible for deciding what evidence may be adduced. It will give directions where appropriate.

➤ **Powers of the APW**

The APW has the power to require documents or ask for particulars from any person, whether or not they are a party or interested party to the proceedings. If a party requires evidence or information from any person in order to fairly put forward their case to the APW, and they have not been able to obtain it directly themselves, they should apply to the APW for directions or an order to obtain the evidence or particulars.

➤ **The monitoring officer**

The monitoring officer is notified of the proceedings and invited to attend the final hearing. The monitoring officer's role is set out in more detail in the Presidential Guidance "*The role of the Monitoring Officer in APW proceedings*" (see below).

2.4 Presidential Guidance - The role of the Monitoring Officer in APW proceedings

The Guidance (**Enclosure 3**) assists on the issue of the role of the Monitoring Officer in APW proceedings. The main topics covered in the Guidance include:

➤ **The position of the monitoring officer**

The monitoring officer of a relevant authority whose Code of Conduct is at the centre of APW proceedings is not a party to the proceedings, but is present to assist and inform the tribunal. They are notified of the proceedings and the hearing date, and receive copies of the listing directions and final decision. The monitoring officer normally adopts a neutral role.

➤ **Attendance at the final hearing**

The monitoring officer is invited to attend the final hearing (or to send a deputy) to assist the tribunal and to make an appropriate observation or comment if they so wish at each stage of the proceedings. Their attendance at the hearing will also enable the monitoring officer to give a detailed report to the standards committee and Council and to deal with any press enquiries as appropriate.

➤ **Information required from the monitoring officer**

Routine enquiries that may be made of the monitoring officer include confirmation as to when the councillor agreed to be bound by the Code, when the councillor received training on the Code or if the councillor is also a member of another relevant authority, such as a town or community council or national park authority.

The Registrar of the APW will ask the monitoring officer to confirm if there have been any previous adverse findings made by a standards committee regarding a breach of the Code by the councillor; this information will not be disclosed to the tribunal unless it reaches the sanctions stage of the proceedings. At this stage, the clerk will provide this information to the tribunal but the monitoring officer will be given an opportunity to comment, amplify or update the information supplied orally at the hearing.

➤ **Disclosure**

The standard direction given to monitoring officers in correspondence from the Registrar is that any evidence which they wish to provide should generally be provided either direct to the Registrar when directed by the tribunal or to the PSOW for his consideration. This addresses any concerns that may be raised by either the regulations or data protection legislation in the overwhelming majority of cases about the disclosure of documents by the monitoring officer.

3. RECOMMENDATION

- 3.1 For the Standards Committee members to note the contents of the APW presidential guidance included as **Enclosures 1-3** to this report.



Presidential Guidance: Anonymity

This guidance is not legally binding and is provided to assist monitoring officers, the parties, relevant authorities and their members, and the wider public to understand their role within Adjudication Panel for Wales (“APW”) proceedings. Nothing within this guidance constitutes legal advice and those considering this guidance are reminded that this guidance does not supersede their own duties, the requirements of their own Code of Conduct if applicable or their professional obligations.

Power to anonymise

1. The APW does not have the power to issue restricted reporting orders or control what is reported by the press or through social media. However, it does have the power to control its own proceedings and give directions to the parties, witnesses and third parties.
2. The law on the reporting of sexual offences and the naming of alleged victims (s.1 of the Sexual Offences (Amendment) Act 1992) applies to those publishing information about APW proceedings where relevant; where possible, the tribunal considering such matters will remind those in attendance of these provisions, but they apply whether or not such a reminder is given. The APW will give consideration about how to approach matters involving the possible commission of sexual offences and give the necessary directions to the parties prior to the start of the final hearing.
3. While in appropriate cases, the identity of a complainant, witness or third party may be anonymised at the direction of a APW tribunal or the President for the purposes of the hearing and decision, the identity of that individual will be known to the parties and the tribunal. The identity of the member subject to the proceedings will not be anonymised.

European Convention on Human Rights

4. The paramount object of the APW is to do justice in accordance with the right to a fair hearing, but if it is strictly necessary to withhold either evidence or the identity of an individual from public consideration because it is in the interests of justice to do so, this can be directed following a balanced consideration of the various rights of those involved and the open justice principle. The Convention entitles parties to a fair and public hearing, but the press and public may be excluded from all or part of the hearing where the interests of the parties so require, or to the extent strictly necessary where publicity would prejudice the interests of justice.

5. Rights that may be engaged include the right to privacy and the right to a family life, as well as the right to freedom of expression, which is generally always engaged in APW proceedings. Examples of when such rights may be engaged could include the disclosure of medical information pertaining to a witness (such information being confidential), painful and humiliating disclosure of personal information about a witness where there is no public interest in its being publicised, or disclosure of information affecting minors.

