

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Mr Dylan Williams  
Prif Weithredwr – Chief Executive  
CYNGOR SIR YNYS MÔN  
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<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>	
<b>PWYLLGOR SAFONAU</b>	<b>STANDARDS COMMITTEE</b>	
<b>DYDD MERCHER 14 RHAGFYR 2022 am 2.00 o'r gloch</b>	<b>WEDNESDAY 14 DECEMBER 2022 at 2.00 pm</b>	
<b>CYFARFOD HYBRID - YN YSTAFELL BWYLLGOR 1 AC YN RHITHWR</b>	<b>HYBRID MEETING - VIRTUAL AND IN COMMITTEE ROOM 1</b>	
<b>Swyddog Pwyllgor</b>	<b>Mrs Shirley Cooke 01248 752514</b>	<b>Committee Officer</b>

## **Aelodau Annibynnol / Independent Members**

Dr Thomas Rhys Davies (Is-Gadeirydd/Vice-Chair)  
Mrs Celyn Menai Edwards  
Mr John Robert Jones (Cadeirydd/Chair)  
Mrs Gill Murgatroyd  
Mrs Sharon Warnes

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

Y Cynghorydd/Councillor Trefor Lloyd Hughes, MBE  
Y Cynghorydd/Councillor Dafydd Rhys Thomas

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

Iorwerth Roberts  
Margaret Thomas

*Please note that meetings of the Committee are streamed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this live stream will be retained in accordance with the Authority's published policy.*

## **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 - 6)**

To confirm the draft minutes of the previous meeting of the Standards Committee held on 28 June 2022.

### **3 MEMBERS' ANNUAL REPORTS (Pages 7 - 10)**

A report by the Business Manager for Democratic Services to provide information on the process and timetable for publishing Members' Annual Reports.

### **4 MEMBER DEVELOPMENT AND TRAINING (Pages 11 - 14)**

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

### **5 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 15 - 20)**

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

- (a) County Councillors, and
  - (b) Town/Community Councillors
- for Quarters 1 and 2 of 2022/2023

### **6 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 21 - 42)**

A report by the Solicitor (Corporate Governance) on the Public Services Ombudsman for Wales Investigation Outcomes between 1 June and 30 November 2022.

### **7 DECISIONS BY THE ADJUDICATION PANEL FOR WALES (Pages 43 - 60)**

A report by the Solicitor (Corporate Governance) on the APW's decisions in Wales since the last Standards Committee on 28 June 2022.

### **8 APPLICATIONS FOR DISPENSATIONS**

It is usual practice for a report to be prepared to the Standards Committee by the Monitoring Officer on the applications for dispensations considered by the Standards Committee. During the period between the Standards Committee on 28 June 2022 and the day of publishing this agenda, no applications have been

received. On this basis, no report is attached.

**9** **STANDARDS COMMITTEE'S MONITORING OF A SAMPLE OF COUNCIL/COMMITTEE MEETINGS** (Pages 61 - 70)

A report by the Monitoring Officer incorporating details of the exercise undertaken by the independent members of the Standards Committee to observe a sample of formal meetings of the Council and its Committees.

**10** **LOCAL RESOLUTION PROTOCOL** (Pages 71 - 84)

A report by the Monitoring Officer on the revised Local Resolution Protocol.

**11** **COMMUNITY COUNCIL MEMBERS OF THE STANDARDS COMMITTEE** (Pages 85 - 86)

A report by the Monitoring Officer on the process for appointing two community council members to the Standards Committee following full Council decision on 6 December 2022.

**12** **CODE OF CONDUCT TRAINING FOR THE TOWN AND COMMUNITY COUNCILS** (Pages 87 - 92)

A report by the Solicitor (Corporate Governance) on the three Code of Conduct training sessions offered to Community Councils following the May 2022 election.

**13** **TERMS OF REFERENCE FOR THE NATIONAL STANDARDS COMMITTEE FORUM** (Pages 93 - 96)

A report by the Monitoring Officer on the National Forum for Independent Members of Standards Committees in Wales.

