

Public Document Pack



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Mrs Annwen Morgan
Prif Weithredwr– Chief Executive
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RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR SAFONAU	STANDARDS COMMITTEE	
DYDD MERCHER 15 RHAGFYR 2021 am 2.00 o'r gloch	WEDNESDAY 15 DECEMBER 2021 at 2.00 pm	
CYFARFOD RHITHWIR WEDI'I FFRYDIO'N FYW	VIRTUAL LIVE STREAMED 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 Cyngorydd/Councillor J Arwel Roberts
Y Cyngorydd/Councillor Dafydd Rhys Thomas

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

Mr Keith Roberts
Mr Iorwerth Roberts

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A G E N D A

1 DECLARATION OF INTEREST

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

2 MINUTES OF MEETING (Pages 1 - 14)

To confirm the minutes of the meetings held as follows:-

- Minutes of the Standards Committee held on 16 June 2021.
- Minutes of the Dispensation Panel held on 12 November 2021 - To be approved by the three Panel Members only.

3 MEMBER DEVELOPMENT AND TRAINING

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

4 MEMBERS' ANNUAL REPORTS (Pages 15 - 16)

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

5 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 17 - 22)

A report by the Director of Function (Council Business)/Monitoring Officer in relation to (a) County Councillors, and (b) Town/Community Councillors for Quarter 2 2021/2022.

6 ADJUDICATION PANEL FOR WALES DECISIONS (Pages 23 - 30)

A report by the Director of Function (Council Business)/Monitoring Officer on the APW's decisions since the last Standards Committee on 16 June 2021.

7 APPLICATIONS FOR DISPENSATIONS (Pages 31 - 36)

A report by the Director of Function (Council Business)/Monitoring Officer on the applications for dispensations considered by the Standards Committee.

8 RESPONSES FROM THE TOWN AND COMMUNITY COUNCILS REGARDING THE STANDARD COMMITTEE'S NEWSLETTER (Pages 37 - 42)

A report by the Director of Function (Council Business)/Monitoring Officer on the responses received from the Town and Community Councils in relation to the general findings report distributed to all Town and Community Councils.

9 **S62-63 OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**
(Pages 43 - 44)

A report by the Director of Function (Council Business)/Monitoring Officer is appended setting out implications for the Standards Committee of new duties and Responsibilities under the legislation.

10 **ETHICAL STANDARDS FRAMEWORK** (Pages 45 - 54)

A report by the Director of Function (Council Business)/Monitoring Officer on the Ethical Standards Framework following receipt of a Report by Richard Penn published on the 14 October 2021. The Standards Committee to consider what actions they may wish to take forward in the light of the report's findings and recommendations.

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STANDARDS COMMITTEE

Minutes of the meeting held on 16 June 2021

PRESENT: **Independent Members**

Mr John R Jones (Chair)
Dr Thomas Rhys Davies (Vice-Chair)
Mrs Sharon Warnes

Representing the County Council

Councillor J Arwel Roberts
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Keith Roberts

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

APOLOGIES: Mrs Celyn Menai Edwards (Independent Member)
Mrs Gill Murgatroyd (Independent Member)
Councillor Iorwerth Roberts (Town and Community Council
Representative)

The Chair welcomed all those present to the meeting. He reported that Mrs Celyn Edwards and Mr Iorwerth Roberts were absent from today's meeting due to illness, and 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 15 December 2020 were confirmed as correct.

An updated action log of matters arising from the minutes has been forwarded to members of the Standards Committee detailing the actions which have taken place in accordance with the minutes of the last meeting.

Reference was made to Item 3 of the minutes on Member Development - a question was raised regarding the outcome of the Monitoring Officer's request for risk management training to be made available to Members. The Monitoring Officer confirmed that she had received a response from the Finance Department on 18 February 2020, which has been shared with the Standards Committee.

An updated action log will be prepared following today's meeting.

3. MEMBER DEVELOPMENT

Submitted - a report by the Human Resources Training Manager on planned development opportunities for elected Members during 2021/22.

The HR Training Manager reported that due to the pandemic, training delivery has been limited over the past year, and Members have received training via E-Learning and briefing sessions.

It was noted that discussions have taken place with the SLT, Heads of Service and Group Leaders on Members' training needs, and a report was presented to the Democratic Services Committee on 16 March 2021. The focus for training for 2021/22 will be as follows:-

- Mandatory training
- I-Pad Training
- Legislative Training
- Briefing sessions

The HR Training Manager reported that it is likely that future training/briefing delivery will continue via MS Teams, Zoom, and the Authority's E-Learning platform, Learning Pool, which is regularly updated. She stated that support with regard to accessing online training/general ICT issues continues to be available to Members via the Training Team. Guidance notes and videos are also available from the Team to assist with access issues.

The HR Training Manager reported that the Welsh Government is considering replacing the NHS platform, which the Council has adopted, with a national E-Learning platform across Wales. If the proposed changes are implemented, training modules on the NHS platform may be transferred to the national Learning Pool, providing greater choice of training modules for elected Members.

Clarity was sought on mandatory training for Members of the Standards Committee. The Monitoring Officer responded that training on the Code of Conduct is mandatory for all Members, and is included in the Code.

A question was raised whether there is training provision in place for Members on the Council's budget? The Monitoring Officer responded that new Members will be offered training on how the Council's finances work as part of their induction. The HR Training Manager reported that Senior Managers of the

Council will provide new Members with an overview of the Council's work and priorities, which will be included in next year's Member Development Programme.

Discussion focused on future training delivery for Town and Community Councillors. The Monitoring Officer responded that One Voice Wales has provided training in the past, and are experts in the field. She stated that following the Council elections in May 2022, training sessions will be offered to members of Town and Community Councils as part of the Standards Committee's statutory duty. It was confirmed that the training provider will be One Voice Wales.

Code of Conduct training for the two newly elected County Council Members (following the by-elections in May 2021) have been arranged. These will be provided by the Monitoring Officer and Solicitor (Corporate Governance) in the next couple of weeks.

In terms of preparing for the new Council, the Head of Democratic Services reported that new Members may be elected, together with five additional Members (as the Council will have five extra seats as of May 2022). He stated that a combination of briefing sessions will be arranged on specific training, led by Senior Officers. The Member Development Programme will focus on providing information and support to Members following the election. It was confirmed that a copy of the draft Programme will be made available to members of the Standards Committee before it is finalised.

RESOLVED to note the Elected Member Development Programme and associated delivery for 2021/22, as detailed in the report, and for a copy to be shared with the Standards Committee.

Action: None

4. 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 the Chair has briefed Group Leaders on arrangements for 2021/22, and highlighted the importance of encouraging Members to complete Annual Reports. Elected Members were requested to submit their reports by 12 May 2021, for publication on the Council's website before the end of June 2021. It was noted that 13 draft Annual Reports have been received to date.

The Head of Democratic Services reported that the WLGA is currently updating Members' role descriptions, which will be adapted locally and circulated to Members following their election. The descriptions are designed to be used with the Member Development (Competency) Framework, which was published in April 2021, and is available on the WLGA's website.

The Monitoring Officer reported that a meeting of Chairs of National Standards Committees and Monitoring Officers will be held this month to review the Code of Conduct. She stated that information is regularly shared between Monitoring Officers on how each Standards Committee has adapted the Code of Conduct locally. It was noted that it may be possible for this Standards Committee to request that Members' Annual Reports become statutory under the Code.

RESOLVED to note the information presented in the report.

Action: None

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the quarterly update of complaints submitted to the Ombudsman against (a) County Councillors, and (b) Town/Community Councillors.

The Monitoring Officer reported that no complaints had been submitted to the Ombudsman against County Councillors between October - December 2020 (Quarter 3), and January - March 2021 (Quarter 4).

It was noted that one complaint was presented to the Ombudsman against a Town Councillor during the same six month period. The Ombudsman has considered the complaint, and decided not to investigate further.

RESOLVED:-

- **To note the contents of Enclosures 1-4.**
- **That the Director of Function (Council Business)/Monitoring Officer distributes Enclosures 1-4 to elected and co-opted members of the Council, and members of the Town and Community Councils in the Newsletters.**

Action: See Resolution above

6. DECISIONS BY THE PUBLIC SERVICE OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising the Public Services Ombudsman for Wales (PSOW's) quarterly Casebook of Code of Conduct complaints for January - December 2020.

The Monitoring Officer reported that 13 cases had been referred to the Ombudsman and decided during 2020, as reported in Casebook (Issue number 24), published in April 2021.

The following main learning points for elected Members and Town and Community Councillors were highlighted:-

- Showing remorse and apologising for one's actions can assist members who have breached the Code of Conduct, but may not always be enough for the Ombudsman not to take further action.
- It is the responsibility of each individual Member to undertake training, or to seek advice from the Monitoring Officer in relation to declaring personal/ prejudicial interests.
- Intervention by the Chair of the Standards Committee and Monitoring Officer to resolve disagreements may be considered sufficient for the Ombudsman not to pursue matters further.
- It is possible for elected Members and Town and Community Councillors to self-refer Code of Conduct breaches to the Ombudsman for investigation.

An update in relation to cases 11 and 12 will be shared with Committee members in due course.

RESOLVED to note the report and enclosures.

Action: None

7. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) in relation to two decisions made and published by the Adjudication Panel for Wales since the previous meeting of the Standards Committee on 15 December 2020.