The approach of the APW

6. APW final hearings take place in public, except where the tribunal considers that publicity would prejudice the interests of justice. However, anonymisation can allow all or the majority of the hearing to take place in public, enabling the public to fully understand the proceedings without breaching the rights of the individual whose identity has been concealed. This is compliant with the open justice principle; it is less restrictive to anonymise individuals than to have a private hearing in whole or in part.
7. It is appreciated that some complainants will only make a complaint if anonymisation at the hearing is likely. The quality of the evidence given at a hearing may be diminished due to fear or distress if anonymity is not granted. Only the tribunal hearing the case or the President can make such a direction – no party can guarantee anonymity to a complainant, witness or third party.
8. When considering whether to direct anonymisation, the tribunal will consider and balance the rights of the individual involved against the open justice principle and the right to a fair hearing in public, and the likely effect of anonymisation (or failure to do so) on the evidence to be adduced. It will also consider whether the identity of the individual is already widely known, rendering anonymisation pointless. Reasons will be provided to the parties for its decision.
9. If an interested person, such as the press, wishes to apply to set aside the anonymity order, they may apply to the tribunal for the application to be heard. It is a matter for the tribunal when the application is considered, but the views of the parties will be sought and considered. The view of the individual themselves may or may not be sought, depending on the approach adopted by the tribunal.

Practical measures

10. To guard against inadvertent disclosure, at the outset of the hearing and at the start of a relevant witness' evidence the chair will remind the parties, witnesses and the public that a particular individual's identity has been anonymised and they should be referred to as "Witness A/B/C/ etc" or "Mr/Ms A/B/C etc".
11. The hearing bundle may be redacted or altered to ensure that the name of the anonymised person is as directed, depending on the directions of the tribunal. The witness bundle and any press bundle (if prepared) must be so redacted or altered to avoid disclosure of the identity if inspected by the press or public.

12. The tribunal may direct use of special measures, such as a screen or video link, to enable the witness to give their evidence without disclosure of their identity.
13. Prior to the commencement of APW proceedings, if the parties anticipate that it is highly likely the identity of a witness or third party will be anonymised while gathering evidence, they may submit a suitably redacted version of the evidence (only anonymising the name of the individual and replacing with an appropriate anonymised name) to the APW for inclusion within the bundle. However, the original evidence must be disclosed to the other party, either before the matter is sent to the APW or when the redacted evidence is disclosed to the APW. The redaction must be brought to the tribunal's attention in a covering letter, and the letter must also include the reasons for the redaction and an application for directions permitting the anonymisation as sought.
14. The APW expects the parties to attempt to agree the issue of anonymisation before submitting an anonymised bundle to the panel, but if agreement cannot be reached, provided the process outlined above is followed, one party may request anonymity for an individual/s and submit an anonymised bundle for the approval of the panel or President.

Claire Sharp

Llywydd, Panel Dyfarnu Cymru/ President, Adjudication Panel for Wales

September 2020



Presidential Guidance: Disclosure

This guidance is not legally binding and is provided to assist monitoring officers, the parties, relevant authorities and their members, and the wider public to understand their role within Adjudication Panel for Wales (“APW”) proceedings. Nothing within this guidance constitutes legal advice and those considering this guidance are reminded that this guidance does not supersede their own duties, the requirements of their own Code of Conduct if applicable or their professional obligations.

General

1. Unlike *inter partes* litigation (litigation where one party is suing another), the APW deals with references made by the Public Services Ombudsman for Wales (“PSOW”) and appeals brought by members following a decision by a standards committee on the issue of whether the Code of Conduct for members has been breached (and if so, the appropriate sanction). In all cases, the member and the PSOW are parties and entitled to submit evidence, ask for witnesses to be called, and make representations. However, it is a matter for the tribunal to determine what evidence is before it, provided that a fair hearing is undertaken.
2. The tribunal may receive evidence of any fact which appears to the tribunal to be relevant, notwithstanding that such evidence would be inadmissible in proceedings before a court of law. It shall not refuse to admit any evidence which is admissible at law and is relevant. In other words, the tribunal should allow evidence to be adduced if it is fair to do so (in the interests of justice) and the evidence is relevant to the determinations it must make; it can exclude irrelevant evidence.
3. The parties are reminded that disclosure is key to a fair hearing and that evidence should be provided to the other party and the APW in advance and in good time before a final hearing; attempts to “ambush” the other party are not in accordance with the spirit of modern litigation practice. It is also inappropriate to ask those who are approached to give or supply evidence to keep the approach confidential from the other party or the APW, particularly monitoring officers, other officers or members of a relevant authority; this does not mean such a person cannot be asked to generally keep the approach confidential, but not in relation to the other party or the APW.