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## **STANDARDS COMMITTEE**

### **Minutes of the meeting held on 28 June 2022**

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

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

#### **Representing the County Council**

Councillor Trefor Lloyd Hughes MBE  
Councillor Dafydd Rhys Thomas

**IN ATTENDANCE:** Director of Function (Council Business)/Monitoring Officer  
Human Resources Training Manager (MW) (for Item 3)  
Committee Officer (SC)

**APOLOGIES:** Mrs Celyn Menai Edwards (Independent Member)

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The Chair welcomed all those present to the meeting. He extended a warm welcome to Councillors Trefor Lloyd Hughes MBE and Councillor Dafydd Rhys Thomas, returning Members on the Standards Committee. He also extended his best wishes to Councillor Keith Roberts, a former member of the Standards Committee, in his new role as an Elected Member.

#### **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 2021 were confirmed as correct, subject to the following:-

##### **Matters arising from the minutes of 15 December 2021:-**

- Agreed that the Monitoring Officer circulate an updated Action Log to the Committee as soon as possible after today's meeting.
- The Monitoring Officer confirmed that Mr Richard Penn has forwarded his recommendations to Welsh Government and a National Consultation will begin in the Autumn with regard to proposals arising from Mr Penn's review.

- The Committee expressed concern that only fourteen Elected Members had produced annual reports last year, despite support being provided by the Council and despite the encouragement of the Standards Committee.

It was therefore decided to invite the Business Manager for Democratic Services to the next formal meeting of the Standards Committee to discuss the support which the Council provides to Members, what process and timing will be for producing and publishing Members' Annual Reports and what more the Standards Committee might do to encourage the practice.

**RESOLVED to invite the Business Manager for Democratic Services to attend the next formal meeting of the Standards Committee to discuss the support the Council can provide to Members in terms of preparing Members' Annual Reports.**

**Action: See Resolution above**

- In response to a question, the Monitoring Officer confirmed that no trends were currently detectable, owing to the very few complaints filed against Elected Members in recent years.
- The Committee's Chair and Vice Chair will be attending the Town and Community Council Forum in September and they will discuss the content of the Newsletter, to include possible discussion about extending the local resolution protocol and informal monitoring of proceedings, to Town and Community Councils.

### **3. MEMBER DEVELOPMENT**

The Human Resources Training Manager (HRTM) reported on the Induction Programme available to Elected Members between the election period and the end of June 2022. She reported that it has been a very busy period for new Members, with 23 induction/training sessions having been held.

The HRTM referred to the Elected Members' Development programme that has been compiled, and is based on the Welsh Local Government Association Framework, which runs from the initial Induction date to the end of June with a follow up plan arranged for July to October. The Plan has been amended since being first published due to the Scrutiny sessions being rescheduled.

It was noted that there may be an opportunity for Elected Members/lay members/members of the Standards Committee who may have missed a particular training session to attend at a future date. Details of attendance at arranged training sessions over the Induction period will be complete by the end of July.

Members will have access to training information electronically on the Elected Members' Dashboard within Learning Pool. Training modules available from the "WLGA" will be made available via the Authority's online portal, Learning Pool as well as information being included in the Members' Induction Bulletin.

The Monitoring Officer reported that Data Management and Cyber Awareness training are mandatory for Council staff, Elected Members and Co-opted members. Concerns were expressed that some members do not appear to be attending mandatory training sessions. It was therefore suggested that the HRTM provide the Chair and Vice-Chair of this Committee with current data on training, for the purpose of attending a Group Leaders' meeting to discuss mandatory training.

It was noted that training sessions will continue to be held virtually for now. It was further noted that the possibility of recording in house training sessions will also be explored, as well as developing a hybrid method of training delivery in future.