The Solicitor (Corporate Governance) referred to the first allegation for a breach of the Code of Conduct by a former Community Councillor in Sully and Lavernock Community Council, which related to the Councillor having posted three public messages on Facebook, which included swear words and strong opinions in relation to three high profile UK politicians.

During the Ombudsman's investigation, a further allegation was made against the Councillor, in that he failed to comply with the Ombudsman's request for further information and evidence regarding the case.

The Case Tribunal concluded that although the Councillor had acted in his personal capacity when posting messages on Facebook, it was considered that the content of the messages went beyond political expression and the Member had acted recklessly. He was subjected to a sanction of 15 months disqualification due to the severity of the allegations.

The Solicitor (Corporate Governance) reminded the Committee that it is good practice to follow the WLGA's Guidance to Members on the use of Social Media, which has already been shared with the Standards Committee, and a link is included in the report. She also reminded the Committee of the APW's Sanctions Guidance, used when considering sanctions.

The second case referred to six allegations against a County Councillor from Merthyr Tydfil County Borough Council who had breached the Code of Conduct in relation to a personal and prejudicial interest relating to his interest in a neighbouring property (next door to his home address), and failing to show respect towards the former Chief Executive in a meeting. The Adjudication Panel for Wales suspended the Councillor for seven months.

The Solicitor (Corporate Governance) reminded the Committee that attending training on the Code of Conduct will assist Members to improve their understanding of the provisions of the Code, and will also act as a mitigating factor before the APW.

RESOLVED to note the content of the case summaries.

Action: None

8. APPLICATIONS FOR DISPENSATIONS

No report was presented, but it was noted that no applications for dispensations have been received since the last meeting of the Standards Committee, and the date of publishing this agenda.

9. STANDARDS COMMITTEE'S ANNUAL REPORT BY THE CHAIRMAN

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Standards Committee's Annual Report, which includes details of the Committee's main achievements for 2020/21 and a work programme for 2021/2022.

The Monitoring Officer reported that under the Local Government and Elections (Wales) Act 2021, it will become a statutory requirement for the Standards Committee to present an annual report to Council; this comes into effect in May 2022. However, an annual report is something this Committee already does, and the current report was presented by the Chair to the Council's Annual Meeting on 18 May 2021, and accepted.

The Monitoring Officer proposed that the Standards Committee reviews the structure and format of the annual report in due course, to which the Committee agreed.

With reference to future annual reports, a request was made for the Standards Committee to review a draft version of the report before it is finalised. The Monitoring Officer responded that she would be happy to receive feedback from Members of the Standards Committee, but the report is that of the Chair. The Chair agreed he would be willing to consider the Committee's input on any future reports.

RESOLVED:-

- **To note the information presented in the report.**
- **To review the structure of the Standards Committee's Annual Report prior to preparation of the next Report.**
- **To convene an informal meeting of the Standards Committee to review the draft copy of the Chair of the Standards Committee's Annual Report prior to submission to Council.**

Action: See Resolution above

10. REPORT FOLLOWING A REVIEW OF THE TOWN AND COMMUNITY COUNCILS' REGISTERS OF INTERESTS

Submitted - a report by the Solicitor (Corporate Governance) on the review of Members' Registers of Interests in a sample of the Town and Community Councils, to ensure compliance with the Code of Conduct.

The Solicitor (Corporate Governance) reported that in the Standards Committee meeting on 15 December 2020, it was agreed that the Chair, Vice-Chair and Solicitor (Corporate Governance) would decide which five Town and Community Councils to review. Initial contact was made via telephone calls to the Clerks, followed by letters of explanation to the Clerks and Chairs of the five selected Councils.

It was confirmed that the reviews had taken place between March and May 2021 by two members of the Standards Committee, with the Solicitor (Corporate Governance) also in attendance.

The members who took part in the review process gave positive feedback on their experience. It was also felt that the Clerks of Town and Community Councils were keen to progress and adapt to recent changes due to the pandemic, and are now convening meetings virtually on Zoom. Several Clerks had commented that they would welcome a "peer support group" to share ideas and good practice, and this message was relayed to the Standards Committee.

The Members of the Standards Committee, and the majority of the Clerks and Chairs who participated in the reviews had also expressed the same - felt that the experience had been beneficial. The Chair and the Standards Committee thanked the Solicitor (Corporate Governance) for her professionalism and support during the review process. Thanks were also extended to the Clerks of the Town and Community Councils for their co-operation and excellent contribution throughout the reviews.

It was noted that a personal letter will be sent to each Council who has been subject to a review, identifying the findings made, and providing specific advice to that Council. - Those letters will not be published by the Standards Committee.

A Newsletter on the general findings and common learning points noted during the review process will be circulated to the Clerks of Town and Community Councils (a draft Report is included as Enclosure 1 to this report), with a request that it be shared amongst their members, and included as an agenda item at their next meeting. No Council is named or identified in that general report.

RESOLVED:-

- **To note the contents of the report in Enclosure 1.**
- **To confirm that the general report in Enclosure 1, with amendments made to the section on “Clerk Forum”, be circulated to all Town and Community Councils, under cover of the correspondence included at Enclosure 2, with a request for the report to be discussed at a Town / Community Council meeting, and a copy of the minutes be forwarded to the Standards Committee; and**
- **That a further report be presented to the next meeting of the Standards Committee detailing the responses received from the Councils.**

Action: See Resolution above

11. REVISED CODE OF CONDUCT GUIDANCE FOR MEMBERS OF (A) COUNTY COUNCILS, AND (B) TOWN AND COMMUNITY COUNCILS PUBLISHED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the above.

The Monitoring Officer reported that the Standards Committee met informally on 10 March 2021 to discuss the consultation by the Public Services Ombudsman for Wales (PSOW) in relation to the proposed amendments to the Guidance on the Code of Conduct for (a) elected Members of County Councils and (b) Town and Community Councillors. The Committee formulated a response, which was presented to Group Leaders and accepted on 18 March 2021. A formal letter of response was sent to the PSOW, prior to the deadline of 21 March 2021.

It was noted that the final versions of the Guidance have now been published by the PSOW, and very little has changed in the content of these Guidance on the Code of Conduct for County Councillors and Town and Community Councillors.

The Standards Committee felt that their input on the consultation, and that of the other 22 Standards Committees, was not given due consideration by the Ombudsman’s Office, due to time constraints.

RESOLVED:-

- **To agree that the amended Guidance be brought to the attention of the elected Members and the Town and Community Councillors by way of the Newsletters; and**
- **That the Briefing Note prepared by the Standards Committee on**

personal and prejudicial interest is updated, to include the new PSOW Guidance.

Action: See Resolution above

12. RESPONSES FROM THE TOWN AND COMMUNITY COUNCILS REGARDING THE STANDARDS COMMITTEE'S NEWSLETTER

Submitted - a report by the Solicitor (Corporate Governance) on the responses received from the Town and Community Councils in relation to the Newsletter distributed in March 2021.

The Solicitor (Corporate Governance) reported that the Standards Committee in its meeting on 15 December 2020, agreed to share information following each formal meeting in the future by way of a Newsletter to (a) elected Members and (b) Town and Community Councils.

The first Newsletter was sent to all the Town and Community Councils on 4 March 2021. When sending the Newsletter, a request was made for Clerks to include the Newsletter as an agenda item in their next formal Council meeting (a copy of the letter sent and the request made is included in Enclosure 1 to the report). A copy of their agenda/minutes should then be forwarded to the Council, thereby confirming the Newsletter had been discussed. It was noted that (as per Enclosure 2 of the report) 9 responses from amongst the forty Town and Community Councils had been received to date.

It was suggested that Town and Community Councils who have not responded to the Standards Committee's request be reminded, emphasising that the Committee is eager to offer support. It was agreed to include this information in the next Newsletter, following today's meeting.

The Monitoring Officer suggested, and it was accepted, that after next year's elections, the Standards Committee conducts reviews in a sample of the Town and Community Councils who have not responded to this request for feedback on this year's review. Advanced notice will be given on the review process, and that a failure to respond to the Standards Committee's request is part of the reasoning why such Councils will be / have been selected.

RESOLVED:-

- **To note the information detailed in Enclosure 2 of the report with regard to Town and Community Councils; and**
- **To review a sample of those Town and Community Councils who have not responded to the request after the 2022 Town and Community Council elections.**
- **That the Solicitor (Corporate Governance) arranges that feedback received from the nine Town and Community Councils be available to Members of the Standards Committee.**

Action: See Resolution above

The meeting concluded at 3.30 pm

MR JOHN R JONES
CHAIR

DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)

Minutes of the meeting held on 12 November 2021

PRESENT:	Independent Members Mr John R Jones (Chair) Dr Thomas Rhys Davies (Vice-Chair) Mrs Gill Murgatroyd
IN ATTENDANCE:	Director of Function (Council Business)/Monitoring Officer 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. EXCLUSION OF THE PRESS AND PUBLIC

It was considered and **RESOLVED Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it involved the disclosure of exempt information as defined in Schedule 12A of the said Act, and in the Public Interest Test presented.**

3. TO CONSIDER AN APPLICATION FOR DISPENSATION

The Director of Function (Council Business)/Monitoring Officer reported that a joint application for dispensation was made by 7 Members of the Executive to overreach prejudicial interests in relation to the "Anglesey Digital Schools Strategy and Cwmni Cynnal Cyf."