Before APW proceedings start

4. Prior to the commencement of APW proceedings, in the vast majority of cases the PSOW will have undertaken a full investigation (monitoring officers can conduct

investigations in certain circumstances, but generally they ask the PSOW to do so). The PSOW will have gathered evidence from the member, witnesses and relevant third parties, carried out interviews, and asked the member to comment on the draft report.

5. A final report is issued by the PSOW, setting out the allegations originally made, the evidence gathered, and his conclusions. The evidence relied upon by the PSOW is exhibited to the final report and served upon the member and either the standards committee or APW.
6. The PSOW has agreed to serve upon the member (and the APW when a reference is made) a schedule setting out what unused material exists to its knowledge (this is material not used to prepare the final report), what it is, and its location (as the PSOW may not hold such material; for example, the monitoring officer may hold it) when the final report is issued. The schedule of unused material may be in two sections – ordinary evidence and sensitive evidence. Sensitive evidence is defined for these purposes as evidence relating to national security, given in expectation of confidence, relating to a criminal investigation or proceedings, relating to a minor, or relating to the private life of a witness (not the member) or third party. If the member seeks disclosure of evidence listed within the unused material schedule, it should be sought within 28 days of receipt of the schedule to avoid unnecessary delay by the member or his representatives. The tribunal may also direct disclosure of a document from the unused material schedule, but it is not obliged to do so.

Once APW proceedings start

7. Once the reference is made by the PSOW or permission to appeal has been given by the President of the APW (or their delegate), the Panel becomes responsible for deciding what evidence may be adduced. It will give directions where appropriate, but broadly the following principles apply:
 - a) The final report and evidence exhibited with it will form part of the hearing bundle if it is relevant and in the interests of justice to be considered by the tribunal (attention is drawn to paragraph *h* below);
 - b) The response of the member or their application to appeal will form part of the hearing bundle;
 - c) Evidence submitted by the member with their response will form part of the hearing bundle if it is relevant and in the interests of justice to be considered by the tribunal (attention is drawn to point *h* below);
 - d) Any decision made by the standards committee and supporting evidence where provided by either the parties or monitoring officer (if not already within the PSOW's final report) will form part of the hearing bundle;
 - e) Correspondence between the APW and the parties will form part of the hearing bundle, as will listing and other directions or orders;

- f) Submissions from the parties may form part of the hearing bundle (unless made orally), but is not evidence;
- g) Any additional evidence the parties wish to be considered, apart from paragraphs a – e, must either be the subject of an application made to the tribunal or included by way of directions from the tribunal on its own initiative. Applications should be made in good time before the final hearing commences to allow the tribunal to seek the view of the other party and deliver its decision; such applications should be made no later than 28 clear days before the final hearing commences, but the expectation is that such applications should be made before the listing conference. Applications to adduce evidence made at the final hearing or within the 28 day period preceding the start of the final hearing will be viewed as a late application and good reasons as to why the application could not have been made earlier will be required to be given, as will an explanation as to why late disclosure is in the interests of justice;
- h) The tribunal has the right to exclude irrelevant evidence from the hearing bundle and to determine which witnesses will be called to give evidence. It is expected that the parties will be notified in advance and given reasons if evidence is to be excluded.

Powers of the APW

- 8. The APW has the power to require documents or ask for particulars from any person, whether or not they are a party or interested party to the proceedings. If a party requires evidence or information from any person in order to fairly put forward their case to the APW, and they have not been able to obtain it directly themselves (attention is drawn below to the special position of monitoring officers), they should apply to the APW for directions or an order to obtain the evidence or particulars.
- 9. Applications should be made in good time before the final hearing, and ideally before the listing conference. Such applications should not be made at the final hearing or within the 28 day period before the start of a final hearing as costs will already have been incurred by the parties and the APW which may be wasted (the parties should note that the APW does in certain circumstances have the power to make costs orders). The parties should bear in mind that sufficient time should be given to allow submissions to be made by the other party and for the tribunal to make a decision – this is likely to take at least 28 days.

The monitoring officer

- 10. The monitoring officer is notified of the proceedings and invited to attend the final hearing. The monitoring officer's role is set out in more detail in the Presidential Guidance "*The role of the Monitoring Officer in APW proceedings*". The section relating to disclosure and monitoring officers is repeated below for convenience and to ensure that the parties understand that the monitoring officer is neutral and has a key role in upholding standards.