**RESOLVED:-**

- **To note the content of the Plan.**
- **That the HRTM will use best endeavours to provide current data on attendance at mandatory training by Members to the Chair and Vice-Chair of this Committee prior to their attendance at the next Group Leaders' meeting to share general compliance data with the Group and separate data for each Group Leader concerning compliance with mandatory training within each individual Group.**
- **That the Monitoring Officer, HRTM, Head of Audit and Scrutiny Manager notify HR as to which sessions shall be mandatory for the non-elected Committee Members.**
- **That the HRTM will make enquiries to establish whether or not it might be feasible for in-house trainers to record their sessions and make them digitally available to Members.**

**Action: See Resolution above**

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

Submitted - a report by the Monitoring Officer in the form of an updated matrix on quarterly complaints received by the Public Services Ombudsman for Wales (PSOW) in relation to (a) County Councillors, and (b) Town/Community Councillors.

The Monitoring Officer reported that the PSOW received one complaint against a County Councillor from a member of the public between October - December 2021 (Q3), which the PSOW decided not to investigate. No complaints were received against a County Councillor between January 2022 – March 2022 (Q4).

It was noted that one complaint was presented to the PSOW against a Town Councillor during Quarter 3, 2021, and the investigation is ongoing. One complaint was also received against a Town Councillor for Quarter 4, which the PSOW rejected following an investigation.

**RESOLVED:-**

- **To note the contents of Enclosures 1-4.**

- **That the Monitoring Officer distributes Enclosures 1-4 to Elected and Co-opted members of the Council, and members of the Town and Community Councils via the Newsletters.**

**Action: See Resolution above**

## **5. ADJUDICATION PANEL FOR WALES DECISIONS**

Submitted – a report by the Monitoring Officer summarising 4 decisions published by the Adjudication Panel for Wales (APW) since the Standards Committee’s last meeting on 16 December 2021.

The Monitoring Officer reported that the APW’s decisions will be included in the Newsletter to County Councillors and Newsletter to Town and Community Councillors.

The Monitoring Officer summarised the key issues and learning points from each of the reported cases, which were then discussed by the Committee.

### **RESOLVED:-**

- **To note the content of the case summaries.**
- **The Newsletter to County Councillors and Town and Community Councillors shall include links to the APW’s reported cases and the case summaries of learning points in this Agenda.**
- **That the Principles of Conduct in Public Life (being the Nolan Principles as adopted by Statute in Wales) shall be used as the primary focus of the next Newsletter.**

**Action: See Resolution above**

## **6. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Submitted - a report by the Monitoring Officer on the above.

The Monitoring Officer reported that under the Local Government and Elections (Wales) Act 2021 (the Act), the Standards Committee is required to prepare and publish an Annual Report, and present it to the full Council as soon as reasonably practicable after the end of the last financial year. She stated that the Chair will submit the Committee’s first Statutory Annual Report to the full Council in September 2022.

The Monitoring Officer reported that there are specific requirements in the Act, as to what must be included in the Annual Report. She stated that the Standards Committee already complies with the criteria of the new legislation. It was noted that it will be a statutory requirement for all Standards Committees to present Annual Reports in future.

Points raised during discussion:-



- Where the number of complaints permits, any trends or patterns will be noted in the future. The recruitment of Town and Community Council members to the Standards Committee. The Monitoring Officer explained the procedure and timetable. If more than two nominations are received, then a postal ballot will follow with the choice being made by the Town and Community Councils and sign off via a report to full Council in December 2022.
- In light of the new statutory duty on group leaders with regard to the conduct of members of their group, next year's Standards Committee Report will address how the Group Leaders have addressed their new duty and how the Standards Committee has supported them in so doing; including arranging training in the discharge of the new duty.
- The consultation has now closed in relation to the draft guidance on the new statutory duty. When the final version is published, we should be looking further at how the Standards Committee is to train/support the Group Leaders.