The Application identified the business in which the Members wished to participate, the type of dispensation sought, and the statutory grounds upon which the Application was made.

Following advice from the Director of Function (Council Business)/Monitoring Officer, the Panel concluded the following:-

1. The interest constitutes a personal interest within the definition in the Code of Conduct/Ombudsman's Guidance.

2. The interest is a prejudicial interest within the meaning of the Code of Conduct.
3. There are no “dispensations” within the Code of Conduct which would enable the Applicants to participate.
4. The Applicants would be precluded from participation/decision making and would be unable to discharge an Executive function.
5. Consequently, the Executive would be unable to achieve a quorum without the granting of a dispensation.
6. Dispensation was granted to all 7 Applications.

It was RESOLVED that the Dispensation be granted to all 7 Applicants in accordance with the following wording, to:-

- **write to officers [and/or the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, who are not Trustees or Board Members of Cwmni Cynnal Cyf., 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 (available where a Member has a disability);**
- **vote at such meetings;**
- **participate fully in any public meetings and meetings of any outside bodies etc;**
- **dispensation so granted to expire on 9 May 2022.**

It was noted that the Members granted a dispensation must declare their personal and prejudicial interests, and the fact that they have been granted a dispensation by the Standards Committee, at every relevant meeting when discussing and/or voting in meetings.

The dispensation is granted under Para 81(4) of the Local Government Act 2000 under the following grounds:-

- **“If no fewer than half of the members of the relevant authority or of a committee of the authority, by which the business is to be considered has an interest which relates to that business”.**
- **“if no fewer than half of the members of a leader and cabinet executive, by which the business is to be considered has an interest which relates to that business, and paragraph (d) or (e) also applies”.**

Action:

The Director of Function (Council Business)/Monitoring Officer to:-

- **write to the 7 members of Anglesey County Council named in the Application, confirming the Panel’s grant of a collective dispensation; permitting each member to write, speak and vote on all matters relating**

to that business.

- **confirm the grant of dispensation with the Head of Democratic Services.**
- **report to the Standards Committee on the use made of the dispensation.**

The meeting concluded at 10.25 am

**MR JOHN R JONES
CHAIR**

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ISLE OF ANGLESEY COUNTY COUNCIL	
Committee:	Democratic Services Committee
Date of meeting:	15 December, 2021
Title:	Members Annual Reports
Purpose of the Report:	To report on current position relating to 2020/21 reports
Author:	Head of Democratic Services

1.0 Background

I report annually to the Democratic Services Committee on the preparation of Annual Reports by Members. The Chair of the Standards Committee has asked for an update.

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

The reports that have been prepared can be seen by clicking on this link:
<https://www.anglesey.gov.uk/en/Council/Councillors-MS-MPs/Councillors-Annual-Report.aspx>

14 Members have prepared reports on their work during 2020/21.

As regards future arrangements (2021/22 reports) Group Leaders will be briefed in due course with a request for Members to complete their reports by the end of March 2022. This information will then be published on the Council website.

2.0 Recommendation

The Committee are asked to note the report.

Huw Jones
Head of Democratic Services
22/11/21

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2021
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:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@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 A copy of the report for Quarter 1 in relation to County Councillors, appears at **Enclosure 1**.
- 2.2 A copy of the report for Quarter 1 in relation to Town and Community Councillors, appears at **Enclosure 2**.
- 2.3 A copy of the report for Quarter 2, in relation to County Councillors, appears at **Enclosure 3**.
- 2.4 A copy of the report for Quarter 2, in relation to Town and Community Councillors, appears at **Enclosure 4**.

- 2.5 The reports for Quarter 1 of 2021-2022 were sent to the Standards Committee members on 6 July 2021. The reports for Quarter 2 of 2021-2022 were sent to the Standards Committee members on 24 November 2021.
- 2.6 The reports for Quarters 1 and 2 (**Enclosures 1-4**) will be distributed to the Town and Community Councils and the elected and co-opted members of this Council following this Standards Committee meeting within the Newsletters.

3. RECOMMENDATION

- 3.1 For the Standards Committee members to note the contents of the **Enclosures 1-4**, 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 1-4** to the Town and Community Councils and elected and co-opted members of the Council in the Newsletters.

ATODIAD / ENCLOSURE 1

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 2021) – 2021/2022 – Quarter 1 (April – June 2021)

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				

ATODIAD / ENCLOSURE 2**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 2021) – 2021/2022 – Quarter 1 (April – June 2021)**

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) “O”	Dyddiad y Gŵyn - “O” Complaint date - “O”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation
Cynghorydd Tref / Town Councillor	Cynghorydd Tref / Town Councillor	(i) 023361 (ii) 202100526	06.05.2021	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn / Ombudsman has decided not to investigate the complaint
Cynghorydd Cymuned / Community Councillor	Aelod o'r cyhoedd / Member of the public	(i) 023365 (ii) 202100784	12.05.2021	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn / Ombudsman has decided not to investigate the complaint
Cynghorydd Cymuned / Community Councillor	Aelod o'r cyhoedd / Member of the public	(i) 023372 (ii) 202100836	14.05.2021	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn / Ombudsman has decided not to investigate the complaint
Cynghorydd Cymuned / Community Councillor	Clerc / Clerk	(i) 023409 (ii) 202101226	18.06.2021	Ombwdsmon yn ystyried y gŵyn / Ombudsman considering the complaint

ATODIAD / ENCLOSURE 3

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 2021) – 2021/2022 – Quarter 2 (July – September 2021)

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) “O”	Dyddiad y Gŵyn - “O” Complaint date - “O”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation
Cynghorydd Sir / County Councillor	Aelod o'r Cyhoedd/ Member of the Public	(i) 023362 (ii) 202103343	24.08.2021	Ombwdsmon yn cysidro'r mater. / Ombudsman considering the complaint

ATODIAD / ENCLOSURE 4

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 2021) – 2021/2022 – Quarter 2 (July - September 2021)

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) “O”	Dyddiad y Gŵyn - “O” Complaint date - “O”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation
Cynghorydd Cymuned / Community Councillor	Clerc / Clerk	(i) 023409 (ii) 202101226	18.06.2021	20.07.21 Ombwdsmon dim am ymchwilio / Ombudsman not investigating
Cynghorydd Tref / Town Councillor	Cynghorydd Tref / Town Councillor	(i) 023643 (ii) 202103868	06.09.2021	Ombwdsmon yn ystyried y gŵyn / Ombudsman considering the complaint

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2021
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 (published since the last Committee meeting on 16 June 2021)
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer <u>lbxcs@ynysmon.gov.uk</u> 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 meeting on the 16 June 2021. 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

[APW/003/2020-021/CT– Councillor David Poole – 28 June 2021](#)

2.2 Appeals adjudicated

[APW-002-2021-022-AT: Councillor R Mainon – 2 November 2021](#)

3. RECOMMENDATION

To note the content of the case summaries.