11. Generally, monitoring officers are not expected to take an active part in APW proceedings. Prior to proceedings, the PSOW is likely to have collected relevant evidence from the relevant authority, including from the monitoring officer, and this evidence will either be exhibited to the PSOW's final report or set out in an unused material schedule provided with the report.
12. However, it is possible that the monitoring officer may hold relevant evidence that has not been disclosed to the PSOW or is approached by the councillor or his representatives to disclose evidence. Monitoring officers should not "*descend into the arena*" and are expected to remain neutral in accordance with the requirements of their role. It is appropriate for a monitoring officer to correct a factual mistake made by a witness (as part of their role outlined above to provide factual information to the tribunal in relation to any evidence already before it), but they should not adopt a position about the decision to be made by the tribunal. Equally, it is appreciated that the monitoring officer may need to be a witness in their own right if they witnessed a disputed event or made the initial complaint (for example on behalf of junior officers); this is not regarded as outside their neutral role provided the evidence only deals with factual matters.
13. Monitoring Officers are reminded that if they carried out the investigation (as opposed to the PSOW), Regulation 5 of Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the Regulations") will apply, and the APW is not listed as an entity that can lawfully be a direct recipient of information obtained by the monitoring officer when conducting the investigation, unlike the PSOW. The APW does have the power to require evidence from any person through directions and orders under Regulation 7, including information gathered by the monitoring officer under Regulation 5.
14. The standard direction given to monitoring officers in correspondence from the Registrar is that any evidence which they wish to provide should generally be provided either direct to the Registrar when directed by the tribunal or to the PSOW for his consideration. This addresses any concerns that may be raised by either the regulations or data protection legislation in the overwhelming majority of cases about the disclosure of documents by the monitoring officer.
15. Once APW proceedings are underway, it is the tribunal which decides what evidence is within the hearing bundle (subject to applications by the parties where relevant). If a monitoring officer is concerned that they hold relevant evidence which has not been previously disclosed to the PSOW and APW proceedings have commenced, they should either consider making an application to the tribunal seeking directions on their own initiative to enable disclosure to the PSOW, the councillor/councillor's representatives and the tribunal, or disclose the evidence to the PSOW (who has undertaken to ensure the councillor then receives such evidence). Disclosure applications to the tribunal should be made at the earliest possible opportunity to avoid delay to the final hearing.

16. If a monitoring officer is requested to keep a request for disclosure confidential by one of the parties, it is a matter for their professional judgment whether to agree, but the APW expects that disclosure should not be made outside of its directions (whether through the direction set out in its standard letter to monitoring officers or case-specific directions made by the tribunal) or this guidance once its proceedings have commenced. This is to ensure a fair hearing once the APW proceedings are underway and to enable both parties to receive disclosure.

Claire Sharp

Llywydd, Panel Dyfarnu Cymru/ President, Adjudication Panel for Wales

September 2020



Presidential Guidance: The role of the Monitoring Officer in APW proceedings

This guidance is not legally binding and is provided to assist monitoring officers, the parties, relevant authorities and their members, and the wider public to understand the role of the monitoring officer within Adjudication Panel for Wales (“APW”) proceedings. Nothing within this guidance constitutes legal advice and monitoring officers are reminded that this guidance does not supersede their duties, the requirements of the Code of Conduct for Employees or professional obligations.

The position of the monitoring officer

1. The monitoring officer of a relevant authority whose Code of Conduct is at the centre of APW proceedings is not a party to the proceedings, but is present to assist and inform the tribunal. They are notified of the proceedings and the hearing date, and receive copies of the listing directions and final decision. The monitoring officer normally adopts a neutral role.

Attendance at the final hearing

2. The monitoring officer is invited to attend the final hearing (or to send a deputy) to assist the tribunal and to make an appropriate observation or comment if they so wish at each stage of the proceedings. This is an opportunity for the monitoring officer to clarify any procedural points regarding the business of the relevant authority or to provide factual information to the tribunal in relation to any evidence already before it. It is open to the officer to make no comment.
3. The tribunal’s invitation to speak at the oral hearing is not an opportunity for the monitoring officer to adduce new evidence not previously disclosed; any evidence which they wish to provide should generally be provided either direct to the Registrar when directed by the tribunal or to the Public Services Ombudsman for Wales (“PSOW”) for his consideration (see the disclosure section below).
4. The monitoring officer may ultimately be asked to provide or arrange further training to the councillor or to action matters relating to the exercise of the authority’s functions, the authority’s Code, or the authority’s standards committee if so recommended by the tribunal. Their attendance at the hearing will also enable the monitoring officer to give a detailed report to the standards committee and Council and to deal with any press enquiries as appropriate.

Information required from the monitoring officer

5. Routine enquiries that may be made of the monitoring officer by either the PSOW or the tribunal through its directions or correspondence through the Registrar include confirmation as to when the councillor agreed to be bound by the Code, when the councillor received training on the Code or if the councillor is also a member of another relevant authority, such as a town or community council or national park authority. They will also be asked to confirm the dates of full council meetings or relevant council business that might affect the listing of the hearing, and their personal unavailability dates.
6. The Registrar of the APW will ask the monitoring officer to confirm if there have been any previous adverse findings made by a standards committee regarding a breach of the Code by the councillor; this information will not be disclosed to the tribunal unless it reaches the sanctions stage of the proceedings. At this stage, the clerk will provide this information to the tribunal but the monitoring officer will be given an opportunity to comment, amplify or update the information supplied orally at the hearing.