**RESOLVED:-**

- **To approve the Standards Committee's Annual Report, subject to minor changes agreed during discussion.**
- **That the Standards Committee's Annual Report be presented to the County Council in September 2022.**

**Action: See Resolution above**

**7. THE STANDARDS COMMITTEE'S WORK PROGRAMME FOR 2022/23**

The Standards Committee's Draft Work Programme was submitted for discussion.

- In response to a question, the Monitoring Officer explained that it would not be possible to attach specific deadlines to the Committee's annual work programme. This is because many of its statutory responsibilities, like conducting hearings upon referral from the PSOW, or deciding dispensation applications, depend upon the referrals or applications being made by others. Once that has happened, there are timetables set out within the processes that have been published by the Standards Committee. Other matters, such as local resolution, are also reactive as are government consultations, and the fixing of the National Standards Forum and meetings with Group Leaders.
- Informal meetings had already been agreed with the Chair and Vice-Chair and an invitation circulated by committees to the Standards Committee Members to discuss, at the first meeting, the content of the newsletters and the pro-forma to be used for the informal monitoring of Committee Meetings. The second informal meeting of the Standards Committee had been arranged to discuss the draft local resolution protocol. The draft of the Committee Pro-forma and the local resolution protocol have both been shared with the Chair and Vice-Chair of the Committee.
- With regard to observing proceedings, it was agreed that a timetable will need to be set out and that can be discussed at the informal meeting together with how and when the Committee Members will report back.

**RESOLVED** that the Monitoring Officer update the Standards Committee on its programme of work and its action log in advance of formal meetings and that the work programme, action log and “housekeeping” issues shall be discussed in informal meetings to be arranged prior to the Standards Committee’s formal meetings. This will be in addition to the usual briefing meetings for the Chair and Vice-Chair of the Committee.

**Action: See Resolution as above**

The meeting concluded at 4.00 pm

**MR JOHN R JONES  
CHAIR**

<b>CYNGOR SIR YNYS MÔN / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Members' Annual Reports</b>
<b>PURPOSE OF THE REPORT</b>	<b>To provide information about annual reports by Members for 2021/22 and 2022/23</b>
<b>AUTHOR:</b>	<b>Bethan Eirian E Griffith Democratic Services Business Manager</b>
<b>LINK OFFICER:</b>	<b>Bethan Eirian E Griffith Democratic Services Business Manager BethanGriffith@ynysmon.llyw.cym</b>

## 1. Report purpose

Invitation from this Committee (June 2022) regarding preparations for creating and publishing annual reports by Members.

## 2. Background

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

The Council has been publishing annual reports for Members since 2013/14. Although there is no statutory requirement for members to prepare a report, historically it has been considered good practice so as to promote local accountability and as a way of presenting information on Members' roles and responsibilities.

The report is the basis of the Members' Personal Development Reviews with their Group Leaders and consequently they also assist the Council to maintain its Member Development Plan for the future.

Annual reports previously published by the Council on behalf of Members can be seen [here](#).

## 3. Annual Reports for 2021/22

The annual reports for 2021/2022 relate to the period between 1 April 2021 and 31 March 2022.

Following a request at the last meeting in June, 4 Elected Members, out of the 18 who kept their seats, have submitted Annual Reports relating to this period. These reports were uploaded to the website at the end of November. This is later than the usual timetable (reports are usually published in the summer) due to other priorities following the elections in May 2022 and the difficulties encountered in appointing a new Head of Service.

#### 4. Annual Reports for 2022/23

The annual reports for 2022/2023 relate to the period between 1 April 2022 and 31 March 2023. This will be the first annual report for a number of Members and it will include an overview of the Elected Members' year since their election to the Isle of Anglesey County Council in May 2022.

Support provided for Elected Members:

- 1:2:1 meetings between members and the Group Leader
- The template was distributed early enough to allow Members to complete them during the year (since 14/07/2022)
- Human Resources can assist members to download information about training sessions attended.
- 2022 – 2023 Timetable? See section 4.2 below, but it may change after the new Head of Democracy takes up his post on 03/01/2023.