Summary of Cases in Tribunal – June 2021 – November 2021

Name	Summary of Facts	Decision Summary	Findings
<p>Councillor David Poole</p> <p>Caerphilly County Borough Council</p> <p>APW/003/2020-021/CT</p>	<p>An allegation that Councillor David Poole had breached the Code of Conduct for Members of Caerphilly County Borough Council when he Breach of paragraphs 6(1)(a), 7(a), 11(1) and 14(1)(a) of the Council's Code of Conduct.</p> <p>The Councillor was, at all times relevant, the leader of Caerphilly County Borough Council. He had been Leader since May 2017, having become a Councillor in May 2004.</p> <p>(i) Used his position to secure an advantage by deciding to buy shares in a company, IQE plc, on the basis of confidential information that he had received through his position as a Councillor at a meeting on 8 October 2018 (alleged breach of paragraph 7 (a) of the Code) and thereby brought the Authority and his office as a member into disrepute (alleged breach of paragraph 6 (1)(a) of the Code) - (Allegation 1) ;</p> <p>(ii) Failed to disclose a personal interest and/or withdraw from a meeting on 18 February 2019 when a matter in which he had a prejudicial interest was being discussed, namely financial</p>	<p>In relation to Allegation 1, the APW decided that:</p> <ul style="list-style-type: none"> - The Councillor had access to the confidential information referred to at the meeting of 8 October 2018. Although initially stating that he could not remember whether he had access, he accepted that he would have done when he was interviewed as part of the Ombudsman's investigation where he accepted that he would have had access it "without a doubt". However, he denied that there had been anything within it which caused him to purchase the shares; - The Councillor's motivation for purchasing the shares was stated to have been a demonstration of a 'vote of confidence' in the regeneration scheme and IQE's involvement in it. That was the reason given at interview, albeit that he had also accepted that he had hoped to benefit financially. It was the reason repeated more recently in his email of 4 May 2021; - The Tribunal noted the Respondent's experience and was particularly struck by the proximity of the dates of the meeting and the share purchase, 8 and 22 October 2018 respectively. The simple message in the GVA letter was clear; that IQE's share price was likely to have seen an increase following an earlier than predicted achievement of 	<p>Allegation 1</p> <p>Paragraphs 6 (1)(a) and 7 (a); <i>The Ombudsman considered that the facts were 'suggestive' of breaches of both paragraphs of the Code. The Ombudsman believed that the nature of the confidential information which he had access to had led him to buy the shares in IQE. That information contained indications as to the likely value of the shares and he considered that the decision to purchase after sight of the commercially sensitive information demonstrated "extremely poor judgment on his behalf.</i></p> <p>The Tribunal considered that the Respondent's breach of paragraph 7 of the Code was conduct which brought his Authority into disrepute and, in particular, his office as leader.</p> <p>The Ombudsman's Guidance referred to the need for members to be mindful of the fact that the paragraph within the Code applied at all times, not just when carrying out duties as a member. Having concluded that the Respondent had used his capacity to attempt to secure a pecuniary advantage for himself when he bought the shares in IQE relying on the confidential information referred to within paragraph 3.2.2, the Tribunal concluded that he had committed a breach of paragraph 7 (a) .</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>dealings with that same company (alleged breaches of paragraphs 11 (1) and 14 (1) of the Code) – (Allegation 2)</p>	<p>profitability. The Respondent could have purchased shares at any point before 22 October to show a 'vote of confidence' in IQE, but only chose to do so once in receipt of that prediction;</p> <ul style="list-style-type: none"> - The Tribunal considered that it was also noteworthy that, within his self-referral, the Respondent had appreciated that the purchase of the shares had been unwise, albeit because he considered that he was conflicted in future discussions regarding IQE, rather than because he ought not to have benefited from the contents of the confidential information that was seen. - Taking all of those matters into account, the Tribunal concluded that: (a) the Respondent had probably sought to benefit from the confidential information that he received in connection with the meeting of 8 October 2018 when he bought the shares. 	<p>Allegation 2</p> <p>Paragraph 11 (1);</p> <p>The Tribunal had some difficulty with this allegation because of the wording of paragraph 10 of the Code. Paragraph 10 (2)(iv) defined a personal interest to include an interest which related to a corporate body which had a place of business or land in the authority's area and in which the interest exceeded the value of £25,000. The Respondent did not meet each of those conjunctive tests in relation to his shareholding in IQE. Paragraph 10 (2)(a)(ix)(bb) related to companies, societies or other bodies "directed to charitable purposes." We could not see that either of those sub-paragraphs or any other within paragraph 10 (2)(a) of the Code clearly defined the Respondent's shareholding as a personal interest. Paragraph 10 (2)(c) was more generic but it extended the definition of personal interests to include something upon which an authority's decision might have affected a member's financial position (sub-paragraph (i)). The Tribunal considered the Respondent's share interest was likely to have been covered by paragraph 10 (2)(c)(i) because any decision in relation to IQE could have affected his financial position as a shareholder. The Tribunal did not see the relevance of paragraph 10 (2)(a)(viii) which had been raised by the Ombudsman. The next question to address was whether the Respondent had attended a meeting at which "that business [was] considered". The</p>

Name	Summary of Facts	Decision Summary	Findings
			<p>Respondent considered that it was not; it was only the 'process' or due diligence 'system' by which the investment had been made which was considered on 18 February 2019 and his recent email of 4 May 2021.</p> <p>The Tribunal concluded, however, that the Welsh Audit Office's review of CCR's investments clearly would have encompassed an examination of the £38m grant to IQE. In its broadest sense, IQE was either directly or indirectly 'considered' at the meeting.</p> <p>Paragraph 14 (1)(a);</p> <p>The Tribunal considered that the Respondent held a prejudicial interest paragraph 12 (1) of the Code. He accepted that that was the case, as did the Monitoring Officer. He did not withdraw from the room on 18 February 2019 when item 11 was discussed and was in breach of paragraph 14 (1) of the Code as a result.</p> <p>Sanction:</p> <ul style="list-style-type: none"> - In respect of his breaches of paragraphs 6 and 7 of the Code, a period of five months suspension; - In respect of his breaches of paragraphs 11 and 14 of the Code, a period of two months suspension concurrently. <p><u>Learning points</u></p> <ul style="list-style-type: none"> • The Case Tribunal considered the Ombudsman's Guidance on the Code of Conduct. As part of the consultation on

Name	Summary of Facts	Decision Summary	Findings
<p>Councillor Richard Mainon</p> <p>Denbighshire County Council</p> <p>APW/002/2021/0 22/AT</p>	<p>Following an argument between the councillor's constituent and the complainant in the car park of a local store, the councillor (at the constituent's request) pursued a complaint against the complainant with her employer in respect of the incident. Over the course of some 10 days (11th to 21st December), the councillor:</p> <ul style="list-style-type: none"> • investigated and established the location of the complainant's workplace; • attended that workplace and spoke to 3 other employees about the incident; • visited the local store twice where the incident occurred to establish if there was cctv footage of the incident; • made a complaint to the complainant's employer on 	<p>The councillor appealed on the grounds that:</p> <ul style="list-style-type: none"> • he had not bullied or harassed the complainant; • he had not brought the Council into disrepute; • that he had not taken advantage of his position to cause disadvantage to the complainant; • the sanction was inappropriate, unnecessary an excessive. <p>The appeal was allowed to proceed on limited grounds:</p> <ul style="list-style-type: none"> • that the Standards Committee decision had not separated bullying from harassment; the two are not the same thing. The decision had not set-out how they concluded that there was a course of conduct 	<p>the Ethical Framework the Standards Committee may wish to consider recommending any changes to the Guidance.</p> <ul style="list-style-type: none"> • A training issue to be highlighted after the election in May 2022 • The Standards Committee to remind members to update their Registers of Interests, not just as part of an annual review but as and when those interests change. The legal requirement is within 28 days of any such change. <p>The Tribunal found that the councillor engaged in repeated behaviour by a series of separate and distinct actions over a number of days. Whilst these incidents were distinct, they were individually considered and acted upon but formed part of a nexus of the ongoing pursuit by the councillor of the complaint on behalf of his constituent and against the complainant. To this extent he was engaged in a course of conduct which was properly characterised as repeated behaviour.</p> <p>That Tribunal considered whether the repeated behaviour amounted to harassment, looking at the behaviour objectively but also considering the perspectives of both the complainant, the councillor and other available evidence.</p> <p>Whilst the councillor did not intend to harass the complainant, he visited her workplace</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>behalf of his constituent about the incident.</p> <p>The complainant was informed of the complaint by her employer some 3 weeks later. The employer determined it was a private matter and took no further action.</p> <p>The Standards Committee concluded that the councillor:</p> <ul style="list-style-type: none"> • gave the impression that he was acting in his capacity as a councillor – para. 2(d) of the Code; • had breached para. 4(c) in that his actions in visiting the complainant’s workplace amounted to bullying and harassing behaviour; • had breached para. 6(1)(a) by giving the impression that he was acting as a councillor and potentially damaging the reputation of the Council; • had breached para. 7(a) in using his position to cause the complainant a disadvantage by pursuing what was a private matter in favour of his constituent with the complainant’s employer and in his apparent capacity as a councillor. 	<p>or repeated behaviour to constitute harassment;</p> <ul style="list-style-type: none"> • the Standards Committee’s conclusion that the councillor undertook a course of conduct which amounted to harassment could be disputed; • as against sanction. <p>The Appeal Tribunal found, unanimously, that the councillor had harassed the complainant by his actions over the period 11th to 21st December and, therefore, breached para. 4(c) of the Code.</p> <p>The decision of the DCC SC was upheld on appeal to APW and the councillor was suspended for 2 months.</p>	<p>and pursued the complaint. The complaint was factually inaccurate (suggesting that he had seen the cctv footage and that it had it had recorded sound – neither of which were correct). This suggested that the councillor had taken sides from the outset.</p> <p>The councillor had acted in an extreme way and continued to do so when he had no right to do so. He pursued the complainant regardless and repeatedly when he ought not to have done so and should have known not to do so, starting with his objectively unreasonable action of attending her workplace.</p> <p>The complainant was entitled to perceive herself as having been harassed even though the councillor did not intend that. His actions amounted to both bullying and harassment. His behaviour was extreme, unjustified and repeated and he ought to have known this and that it would upset or annoy the complainant. A reasonable person in possession of the same information as the councillor would think it amounted to harassment.</p> <p>The SC sanction was upheld. There were breaches of 4(c) (bullying), 6(1)(a) (disrepute) and 7(a) (use of position to cause disadvantage). Whilst culpability was reckless rather than intentional it was quite high. Whilst he did not intend to bully or harass, his actions had caused upset, embarrassment and worry. The councillor ought to have</p>

Name	Summary of Facts	Decision Summary	Findings
	The Standards Committee suspended the councillor for 2 months.		<p>known that pursuing the matter in this way was wrong. The harm caused to the complainant in her private and work life and to the Council were significant. These were serious breaches of the Code and censure was not appropriate.</p> <p>Whilst relatively inexperienced as a councillor, he had used his Council portfolio title to emphasise the weight of his authority.</p> <p>Breaches involving bullying and harassment could ordinarily attract a three-month suspension and the SC's sanction of two months was the least sanction appropriate in the circumstance and would not be interfered with.</p> <p><u>Learning Point</u></p> <ul style="list-style-type: none"> • That harassment requires a course of conduct and repeated acts over a period of time; • The annoyance and distress can be caused to the complainant at a later date and after the repeated behaviour. Here the complainant was not aware of the incidents and the councillor's behaviour until she was made aware of the complaint some three weeks after it had been made.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2021
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
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586
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

3.1 Dispensation Panel Hearing on 12 November 2021

3.1.1 A [Dispensation Panel Hearing was held virtually on 12 November 2021](#) to consider an application made by 7 members of the Executive of this County Council in relation to the Anglesey Digital Schools Strategy and Cwmni Cynnal Cyf. The matter was considered as a block dispensation.