Disclosure

7. Generally, monitoring officers are not expected to take an active part in APW proceedings. Prior to proceedings, the PSOW is likely to have collected relevant evidence from the relevant authority, including from the monitoring officer, and this evidence will either be exhibited to the PSOW's final report or set out in an unused material schedule provided with the report.
8. However, it is possible that the monitoring officer may hold relevant evidence that has not been disclosed to the PSOW or is approached by the councillor or his representatives to disclose evidence. Monitoring officers should not "*descend into the arena*" and are expected to remain neutral in accordance with the requirements of their role. It is appropriate for a monitoring officer to correct a factual mistake made by a witness (as part of their role outlined above to provide factual information to the tribunal in relation to any evidence already before it), but they should not adopt a position about the decision to be made by the tribunal. Equally, it is appreciated that the monitoring officer may need to be a witness in their own right if they witnessed a disputed event or made the initial complaint (for example on behalf of junior officers); this is not regarded as outside their neutral role provided the evidence only deals with factual matters.
9. Monitoring Officers are reminded that if they carried out the investigation (as opposed to the PSOW), Regulation 5 of Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the Regulations") will apply, and the APW is not listed as an entity that can lawfully be a direct recipient of information obtained by the monitoring officer when conducting the investigation, unlike the PSOW. The APW does have the power to require evidence from any person through directions and orders under Regulation 7, including information gathered by the monitoring officer under Regulation 5.

10. The standard direction given to monitoring officers in correspondence from the Registrar is that any evidence which they wish to provide should generally be provided either direct to the Registrar when directed by the tribunal or to the PSOW for his consideration. This addresses any concerns that may be raised by either the regulations or data protection legislation in the overwhelming majority of cases about the disclosure of documents by the monitoring officer.
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12. If a monitoring officer is requested to keep a request for disclosure confidential by one of the parties, it is a matter for their professional judgment whether to agree, but the APW expects that disclosure should not be made outside of its directions (whether through the direction set out in its standard letter to monitoring officers or case-specific directions made by the tribunal) or this guidance once its proceedings have commenced. This is to ensure a fair hearing once the APW proceedings are underway and to enable both parties to receive disclosure.

Claire Sharp

Llywydd, Panel Dyfarnu Cymru/ President, Adjudication Panel for Wales

September 2020

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Dispensation(s)
PURPOSE OF THE REPORT:	To advise the Standards Committee of the outcome of any dispensation applications received since the last written report to the Standards Committee on 11.03.2020
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION

Where a county councillor/town/community councillor has a prejudicial interest in a matter to be considered by their authority, the code of conduct requires that the interest be declared/registered and that the member leave the meeting and not participate/influence the decision/s.

The code of conduct provides inbuilt “dispensations” in certain limited circumstances which are listed in [paragraph 12\(2\) of the code](#).

Additionally, if paragraph 12(2) of the Code does not help, then the Standards Committee has discretion to grant a dispensation to a member, in specific circumstances, as listed in statutory regulations.

If granted, a dispensation will overreach the prejudicial element of the interest (that is the bias or perceived bias) and will enable the member to participate in the matter; perhaps with a limited or restricted input, and for a specified timescale.

2. BACKGROUND

To assist members in using the process for dispensations whenever it may be suitable, and as effectively as possible, the Standards Committee has published an Advice and Guidance Note. Additionally, information was provided to town and community council clerks on the potential for dispensations in an email dated 6th March 2017.

Given that dispensations are often required at the minimum amount of notice legally possible, the Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Committee. Applications received from county councillors may be heard by any three independent / County Council members (with the independent members to be in the majority) and applications from town/community councillors are to be heard by independent members and town/community council members (independent members to be in the majority).

3. APPLICATIONS MADE SINCE THE LAST REPORT DATED 11.03.2020

3.1 Dispensation Panel Hearing on 29 July 2020

- 3.1.1 A [Dispensation Panel Hearing was held virtually on 29 July 2020](#) to consider an application made by all members of this County Council in relation to the “six month rule”. The matter was considered as a block dispensation.
- 3.1.2 The report presented to the Panel at the 29th July hearing can be seen [online](#).
- 3.1.3 Attached at **Enclosure 1** are the draft minutes from the Dispensation Panel.
- 3.1.4 The Panel decided to grant an unlimited dispensation to all the named Councillors who had applied for a dispensation on the following terms:
- write to officers and the Executive / Committee / Council about the issue;
 - speak to officers of the Council about the issue, provided a note is taken of any such discussions;
 - speak at Executive / Committee / Council meetings and answer any questions about the issue;
 - remain in the room during any debate/voting on the issue;
 - vote at such meetings, and
 - participate in all external meetings and meetings of any outside bodies in their capacity as a member of the Isle of Anglesey County Council.
- 3.1.5 The dispensation was granted based on statutory grounds (a), (c), (d) and (j) and will be reviewed after a period of 12 months.