##### 4.1 Report Template

A report template was shared with all Members on 14 July 2022 so as to (a) inform new Members of the practice of completing annual reports and (b) offer an opportunity for all Members, if they so wish, to keep records during the year which may be useful when they come to draft their final annual reports after 31 March 2023.

The template gives Members the opportunity to note the work undertaken by them on behalf of their constituents; from local issues in the ward, to their contribution on outside bodies in addition to their corporate roles in the Council.

The headings on the template are:

<p><b>Member role and responsibilities</b></p> <ul style="list-style-type: none"> <li>- <b>The Committees and Sub-Committees on which the Member sat</b></li> <li>- <b>External bodies on which the Member has represented the Council</b></li> </ul>	<p>An opportunity for Members to list the Committees, Sub-Committees and Outside Bodies on which they have sat and to include information about their attendance at meetings, their role and their contribution.</p> <p>Members can look at their biographies on the Council's website for this information.</p>
<p><b>Activities in the Ward</b></p>	<p>An opportunity for Members to include information on the matters which they have been dealing with in their ward. Members will need to recall their activities in the ward; it would be good practice for Members to keep a note of their activities as the year progresses.</p>
<p><b>Initiatives and Special Activities</b></p>	<p>An opportunity for Members to include information on any initiatives and special activities with which they have been involved. Members will need to recall their activities; it would be good practice for Members to keep a note of their activities as the year progresses.</p>
<p><b>Learning and Development</b></p>	<p>An opportunity for Members to include information about any training they have completed. Members can contact Human Resources for more information on</p>

	any Training they attended that was arranged by the Council.
<b>Other Activities and Issues</b>	An opportunity for Members to include information on any other activities with which they have been dealing. Members will need to recall their activities; it would be good practice for Members to keep a note of their activities as the year progresses.

#### 4.2 Timetable

The intention is for the Head of Democracy to brief the Group Leaders on the final timetable for completing and publishing the annual reports for 2022/2023. If the usual arrangements are followed, it is intended to be similar to this:

1 April 2022 – 31 March 2023	Period of the next annual report
January 2023	The Head of Democracy will report to the Group Leaders about the timetable for receiving / publishing the reports and will also remind and encourage Members to complete their annual reports.
April and May 2023	Allow a reasonable period of two months during April and May 2023 for Members to complete their annual reports. Deadline for Members to send their annual report to the Head of Democracy will be 31 May.
June 2023	The Head of Democracy will report to the Group Leaders about the number of Members in any Group that have / have not completed their annual reports by the deadline. A time extension can be discussed, but the intention will be to move to the next stage.
June or July 2023	Publish Members' Annual Reports on the Council website, on <a href="#">this link</a> .

#### 5. Democratic Services Committee, Facilitating Member Development, 04 October 2022

Following a recommendation made by the Committee, Lynn Ball advised Group Leaders on 12/10/22 that Members need to submit their annual reports for 2021/22 by 31/10/2022, and a copy of the template was also included.

#### 6. Recommendation

The Standards Committee is requested to note the contents of this report.

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<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	STANDARDS COMMITTEE
<b>DATE:</b>	14 <sup>th</sup> DECEMBER 2022
<b>TITLE OF REPORT :</b>	MEMBER DEVELOPMENT
<b>REPORT BY :</b>	HUMAN RESOURCES TRAINING MANAGER
<b>CONTACT OFFICER :</b>	MIRIAM WILLIAMS (extension 2512)
<b>PURPOSE OF REPORT :</b>	TO PROVIDE AN UPDATE OF THE TRAINING AND DEVELOPMENT PROGRAMME FOR ELECTED MEMBERS FOLLOWING THE MAY 2022 ELECTION

## 1. INTRODUCTION

The purpose of the report is to provide the Standards Committee with an update on the Training and Development sessions offered and taken up by Elected Members since May 2022.

The report also responds to the actions requested and highlighted in the report presented to the Standards Committee in June 2022.