3.1.2 Attached at **Enclosure 1** are the draft minutes from the Dispensation Panel.

3.1.3 The Panel decided to grant a dispensation to all the named Councillors who had applied for a dispensation on the following terms:

- write to officers [and/or the Executive / Committee / Council] about the issue;
- speak to officers of the Council about the issue [~~in the presence of two other persons~~] who are not Trustees or Board Members of Cwmni Cynnal, 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 (available where Member has a disability);
- vote at such meetings;
- participate fully in any public meetings and meetings of any outside bodies etc.
- dispensation so granted to expire on 9th May 2022

3.1.4 The dispensation was granted based on the statutory grounds (a) and (b).

4. RECOMMENDATION

4.1 For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.

DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)

Minutes of the meeting held on 12 November 2021

PRESENT:	Independent Members
	Mr John R Jones (Chair) Dr Thomas Rhys Davies (Vice-Chair) Mrs Gill Murgatroyd
IN ATTENDANCE:	Director of Function (Council Business)/Monitoring Officer 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. EXCLUSION OF THE PRESS AND PUBLIC

It was considered and **RESOLVED Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it involved the disclosure of exempt information as defined in Schedule 12A of the said Act, and in the Public Interest Test presented.**

3. TO CONSIDER AN APPLICATION FOR DISPENSATION

The Director of Function (Council Business)/Monitoring Officer reported that a joint application for dispensation was made by 7 Members of the Executive, to overreach prejudicial interests in relation to the "Anglesey Digital Schools Strategy and Cwmni Cynnal Cyf."

The Application identified the business in which the Members wished to participate, the type of dispensation sought, and the statutory grounds upon which the Application was made.

Following advice from the Director of Function (Council Business)/Monitoring Officer the Panel concluded the following:-

1. The interest constitutes a personal interest within the definition in the Code of Conduct / Ombudsman's Guidance

2. The interest is a prejudicial interest within the meaning of the Code of Conduct
3. There are no “dispensations” within the Code of Conduct which would enable the Applicants to participate.
4. The Applicants would be precluded from participation / decision making and would be unable to discharge an Executive function.
5. Consequently the Executive would be unable to achieve a quorum without the granting of a dispensation.
6. Dispensation was granted to all 7 Applications

It was RESOLVED that the Dispensation be granted to all 7 Applicants in accordance with the following wording below:

- **write to officers [and/or the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, who are not Trustees or Board Members of Cwmni Cynnal Cyf., 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 (available where Member has a disability);**
- **vote at such meetings;**
- **participate fully in any public meetings and meetings of any outside bodies etc;**
- **dispensation so granted to expire on 9th May 2022**

It was noted that the Members granted a dispensation must declare their personal and prejudicial interests, and the fact that they have been granted a dispensation by the Standards Committee, at every relevant meeting when discussing and/or voting in meetings.

The dispensation is granted under Para 81(4) of the Local Government Act 2000 under the following grounds:-

- **“If no fewer than half of the members of the relevant authority or of a committee of the authority, by which the business is to be considered has an interest which relates to that business”.**
- **“if no fewer than half of the members of a leader and cabinet executive, by which the business is to be considered has an interest which relates to that business, and paragraph (d) or (e) also applies”.**

Action:

The Director of Function (Council Business)/Monitoring Officer to:-

- **write to the 7 members of Anglesey County Council named in the Application, confirming the Panel's grant of a collective dispensation; permitting each member to write, speak and vote on all matters relating to that business.**
- **confirm the grant of dispensation with the Head of Democratic Services.**
- **report to the Standards Committee on the use made of the dispensation.**

The meeting concluded at 10.25 am

**MR JOHN R JONES
CHAIR**

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2021
REPORT TITLE:	Responses from the Town and Community Councils regarding the Standard Committee's Newsletter
PURPOSE OF THE REPORT:	To provide an update to the Committee following submissions from Town and Community Councils
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586

1. BACKGROUND

- 1.1 In the meeting of the Standards Committee held on 15 December 2020, a decision was made to report on the Committee's work and recent activities to the Town and Community Councils, and members of this Council, by way of Newsletters (rather than extensive correspondence). The Newsletter is a summary only and more information is available via the links.
- 1.2 The Newsletter was sent to all Town and Community Councils on 4th March 2021. In that correspondence a request was made for Clerks to contact the Council with a copy of the Agenda / Minutes confirming the Newsletter had been discussed. The report on the responses received by the Town and Community Councils was presented to the Standards Committee on 16 June 2021 meeting.
- 1.3 On 21 July 2021, The Standards Committee wrote to all Town and Community Councils with a copy of the report discussed hoping that the report provides details of: (a) good practice and (b) areas where further attention is required.
- 1.4 Clerks to all Town and Community Councils were asked to bring the contents of this report to the attention of all their members by including it as an item on their next available council agenda and to forward a copy of the minutes of that meeting to the Standards Committee.

2. RESPONSES RECEIVED TO THE REQUEST

- 2.1 A copy of the email sent to all Town and Community Councils on 21 July 2021 and the Newsletter attached appears as **Enclosure 1** to this report.
- 2.2 The responses received from the Town and Community Councils appear as **Enclosure 2** to this report. Only five of the forty Town and Community Councils have responded to this request.

3. RECOMMENDATIONS

- 3.1 The Standards Committee is asked to:
 - 3.1.1 note the information detailed with regard to the Town and Community Councils in **Enclosure 2**; and
 - 3.1.2 decide what action should be taken, if any, with regard to those Town/Community Councils who have not responded.

ENCLOSURE 1

Subject: Adolygiadau'r Pwyllgor Safonau yn y Cynghorau Tref a Chymuned / Standards Committee's Reviews in the Town and Community Councils

Annwyl Glercod

Adroddiad Pwyllgor Safonau Cyngor Sir Ynys Môn ar Gofrestrau Diddordebau Cynghorau Tref a Chymuned - Paratowyd yr adroddiad ym Mehefin 2021

Fel rhan o'i raglen waith ar gyfer 2020-2021, penderfynodd y Pwyllgor Safonau gynnal adolygiad o gofrestrau o ddiddordebau personol aelodau mewn sampl o'r cynghorau tref a chymuned, i sicrhau cydymffurfiaeth â'r cod ymddygiad. Cynhaliwyd yr adolygiadau ym mis Mawrth, Ebrill a Mai 2021.

Hoffai'r Pwyllgor Safonau fynegi ei ddiolch diffuant i'r clercod, ynghyd ag aelodau'r pum Cyngor Tref a Chymuned a adolygwyd, am eu hamser a'u cydweithrediad. O safbwynt y Pwyllgor, ystyriwyd y bu'r adolygiadau'n ymarfer buddiol; mynegodd y Clercod hefyd y bu'r drafodaeth o fudd iddynt.

Gweler ynghlwm gopi o Adroddiad a baratowyd gan y Pwyllgor Safonau er mwyn darparu trosolwg cyffredinol o ganfyddiadau'r adolygiad diweddar. Nid oes unrhyw gyngor unigol yn cael ei adnabod yn yr Adroddiad. Mae'r Pwyllgor Safonau'n gobeithio y bydd cynnwys yr Adroddiad yn cynorthwyo cynghorau tref a chymuned yn gyffredinol trwy ddarparu manylion o ran (a) arferion da, ynghyd â (b) meysydd sy'n gofyn am sylw pellach. Hyderwn y gall fod yn ganllaw defnyddiol i'r hyn sydd angen ei wneud at y dyfodol.

Gofynnir i Glercod ddod â chynnwys yr adroddiad hwn i sylw eu holl aelodau trwy ei gynnwys fel eitem ar raglen cyfarfod nesaf eu cyngor, ac i anfon copi o gofnodion y cyfarfod hwnnw at y Pwyllgor Safonau trwy e-bost at mwjcs@ynysmon.gov.uk

Pe bai gan aelodau neu Glercod unrhyw ymholiadau mewn perthynas â'r adroddiad, cysylltwch â'r Swyddog Monitro yng Nghyngor Sir Ynys Môn (Lynn Ball, 01248 752586 / lbxcs@ynysmon.gov.uk).

Yn gywir

John R Jones
Cadeirydd – Pwyllgor Safonau

Dear Clerks

The Isle of Anglesey County Council's Standards Committee Report on the Town and Community Councils Registers of Members' Interests - Report prepared June 2021

As part of its work programme for 2020-2021, the Standards Committee decided to conduct a review of the registers of members' personal interests in a sample of the town and community councils, to ensure compliance with the code of conduct. The reviews took place in March, April and May 2021.

The Standards Committee would like to express their sincere thanks to the clerks, and members, from the five Town and Community Councils that were reviewed for their time and co-operation. From the Committee's perspective, the reviews are deemed to have been a productive exercise; Clerks have also expressed they found the discussion to have been beneficial.

Please find attached a copy of a Report prepared by the Standards Committee so as to provide a general overview of the findings made during the recent review. No individual council is identified in the Report. The Standards Committee hopes that the contents of the Report will assist town and community councils collectively by providing details of (a) good practice and (b) areas where further attention is required. We hope it can be a useful guide on what needs to be done for the future.