4. RECOMMENDATION

- 4.1 For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.
- 4.2 For the members of the Panel only (John R Jones, Rhys Davies and Sharon Warnes) to ratify/amend the draft minutes at **Enclosure 1**.

DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)

Minutes of the meeting held on 29 July 2020

PRESENT:	Independent Members
	Mr John R Jones (Chair) Dr Thomas Rhys Davies (Vice-Chair) Mrs Sharon Warnes
IN ATTENDANCE:	Director of Function (Council Business)/Monitoring Officer Solicitor (Corporate Governance) (MY) Committee Officer (SC)
APOLOGIES:	None

The Chair welcomed all those present to the virtual meeting of the Dispensation Panel.

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. APPLICATION FOR DISPENSATION

The Solicitor (Corporate Governance) reported that a collective application for dispensation was made by the 29 members of the County Council in respect of what they consider to be a personal and prejudicial interest.

The Solicitor (Corporate Governance) stated that Section 85 of the Local Government Act 1972 and the County Council's Constitution notes that if a member fails to attend a relevant meeting of the Council for a period of 6 consecutive months, then the "six month rule" applies; i.e. the member ceases to be an elected member, and a by-election is triggered. It was noted that disqualification may be avoided if a member asks for the absence to be approved by full Council before the expiry of the 6 month period.

The Solicitor (Corporate Governance) reported that due to the Coronavirus (Covid-19) pandemic, the Council has not been able to carry out "business as usual". She referred to The Coronavirus Act 2020 and Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, which reduces the legal obligations on local authorities, and permits meetings by remote attendance. It was noted that the Council has reviewed its Committee timetable, and there are fewer formal meetings currently being held than during the pre-Coronavirus period, and so fewer opportunities for members to be able to comply with the requirements of the "six month rule".

It was noted that a report will be presented to full Council on 8 September 2020, requesting that the Council approves that the Coronavirus pandemic is a reason for non-attendance by all of IOACC's members at meetings, and that all members are given protection that their non-attendance, by virtue of the Coronavirus outbreak, will not result in an automatic dismissal on their part for a further period of six months from when each individual members' initial six month period expires.

Reference was made to Regulation 10 of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, that for the purpose of calculating the six months, the period between the day when the Regulations came into force (22 April 2020), and the date of a meeting to which the member had been invited to attend in his role as an elected member is to be disregarded. It was noted that the clock is paused between 22 April and the first meeting to which a member is invited to attend; however, it does not restart.

The Solicitor (Corporate Governance) brought the Guidance (Enclosure 4) to the Panel's attention.

The Solicitor (Corporate Governance) briefed the Panel on personal and prejudicial interests, as referred to in the Members' Code of Conduct (Enclosure 1). Only if they considered that the members have a personal and prejudicial interest within the meaning of the Code should they then consider the granting of a dispensation.

If a dispensation was required (due to the Panel positively finding that the members have a prejudicial interest), the Solicitor (Corporate Governance) advised the Panel to refer to the statutory grounds for granting dispensations (the grounds included Enclosure 2, and the elected members having noted the relevant grounds in their application in Enclosure 3). If a ground is relevant, the Panel may grant the dispensation. She stated that a dispensation would allow members to participate in the matter, despite the prejudicial interest identified.

Clarity was sought by the Panel regarding whether they should consider granting a dispensation for one meeting, a further 6 months, or for the remaining term of this Council to May 2022?

The Monitoring Officer reported that extending the term to the end of the current Council would use less resources and provide more flexibility, and there were sufficient safeguards in place, as any application to provide a further extension to the "six month rule" would need to be considered by full Council in a public meeting.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that, in their opinion, the Dispensation Panel had concluded that the 29 members of the Council have a personal and prejudicial interest in that business, and the Panel was to grant the dispensation sought.

RESOLVED:-

- **To grant a dispensation to all members of the County Council (named below) in respect of those interests referred to in the application included at Enclosure 3 of the report:-**

Councillors Lewis Davies, Richard A Dew, John Griffith, Richard Griffiths, Glyn Haynes, Kenneth P Hughes, Trefor Lloyd Hughes, MBE, Vaughan Hughes, Llinos Medi Huws, Aled Morris Jones, Carwyn Jones, Eric W Jones, Richard O Jones, Gwilym O Jones, Robert LI Jones, R Meirion Jones, Alun Mummery, Bryan Owen, Robert G Parry, OBE, FRAgS, Dylan Rees, Alun Roberts, Dafydd Roberts, J Arwel Roberts, Margaret M Roberts, Nicola Roberts, Peter S Rogers, Dafydd R Thomas, Ieuan Williams, Robyn W Williams.