## 2. THE PLAN

Between 11<sup>th</sup> May and 12<sup>th</sup> December, 47 training days have been offered by the Human Resource Training Team to Elected Members. The training offered covers a wide range of subject areas, some of which relate to specific Committee Members only e.g. Planning; Audit; in addition to offering general sessions such as ICT skills.

Courses relating to general Chairing skills has been made available (also available as an e-learning module) and Chairing for Scrutiny Chairs/Vice-Chairs was also recently delivered 8 Elected Members attending.

In terms of attendance on sessions, this has been variable.

In relation to the courses deemed to be mandatory, attendance levels are noted below:

- Code of Conduct x 29
- Equalities and Diversity x24
- General Data Protection Principles (GDPR) x12
- Cyber Security x35

### **3. COMMUNICATION**

In terms of the communication, as a follow on to the initial publication of the training plan, Elected Member Bulletins have been published and circulated, with the purpose of promoting upcoming training.

Electronic versions of the bulletins are available within the Elected Members Dashboard (launched in July) and which can be found on the Authority's E-Learning Platform, Learning Pool. Elected Members also have access to Health & Wellbeing; general modules as well as those specifically for their roles.

Data shows that to date 16 Members have accessed this site.

In addition to the above, invitations to attend training are shared via emails/appointments.

### **4. METHODS OF DELIVERY**

Delivery of sessions continues in the main to take place via media such as MS Teams/Zoom as well as utilising the additional resources available on the Authority's E-Learning platform, Learning Pool, allowing access at any time.

Timings of sessions is continually being reviewed in terms of when sessions are delivered i.e. daytime/late afternoon/early evening, so that work/caring commitments are taken into account and also to maximise attendance. Wherever possible and practicable the Training Team will seek to offer options of dates and times.



## **5. IN SUMMARY**

Whilst training has eased somewhat since the initial months, further training as identified in the initial plan e.g. Health, Safety & Wellbeing will be offered in the New Year.

Naturally, the plan will continue to be reviewed and revised upon input from stakeholders, ensuring that we are able to respond to the identified needs and ensuring timely delivery.

## **6. RECOMMENDATION**

- To note of the content of the report

**Miriam Williams**  
**HR Training Manager**  
**December 2022**

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Conduct Complaints to the Public Services Ombudsman for Wales (PSOW)</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of the complaints which have been sent to the PSOW in relation to (a) County Councillors and (b) Town and Community Councillors.</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyys@ynysmon.llyw.cymru">mwyys@ynysmon.llyw.cymru</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 1. INTRODUCTION

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

## 2. UPDATES

2.1 The reports for Quarter 3 (October – December 2021) and Quarter 4 (January – March 2022) for 2021/2022 were submitted at the Standards Committee meeting on 28 June 2022.

2.2 A copy of the report for Quarter 1 for 2022/2023 [April – June 2022], in relation to County Councillors, appears at **Enclosure 1**.

A copy of the report for Quarter 1 for 2022/2023, in relation to Town and Community Councillors, appears at **Enclosure 2**.

2.3 A copy of the report for Quarter 2 for 2022/2023 [July – September 2022], in relation to County Councillors, appears at **Enclosure 3**.

A copy of the report for Quarter 2 for 2022/2023, in relation to Town and Community Councillors, appears at **Enclosure 4**.

2.4 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 and contained within the Newsletters.

### **3. RECOMMENDATION**

3.1 For the Standards Committee members to note the contents of the **Enclosures at 1-4** and consider trends arising (if any) and any corrective actions which are required.

3.2 For the 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 their respective Newsletters.

**CWYNION A GYFLWYNWYD I'R OMBUDSMON – "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 2022) – 2022/2023 – Quarter 1 (April - June 2022)

<b>Enw'r Cynghorydd Name of Councillor</b>	<b>Enw'r Achwynydd Name of Complainant</b>	<b>Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"</b>	<b>Dyddiad y Gŵyn - "O" Complaint date - "O"</b>	<b>Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation</b>
Cynghorydd Sir / County Councillor	Aelod o'r Cyhoedd/ Member of the Public	(i) 023996 (ii) 202108602	01/04/2022	20/04/2022 – O wedi penderfynu peidio ymchwilio'r gŵyn / O has decided not to investigate the complaint.