Clerks are asked to bring the contents of this report to the attention of all their members by including it as an item on their next available council agenda and to forward a copy of the minutes of that meeting to the Standards Committee by emailing mwjcs@ynysmon.gov.uk

Should members or Clerks have any queries in relation to this report, please contact the Monitoring Officer at Isle of Anglesey County Council (Lynn Ball, 01248 752586 / lbxcs@ynysmon.gov.uk).

Yours faithfully

John R Jones
Chair – Standards Committee

ENCLOSURE 2

Ymatebion gan y Cynghorau Tref a Chymuned / Town and Community Councils Responses

	Cyngor Tref a Chymuned / Town and Community Council	Dyddiad Cyfarfod / Date of Meeting	Copi Rhaglen / Cofnodion / Copy Agenda / Minutes
1	Cyngor Cymdeithas Aberffraw Community Council		
2	Cyngor Tref Amlwch Town Council	27/7/2021	 04 LLAWN AMLWCH 27-7-2021.pdf
3	Cyngor Tref Biwmares / Beaumaris Town Council		
4	Cyngor Cymdeithas Bodedern Community Council		
5	Cyngor Cymdeithas Bodffordd Community Council		
6	Cyngor Cymdeithas Bodorgan Community Council		
7	Cyngor Cymdeithas Bryngwran Community Council		
8	Cyngor Tref Caergybi / Holyhead Town Council		
9	Cyngor Bro Cwm Cadnant Community Council		
10	Cyngor Bro Cylch y Garn Community Council		
11	Cyngor Cymuned Llanbadrig Community Council	21/9/2021	 080 Cofnodion Cyngor Llawn 21-9-
12	Cyngor Cymdeithas Llanddaniel-Fab Community Council		
13	Cyngor Cymdeithas Llanddona Community Council		
14	Cyngor Cymdeithas Llanddyfnan Community Council		
15	Cyngor Cymdeithas Llaneilian Community Council		
16	Cyngor Cymuned Llanerchymedd Community Council		
17	Cyngor Cymuned Llaneugrad Community Council		
18	Cyngor Cymdeithas Llanfachraeth Community Council		

	Cyngor Tref a Chymuned / Town and Community Council	Dyddiad Cyfarfod / Date of Meeting	Copi Rhaglen / Cofnodion / Copy Agenda / Minutes
19	Cyngor Cymdeithas Llanfaelog Community Council	22/9/2021	 Minutes 22 September 2021.pdf
20	Cyngor Cymdeithas Llanfaethlu Community Council		
21	Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council		
22	Cyngor Cymdeithas Llanfair yn Neubwll Community Council	21/9/2021	 21 Sept 2021 MLNB.pdf
23	Cyngor Cymuned Llanfairpwll Community Council		
24	Cyngor Cymdeithas Llanfihangelesceifiog Community Council		
25	Cyngor Tref Llangefni Town Council		
26	Cyngor Cymdeithas Llangoed a Phenmon / Llangoed and Penmon Community Council		
27	Cyngor Cymdeithas Llangristiolus Community Council		
28	Cyngor Cymdeithas Llanidan Community Council		
29	Cyngor Cymdeithas Mechell Community Council		
30	Cyngor Cymuned Moelfre Community Council		
31	Cyngor Cymuned Penmynydd a Star / Penmynydd and Star Community Council		
32	Cyngor Cymdeithas Pentraeth Community Council		
33	Cyngor Tref Porthaethwy / Menai Bridge Town Council		
34	Cyngor Cymdeithas Rhoscolyn Community Council		
35	Cyngor Cymuned Rhosybol Community Council		
36	Cyngor Rhosyr Council		
37	Cyngor Bro Trearddur Community Council	28/9/2021	 28 September 2021 MTB.pdf
38	Cyngor Cymdeithas Tref Alaw Community Council		
39	Cyngor Bro Trewalchmai Community Council		

	Cyngor Tref a Chymuned / Town and Community Council	Dyddiad Cyfarfod / Date of Meeting	Copi Rhaglen / Cofnodion / Copy Agenda / Minutes
40	Cyngor Cymuned Y Fali / Valley Community Council		

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15 December 2021
REPORT TITLE:	S62-63 of the Local Government and Elections (Wales) Act 2021
PURPOSE OF THE REPORT:	To inform the Committee of changes to the statutory ethical framework introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586

1. BACKGROUND

- 1.1 The Local Government and Elections (Wales) Act 2021 (“the Act”) introduces new provisions as part of a reform of the legislative framework establishing new duties and governance requirements.
- 1.2 Different provisions of the Act come into force at different times during 2021/22 and 2022/23.
- 1.3 Part 4 of the Act places a new duty on Leaders of political groups and these are due to take effect from 5 May 2022.

2. ISSUES

- 2.1 Part 4 s.67 of the new Act requires the Leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group; and to cooperate with the Standards Committee.
- 2.2 Part 4 s.63 of the new Act requires the Standards Committee to produce, as soon as reasonably practicable after the end of each financial year, an annual report.

Such report is to describe how the Committee's functions have been discharged during the financial year. The content of which includes:

- 2.2.1 what has been done to discharge the functions conferred on the Standards Committee;
- 2.2.2 the Standards Committee's assessment of the extent to which political group Leaders have complied with their own duty under Part 4, and
- 2.2.3 To advise, train or organise training for Leaders of political groups in relation to these duties.

3. CURRENT POSITION

- 3.1 There is an established arrangement to report on Member conduct but not on the new expectations on Group Leaders.
- 3.2 The Standards Committee submits reports to the Council for their Annual Meeting. The last one was submitted in May 2021

4. RECOMMENDATION/S

In order to strengthen the new duty on Group Leaders, it is proposed that the Committee considers a review of its Terms of Reference and its monitoring framework. Such work to be undertaken once the Standards Committee has seen the final Welsh Government Guidance to Group Leaders on the exercise of their new duties. This is currently in draft and there is not yet a published date for consultation.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	15th December 2021
REPORT TITLE:	Ethical Standards Framework
PURPOSE OF THE REPORT:	To consider the Report on Ethical Standards Framework
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.gov.uk 01248 752586

BACKGROUND

1. Early in 2021 Mr Richard Penn was requested by the Welsh Government to carry out an independent review of the Ethical Standards Framework; which was established in Wales under the Local Government Act 2000. The Local Government Act 2000 includes the Code of Conduct for Council Members and roles of the Monitoring Officer, Standards Committee, The Public Services Ombudsman for Wales (PSOW) and the Adjudication Panel for Wales. Collectively, this is the “Ethical Standards Framework”.
2. The [Report](#), published on the 14th October 2021, was circulated on an informal basis to Members of the Standards Committee a few days after the publication date with a Summary of the points which would be of immediate interest to the Committee,
3. As Members will know, the Ethical Standards Framework was established to promote high standards of ethical conduct by Members of relevant authorities in Wales when they are carrying out Council business or representing the local authority; and, in some limited instances in their private capacity as well.
4. Having consulted stakeholders, and carried out interviews across Wales, the main thrust of the Report is that the current Framework remains fit for purpose but could be improved. The Standards Committee’s formal response to the Consultation is attached at **Enclosure 1**.

5. Some recommendations outlined in the report, if accepted, will require further technical consultation and potentially legislative changes.
6. A Summary of the recommendations and of immediate interest to Members of the Standards Committee are as follows:-
 - a) That the threshold for declaration of any gifts, hospitality, material benefit should be made specific in the Code of Conduct and no longer a matter of local choice.
 - b) The Code of Conduct not to require Members to disclose their home address in their Council's Register of Interests.
 - c) Para 4a) of the Code to be amended to cover all the protected characteristics under the Equality Act 2010.
 - d) Potential breaches of the Code as a result of the extensions and increased use of social media should be formalised by appropriate amendments to the Code
 - e) Para 6(1) (b) of the Code should be amended so that Members are required to report their own criminal conduct not just that of others.
 - f) There should be mandatory training for all Members of Principal Councils and Community Councils. It is recommended that this would be achieved by Members having to commit to undertaking necessary training in the Declaration of Acceptance of Office that all elected Members are required to sign under the Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004 before they act as Councillor. However changing the 2004 Order may require a legislative change.
 - g) Increase use of the Local Resolution of Complaints. It is recommended that the Local Resolution process should be considered / used before the complaint can be referred to the PSOW. This is so resolution to matters raised are processed promptly and so that the PSOW investigates more complex and serious complaints.
 - h) To extend the powers of the PSOW to refer complaints back for Local Resolution
 - i) Review of the role of the Standards Committee including their role in relation to Town and Community Councils:
 - 1) Establishing National forums for Chairs and Independent Members of Standards Committees;
 - 2) Training for Standards Committee on the Code of Conduct provisions and on how to conduct Hearings;
 - 3) Additional powers for the Standards Committee to require necessary training of Council Members, and the power to require a Member to apologise;
 - 4) Greater use of the Local Resolution Process to assist with resolving complaints about Town and Community Councils;
 - 5) Greater accessibility and promotion of the ethical standards framework.

RECOMMENDATIONS

To note this Report in the expectation of being consulted on any proposed changes to the Ethical Standards Framework as and when these are received from Welsh Government. The expectation is that they shall be in place and operational by the date of the next Welsh Local Government elections on 5th May 2022.