- **That the dispensation be granted to the end of the current Council in May 2022.**
- **That the members declare their prejudicial interest, but also the fact that they have been granted a dispensation by the Standards Committee Panel, at every relevant meeting when discussing and/or voting are undertaken as regards the personal and prejudicial interest noted in the application.**

Action:

- **The Monitoring Officer to write to the 29 members of Anglesey County Council confirming that they have been granted an en bloc dispensation permitting each member to write, speak and vote on all matters relating to the “6 month rule”.**
- **The Monitoring Officer to report to the Standards Committee on the use made of the dispensation.**

The Chair, on behalf of the Panel thanked all those present, Council staff and members, for their diligence in adapting to change during these challenging times. He thanked the Chief Executive and Council Leader for the manner in which they have been conducting their business over recent months.

The meeting concluded at 2.55 pm

**MR JOHN R JONES
CHAIR**

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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	15 December 2020
REPORT TITLE:	Standards Committee’s Annual Report by the Chairman
PURPOSE OF THE REPORT:	To provide a copy of the Annual Report to members and information on the work to be done for 2020/2021
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxics@ynysmon.gov.uk 01248 752586

A BACKGROUND

- 1 The Chair of the Standards Committee is required to provide an Annual Report to the Council. This is the first Report for Mr John Robert Jones as Chair of the Committee.
- 2 It is usual practice for the Annual Report to be presented at the Council’s Annual Meeting which ordinarily occurs in May. However, there was a delay in holding the Council’s Annual Meeting for 2020 as a result of the coronavirus pandemic.
- 3 The Standards Committee’s Report for 2020/2021 was therefore presented to the Council’s Annual Meeting held on 8 September 2020.
- 4 A copy of the Report is available on [this link](#).
- 5 The Report details the work the Committee has achieved during 2019/2020 and includes the work programme for 2020/2021.
- 6 The Committee’s work programme for 2020/2021 is reduced in light of it being endorsed with a reduced timetable (it is usually for 12 months but is reduced this year to 8 months). The ongoing pandemic also plays part as there are

additional pressures on resources, including the officers who assist with the Committee's programme.

B RECOMMENDATION

- 1 The Committee is asked to note the information contained in the report.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	15.12.2020
TITLE OF REPORT:	Standards Committee review of the register of interests held by Town and Community Councils
PURPOSE OF THE REPORT:	To report on the proposed review, to be held in accordance with the Committee's Work Programme for 2020-2021
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwy@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbx@ynysmon.gov.uk 01248 752586

1. INTRODUCTION & BACKGROUND

- 1.1 As part of its work programme, the Standards Committee has decided to carry out a review of the register of interests maintained by the Town and Community Councils.
- 1.2 The last review was conducted in 2018/2019. A copy of the findings made following the last review can be seen [here](#).

2. THE USUAL PROCESS FOR THE REVIEW

- 2.1 The Standards Committee decides which Town or Community Councils are to be reviewed. (See below for more information in relation to the selection process)
- 2.2 Correspondence is then sent by the Chair, on behalf of the Committee, to advise the Town or Community Council's Clerk of the Standards Committee's intention to conduct a review. The letter explains the purpose of the visit, the documents which the Standards Committee members will wish to review and how any findings are to be published.
- 2.3 A mutually convenient time for a meeting will be arranged. The meeting usually involves two members of the Standards Committee (usually the Chair or the Vice-Chair and one other member of the Standards Committee except County Council members) meeting with the Clerk of the Town or Community Council. The Monitoring Officer or the Corporate Governance Solicitor is also usually in attendance.
- 2.4 In previous years, the format of the meeting has involved following the process outlined in the Methodology Note available [here](#). This process involves reviewing

the Register of Interests maintained by the Town and Community Councils together with other documents such as Declarations of Interest Forms made in Council meetings; Agenda and Minutes for the Council and its Sub-Committees; a list of the names of all members and copy form of acceptance of office by each current member, including the statutory undertaking to comply with the Code of Conduct; a record of members' training – usually dating back to the last election.

2.5 A review of the Town or Community Council's website is also conducted so as to ascertain if all required and relevant information is published. Members usually conduct this as a desktop exercise before attending the meeting with the Clerk.

2.6 After the review meeting, it has been standard practice to send –

2.6.1 Individual letters to each of the Town and Community Councils who have been subject to a review (these are not published) [copies are sent to the Clerk and all members of the relevant Town or Community Council]

and

2.6.2 A general report of findings to all 40 Town and Community Councils – this is so as to assist all Town and Community Councils by way of sharing good practice and identifying matters which commonly need to be addressed [without identifying or naming individual Town or Community Councils]. A copy of the letter sent following the 2018/2019 review can be seen [here](#).

3. THE 2020-2021 REVIEW

3.1 The Process

3.1.1 Due to the coronavirus pandemic, it will not be possible to follow the process previously adopted as physical meetings/sharing of paper documents cannot be arranged. The Standards Committee will therefore need to decide how it is going to conduct these reviews by way of an alternative format.

3.1.2 Some possible options include:

3.1.2.1 requesting documents electronically from the Clerks and arranging a virtual meeting (over Teams or Zoom) with the relevant Clerk; or

3.1.2.2 conducting a desk-top review only; based on the information published on the Town or Community Council's website, with any outstanding matters then queried with the Clerk directly via correspondence or a virtual meeting; or

3.1.2.3 requesting that the Town or Community Council completes a Questionnaire, which includes queries in relation to the matters previously raised by the Standards Committee as requiring further considerations (as identified in the finding letter referred to in paragraph 1.2 and 2.6.2 above).

3.1.3 You may also have other suggestions as to how this may be successfully performed in an alternative format. The Committee can discuss all options and will need to come to a view as to which format to adopt.

3.2 Selection

3.2.1 There are 5 Town Councils and 35 Community Councils in Anglesey.

3.2.2 A decision will need to be made on which Town / Community Councils are to be reviewed.

3.2.3 For the 2016/2017 Review, two Town Councils and two Community Councils were reviewed. For the 2018/2019 Review, the five Town Councils were reviewed.

3.2.4 Due to resources, it is likely the Committee will continue with the previous arrangement that the reviews are conducted in a sample of the Town and Community Councils (rather than all 40). But, this will need to be agreed by the Committee.

3.2.5 The decision as to which Town and Community Councils are chosen for review must be a fair process. In the past some of the data considered by the Committee have included (A) the level of the precepts, (B) attendance at the Town and Community Council Forum during the last 12 months, (C) complaints to the Public Services Ombudsman for Wales where the PSOW has decided to investigate during the last 12 months, and (D) responses received to Standards Committee correspondence. There are no figures for B and D to rely upon for the last 12 months, and the answer to C is zero. The information for A i.e. the list of precepts (received by each Town and Community Council) is included as **Enclosure 1**. Also noted on this table in **Enclosure 1** is those Town and Community Councils that have been previously advised by the Standards Committee that they would not be subject to review due to their co-operation with the Committee.

3.2.6 The Committee may request that other sources of information are sought so as to assist in making an informed decision as to which Councils to review.

4. RECOMMENDATION

4.1 The Standards Committee is requested to note the contents of this report and its enclosures.

4.2 The Standards Committee is requested to confirm -

4.2.1 the format for the reviews; and

4.2.2 which Town and Community Councils it wishes to review, and which members of the Standards Committee will conduct that review.

4.3 Once a decision is made in relation to 4.2 above, a timetable for the review will be agreed with the Clerk of each selected Town / Community Council.

PLWYF / PARISH	PRAESEPT / PRECEPT 2020/2021	WEDI CADARNHAU DIM ADOLYGIAD Y TRO HWN OHERWYDD CYDWEITHREDIAD / INFORMED NO REVIEW DUE TO CO-OPERATION
AMLWCH	99,134.88	X
BIWMARES / BEAUMARIS	29,343.10	
CAERGYBI / HOLYHEAD	509,891.00	
LLANGFNI	175,183.36	
PORTHAETHWY / MENAI BRIDGE	97,000.00	
LLANDDANIEL	9,250.00	
LLANDDONA	6,925.00	X
CWM CADNANT	31,500.00	
LLANFAIRPWLL	48,000.00	
LLANFIHANGEL ESCEIFIOG	18,750.00	
BODORGAN	11,500.00	
LLANGOED & PENMON	11,697.00	X
LLANGRISTIOLUS & CERRIGCEINWEN	8,000.00	X
LLANIDAN	12,062.44	
RHOSYR	26,400.00	
PENMYNYDD & STAR	7,500.00	X
PENTRAETH	13,000.00	
MOELFRE	11,496.90	
LLANBADRIG	27,525.00	X
LLANDDYFNAN	9,500.00	X
LLANEILIAN	13,018.63	X
LLANERCHYMEDD	17,492.97	
LLANEUGRAD	4,000.00	
LLANFAIR MATHAFARN EITHAF	54,185.00	
CYLCH Y GARN	7,000.00	
MEHELL	10,000.00	
RHOSYBOL	8,000.00	
ABERFFRAW	6,500.00	
BODEDERN	14,000.00	
BODFFORDD	11,000.00	
TREARDDUR	36,000.00	
TREF ALAW	6,745.00	
LLANFACHRAETH	8,074.00	
LLANFAELOG	40,000.00	
LLANFAETHLU & LLANFWROG	5,750.00	
LLANFAIRYNEUBWLL	17,000.00	
Y FALI / VALLEY	33,941.00	X
BRYNGWRAN	11,000.00	X
RHOSCOLYN	4,000.00	
TREWALCHMAI	8,500.00	X