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

Mr Richard Penn
penn.richard@yahoo.com

2/07/2021

Annwyl Mr Penn

Adolygiad o'r Fframwaith Moesegol

Diolch am y cyfle i gwrdd â chi i drafod eich adolygiad o'r Fframwaith Moesegol yn ystod Fforwm Pwyllgorau Safonau Gogledd Cymru ar 24 Mehefin 2021.

Fel Pwyllgor Safonau rydym yn croesawu eich adolygiad ac, fel rhan o'r gwaith i baratoi ar gyfer y Fforwm, cyfarfu'r Pwyllgor Safonau i ystyried pa newidiadau / gwelliannau y gellid eu gwneud. Mae crynodeb isod o'r prif bwyntiau a godwyd gan Bwyllgor Safonau Cyngor Sir Ynys Môn. Gobeithiwn y byddwch yn rhoi ystyriaeth iddynt wrth i chi lunio eich argymhellion i Lywodraeth Cymru:

1. Trefniadau amgen:

Y posibilrwydd o gael trefn "cyffyrddiad ysgafn" ar gyfer cynghorau cymuned sydd â phraesept / cronfa wrth gefn / cyllideb islaw lefel benodol neu ryw fesur gwrthrychol arall.

Neu fel arall, y posibilrwydd o greu is-bwyllgor asesu "sifft gyntaf" i benderfynu a yw cwynion yn deilwng o gael eu

CC-022335-MY/651169

BUSNES Y CYNGOR / COUNCIL BUSINESS

**LYNN BALL LL.B., (Hons.) Cyfreithiwr/Solicitor
CYFARWYDDWR SWYDDOGAETH (BUSNES Y
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Ein Cyf – Our Ref. MY/MWJ/CC-022335-MY
Eich Cyf – Your Ref.

Dear Mr Penn

Review of the Ethical Framework

Thank you for the opportunity of meeting to discuss your review of the Ethical Framework during the North Wales Standards Committee Forum on 24 June 2021.

As a Standards Committee, we welcome your review and, as part of the preparatory work for the Forum, we met as a Standards Committee to consider what changes / improvements might be made. Below is a summary of the key points made by the Isle of Anglesey County Council's Standards Committee. We hope you will take these into consideration in formulating your recommendations to Welsh Government:

1. Alternative arrangements:

The possibility of introducing a "light touch" regime for community councils with a precept / reserve / budget below a specified level, or some other objective measure.

Alternatively, the possibility of creating a "first sift" assessment sub-committee to determine whether there is sufficient

hanfon ymlaen at yr Ombwdsmon.

2. Cyflwyno cwynion:

Paragraff 6(1)(c) o'r Cod. Mae'r geiriad presennol yn creu disgwyliad y bydd Swyddogion Monitro yn gwneud cwynion i'r Ombwdsmon ar ran aelodau. Mae hyn yn creu gwrthdaro i'r Swyddog Monitro pe byddai angen cynghori'r Pwyllgor Safonau yn ddiweddarach. Dylai fod yn eglur bod yr Ombwdsmon yn disgwyl i dystion uniongyrchol wneud cwynion, fel sy'n briodol.

3. Dyletswydd Arweinyddion Grwpiau:

Sut fydd y ddyletswydd statudol newydd ar arweinyddion grwpiau mewn perthynas ag ymddygiad (fel y mae'n cael ei chynnwys yn Neddf Llywodraeth Leol ac Etholiadau (Cymru) 2021) yn cael ei hadlewyrchu yn y Cod? Ac, yn fwy penodol, beth fydd y disgwyliadau ar Bwyllgorau Safonau o ran goruchwyllo'r ddyletswydd hon a roddir ar arweinyddion grwpiau?

4. Cydraddoldeb:

Paragraff 4(a) o'r Cod. Efallai bod angen ystyried diweddarau'r diffiniad o Gydraddoldeb yng nghyd-destun y ddyletswydd gymdeithasol-economaidd newydd, sydd wrth gwrs yn effeithio ar aelodau wrth iddynt wneud penderfyniadau strategol yn eu hawdurdodau.

5. Hyfforddiant mandadol:

(a) Prif gynghorau:

A ddylai'r Cod ei hun gynnwys gofyniad fod aelodau yn cwblhau hyfforddiant gorfodol ar y Cod ac unrhyw elfennau penodol eraill? Mae'n amlwg fod awdurdodau lleol Cymru yn amrywio yn hyn o beth. Yma yng Nghyngor Sir Ynys Môn, mae'n rhaid i aelodau gwblhau hyfforddiant ar y Cod Ymddygiad o

merit for complaints to be forwarded to the Ombudsman.

2. Presenting complaints:

Paragraph 6(1)(c) of the Code. The current wording creates an expectation on Monitoring Officers that they will make complaints to the Ombudsman on behalf of members. This creates a conflict for the Monitoring Officer if there is a need to advise the Standards Committee at a later stage. There should be clarity that the Ombudsman requires first hand witnesses to make complaints, as appropriate.

3. Duty by Group Leaders:

How will the new statutory conduct duty on group leaders (as included in the Local Government and Elections (Wales) Act 2021) be reflected in the Code? More particularly, what will be the expectations on Standards Committees to oversee this duty by group leaders?

4. Equality:

Paragraph 4(a) of the Code. Perhaps there needs to be consideration given to updating the definition of Equality matters in light of the new socio-economic duty which of course impacts members when making strategic decisions in their authorities.

5. Mandatory training:

(a) Principal councils:

Should the Code itself include a requirement that members must complete mandatory training on the Code and any other specific elements? It is clear that local authorities in Wales differ in terms of this requirement. Here in Ynys Môn, Code of Conduct training is mandatory for members within the

fewn chwe mis iddynt gael eu hethol, a ni chaniateir i aelodau eistedd ar y Pwyllgor Cynllunio a Thrywyddedu oni bai eu bod wedi derbyn hyfforddiant penodol. Mae rhai awdurdodau'n gofyn am lai na hyn, ac mae eraill yn gofyn am fwy. A ddylai hyn fod yn gyson ym mhob awdurdod?

first six months of being elected, and members cannot sit on the Planning and Licensing Committee without having received specific training. Some authorities ask for less than this, and others require more. Should this be consistent in every authority?

(b) Cynghorau cymuned:

O ystyried y ddyletswydd statudol newydd ar bob cyngor cymuned i gyhoeddi cynllun hyfforddi blynyddol ar gyfer aelodau a chlercod (sydd wedi'i gynnwys yn Neddf Llywodraeth Leol ac Etholiadau (Cymru) 2021), a oes cyfle i gynnwys unrhyw elfennau gorfodol mewn perthynas â hyfforddiant ar y Cod, ac, os felly beth fyddai'r elfennau gorfodol hynny? Beth am hyfforddiant gorfodol ar gyfer clercod, sy'n mynd tu hwn i'r Cod ei hun ac sy'n delio â materion llywodraethu ehangach? Ein profiad ni yw bod anghydfod ynghylch materion llywodraethu yn aml yn arwain at broblemau yn y berthynas rhwng clercod a rhai aelodau etholedig. A oes angen ehangu'r ymgynghoriad newydd ar gymhwyster ar gyfer clercod?

(b) Community councils:

Given the new statutory duty on all community councils to publish an annual training plan for members and clerks (included in the Local Government and Elections (Wales) Act 2021), is it an opportunity to include any mandatory elements in relation to training on the Code, and, if so what would those mandatory elements be? What about mandatory training for clerks, which goes beyond the Code itself and deals with broader governance issues? It has been our experience that disputes about governance issues are frequently the trigger for relationship issues between clerks and some elected members. Should the new consultation on qualification for clerks be extended further?

6. Cyfryngau cymdeithasol:

Wrth ystyried yr achosion y mae'r Ombwdsmon wedi adrodd arnynt yn ddiweddar mae'n holl bwysig bod y Cod yn rhoi sylw i Gyfryngau Cymdeithasol, er ein bod yn gwerthfawrogi mai'r llwyfan sy'n wahanol yn hytrach na'r disgwyliadau o ran ymddygiad.

6. Social media:

Considering the cases recently reported by the Ombudsman, it is imperative that the Code addresses the issue of Social Media although we appreciate that it is the platform which is different, rather than the behavioural expectations.

7. Parch a bwlio:

Mae parch a bwlio yn ddau faes sylweddol o ran cwynion ac mae angen eglurder ynghylch pa faterion y dylai'r Ombwdsmon ystyried ymchwilio iddynt o dan y Cod Ymddygiad. Mae Calver, a phenderfyniadau dilynol, wedi codi mwy o gwestiynau nag y maent wedi eu hateb, yn arbennig mewn perthynas â'r

7. Respect and bullying:

Respect and bullying are two significant areas for complaints and clarity is required as to what matters should be considered for investigation by the Ombudsman under the Code of Conduct. Calver, and subsequent decisions, have raised more questions than they have answered, particularly

berthynas rhwng aelodau ac uwch swyddogion; ac yn arbennig Prif Weithredwyr yn derbyn cwynion cynyddol a gohebiaeth ormesol gan rai aelodau.

8. Datrysiad lleol:

(a) Prif gynghorau:

A ddylid cael protocol datrysiad lleol safonol ar gyfer prif gynghorau er mwyn sicrhau cysondeb a thegwch i bob aelod etholedig?

Yn arwain o hyn, a ddylai fod yn ofynnol i aelodau etholedig ymrwymo i gydweithredu â phrotocol datrysiad lleol (fyddai'n cael ei weithredu'n lleol a'i fabwysiadu'n genedlaethol) o dan y Cod Ymddygiad ei hun?

Yn ein barn ni fel Pwyllgor Safonau, nid yw'r broses datrysiad lleol wedi bod yn effeithiol oherwydd ei bod yn broses wirfoddol.

(b) Cynghorau cymuned:

O safbwynt datrysiad lleol mewn cynghorau cymuned, mae'n ymddangos nad yw pob cyngor wedi mabwysiadu model Un Llais Cymru; mae rhai wedi creu eu dogfen eu hunain ac nid oes gan eraill brotocol o gwbl. Unwaith eto, a ddylid datblygu protocol datrysiad lleol safonol ar gyfer y cynghorau cymuned?

O ran model Un Llais Cymru, rydym yn credu fod problemau efo'r model hwn oherwydd ei fod yn rhoi cyfrifoldeb ar y clerwr a'r cadeirydd i weithredu'r datrysiad. O'n profiad ni fel Pwyllgor, yn amlach na pheidio, problem yn y berthynas rhwng y clerwr a'r cadeirydd yw'r rheswm am weithredu'r protocol yn y lle cyntaf, ac o'r oherwydd nid yw Protocol Un Llais Cymru yn addas

with regard to the relationship between members and senior officers; and particularly Chief Executives receiving cumulative complaints and oppressive correspondence from certain members.

8. Local Resolution:

(a) Principal councils:

Should there be a standard local resolution protocol for principal councils in order to provide consistency and fairness to all elected members?

Following from this, should it be mandatory for elected members to undertake to co-operate with the local resolution protocol (locally applied and nationally adopted) under the Code of Conduct itself?

As a Standards Committee, it is our opinion that the local resolution protocol has proved ineffective because it is voluntary.

(b) Community councils:

In relation to local resolution at community councils, it seems that not all councils have adopted the One Voice Wales model; some have created their own document and others are without any protocol. Once again, should a standardised local resolution protocol be developed for community councils?

As far as the One Voice Wales model is concerned, we believe there are problems with this model as it focuses on the clerk and the chair as undertaking the resolution. However, from this committee's experiences, it is often difficulties in the relationship between the clerk and the chair that required local resolution in the first place; making the One Voice Wales Protocol unsuitable.

Beth yw rôl Pwyllgorau Safonau mewn datrysiad lleol ar lefel cynghorau cymuned, os oes rôl iddynt o gwbl? Mae unrhyw ddau aelod o'n Pwyllgor yn cynnal y broses datrysiad lleol, yn wirfoddol, gyda rhai cynghorau cymuned. Mae'r Pwyllgor wedi derbyn hyfforddiant datrysiad lleol gan y Ganolfan Craffu Cyhoeddus ac rydym ar fin derbyn yr hyfforddiant hwn unwaith eto.

A oes opsiynau eraill ar gyfer cyfryngwyr hyfforddedig e.e. Un Llais Cymru neu a ddylai hyn fod yn swyddogaeth i'r Pwyllgor Safonau ar gais yr Ombudsmon?

What if anything should be the role for Standards Committees in local resolution at community level? Any two members of our Committee undertake the local resolution process, on a voluntary basis, with some community councils. The Committee has received training on local resolution from the Centre for Public Scrutiny and we are about to undertake this training again.

Are there other options for trained mediators e.g. One Voice Wales or should this be a Standards Committee function at the request of the Ombudsman?

9. Clercod Cynghorau Cymuned:

(a) Rhwydwaith:

Mae ein Pwyllgor yn cynnal adolygiadau rheolaidd o lywodraethiant mewn sampl o gynghorau cymuned ac yn adrodd ar y canfyddiadau a'r argymhellion cyffredinol. Yn ystod y broses hon, nododd nifer o glercod cynghorau cymuned y byddent yn gwerthfawrogi rhwydwaith o glercod i gefnogi ei gilydd gan y gall y swydd fod yn un unig. Efallai y byddai adolygu'r Fframwaith Moesegol yn gyfle i sefydlu trefniant o'r fath.

(b) Pecyn cymorth:

Fel y gwyrddoch, mae bod yn glerc yn golygu llawer mwy na drafftio rhaglenni a chymryd cofnodion: maent yn swyddogion proffesiynol ac mae ganddynt gyfrifoldebau statudol. Byddai creu pecyn cymorth ar gyfer clercod (yn ychwanegol i'r syniad o greu rhwydwaith cymorth, fel y nodir ym mhwynt 9(a) uchod) yn cadarnhau'r gofynion ac yn cynnig cysondeb mewn safonau ymysg gwahanol gynghorau. Byddai hefyd yn ddefnyddiol os byddai unrhyw hyfforddiant a ddatblygir yn cyd-fynd

9. Community Council Clerks:

(a) Network:

Our Committee undertakes regular governance reviews at a sample of community councils, and reports generic findings and recommendations. During the course of this process, several community clerks noted that they would appreciate a network of clerks to support one another as the job can often be isolating. Reviewing the Ethical Framework might be an opportunity to set up such an arrangement.

(b) Toolbox:

As you know, being a clerk is much more than drafting agendas and taking minutes; they are professional officers with statutory responsibilities. Creating a toolbox for clerks (in addition to the idea of creating a support network, as noted in point 9(a) above) would confirm the requirements and offer consistency of standards between different councils. It would also be useful if any training developed would complement the contents of this toolbox.

efo cynnwys y pecyn cymorth hwn.

10. Swyddogion Monitro:

(a) Llawlyfr:

Mae angen diweddarau llawlyfr y Swyddogion Monitro.

(b) Hyfforddiant:

Ar hyn o bryd nid oes rhaglen hyfforddi genedlaethol yng Nghymru ar gyfer darpar Swyddogion Monitro. Nid yw'r hyfforddiant a ddarperir yn Lloegr yn briodol erbyn hyn oherwydd gwahaniaethau mewn deddfwriaeth. Credir ei bod yn bwysig sicrhau bod y cyngor a roddir i Bwyllgorau Safonau, aelodau etholedig, cynghorwyr cymuned ac ati yn gywir ac yn gyfredol a bod trefniadau priodol yn cael eu gwneud ar gyfer cynllunio olyniaeth. Mae hyn yn hanfodol er mwyn sicrhau bod y Fframwaith Moesegol yn gweithredu'n effeithiol.

Fel rhan o hyn, efallai y dylid ystyried cymhwyster ffurfiol ar gyfer cyfreithwyr llywodraethiant sy'n dymuno bod yn Swyddogion Monitro?

11. Pwerau Cosbi Panel Dyfarnu Cymru:

Mae'r adolygiad hwn yn gyfle i ailystyried pwerau cosbi Panel Dyfarnu Cymru, a Phwyllgorau Safonau, pan ganfyddir fod y Cod wedi cael ei dorri. Efallai y byddai ystod ehangach o gosbau wedi eu teilwra yn ddefnyddiol. Er enghraifft, efallai mai'r gosb yw gwahardd dros dro am gyfnod penodol o amser, ond ni fyddai hynny'n cael ei weithredu os yw'r aelod yn cyflwyno ymddiheuriad ysgrifenedig o fewn cyfnod penodol o amser; neu, bod yr aelod yn cwblhau hyfforddiant penodol o fewn cyfnod penodol o amser. Byddai hyn wedyn yn sicrhau cydbwysedd rhwng (A) "cosbi" achos o dorri'r Cod a (B) y ffaith nad oes gan etholwyr gynrychiolaeth tra bod eu

10. Monitoring Officers:

(a) Handbook:

The Monitoring Officer's handbook needs updating.

(b) Training:

There is currently no national programme of training in Wales for future Monitoring Officers. That provided in England is no longer appropriate owing to divergent legislation. It is felt that this is important to ensure the advice provided to Standards Committees, elected members, community councillors etc., is correct and current and that there is adequate succession planning. This is essential so as to ensure that the Ethical Framework operates effectively.

As part of this, perhaps consideration should be given to a formal qualification for governance solicitors wishing to be Monitoring Officers?

11. Adjudication Panel for Wales' Sanction Powers:

This review is an opportunity to review the sanction powers of the Adjudication Panel for Wales, and Standards Committee, when there is a finding of a breach of the Code. A wider range of tailored sanctions might be useful. For instance, perhaps the sanction is that of suspension for a specified period of time but this will not be implemented if the member provides a written apology within a specified time; or, that the member completes particular training within a specific time. This would then ensure a balance between (A) "punishing" a breach of the Code and (B) the fact that electors are without

haelod wedi cael ei wahardd dros dro.

representation when their member is suspended.

Gobeithir y bydd y llythyr hwn yn rhoi syniad i chi o'r materion sy'n bwysig i'r Pwyllgor Safonau yma ar Ynys Môn ac rydym yn edrych ymlaen at y broses ymgynghori a fydd yn dilyn eich adroddiad cychwynnol i Lywodraeth Cymru.

It is hoped that this letter will provide you with an indication of the matters that are important to the Standards Committee here in Ynys Môn and we look forward to the consultation process that will follow your initial report to Welsh Government.

Llawer o ddiolch

Many thanks

Yn gywir

Yours sincerely,

John R Jones

John R Jones
Cadeirydd – Pwyllgor Safonau Cyngor Sir Ynys Môn
Chair – The Isle of Anglesey's Standards Committee