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

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

Chwarter 1 (Ebrill – Mehefin 2022) – 2022/2023 - Quarter 1 (April – June 2022)

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
Cyngorydd Tref / Town Councillor	Cyngorydd Tref / Town Councillor	(i) 023643 (ii) 202103868	06.09.2021	05.05.2022 ymchwiliad wedi ei derfynu / investigation discontinued
Cyngorydd Tref / Town Councillor	Aelod o Bwyllgor (ddim fel aelod o'r cyhoedd) / Member of Committee (not as a member of the public)	(i) 019837 (ii) 202200009	31.03.2022	20.05.2022 Ddim yn ymchwilio / Not investigating

CWYNION A GYFLWYNWYD I'R OMBUDSMON – "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 2022) – 2022/2023 – Quarter 2 (July – September 2022)

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
DIM I'W ADRODD / NONE TO REPORT				

CWYNION A GYFLWYNWYD I'R OMBUDSMON – "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 2022) – 2022/2023 – Quarter 2 (July – September 2022)

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynnydd 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 / NONE TO REPORT				



<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Published findings by the Public Services Ombudsman for Wales for all Councils in Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of all Wales findings published on its website by the Public Services Ombudsman for Wales for the period between 1 June and 30 November 2022.</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@anglesey.gov.uk">mwyics@anglesey.gov.uk</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.gov.uk">lbxcs@ynysmon.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION

The term of the newly appointed Public Services Ombudsman for Wales (PSOW) started on 1 April 2022. Some of the PSOW's practices have since changed; this includes the way it now publishes findings made in relation to Code of Conduct cases.

The Committee will recall that one of the standing items on the Committee's agenda for its twice-yearly formal meetings was a review of the Code of Conduct Casebooks published by the PSOW. However, the Ombudsman has said that Code of Conduct Casebooks will not be published after April 2021 and all PSOW cases are now published on the website under separate headings.

This report summarises the information published under the "Our Findings" heading on the PSOW's website for the months of June to November 2022 in relation to Code of Conduct matters only **[ENCLOSURE 1]**.

## 2. BACKGROUND

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

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

- There is evidence to suggest that the code of conduct may have been breached; and
- That the matter is sufficiently serious for it to be in the public interest for an investigation to be opened.

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

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

If (c) or (d) above apply, the PSOW will then submit their report to the local standards committee or to the Adjudication Panel for Wales (APW), and it is for the committee, or a case tribunal of the APW, to conduct a hearing to consider the evidence and to make the final decision on whether or not the code of conduct has been breached and, if so, whether a penalty should be imposed, and what any penalty should be.

Standards committees have statutory authority to issue a suspension against a councillor for a period not exceeding 6 months. Standards committees have no powers of disqualification and, where there are findings of breach, will try to apply a sanction that is proportionate to the offence. This will often be a censure (public rebuke) or a recommendation of training/undertaking/mediation etc.

A case tribunal has authority to suspend a councillor for up to 12 months and to disqualify for up to 5 years.

### **3. RECOMMENDATION**

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

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>1.</b></p> <p>Tywyn Town Council</p> <p>Case ref number 202005528</p>	07/06/2022	<p>The Complainant alleged that the former Member of Tywyn Town Council had made false allegations about the former Clerk and other Members of the Town Council, and undermined and disparaged the former Clerk at Town Council meetings.</p> <p>The PSOW obtained information from the Monitoring Officer of Gwynedd Council, the Town Council, witnesses and the former Member. During the investigation several attempts were made to obtain a formal statement from the Complainant, without success.</p>	<p>Promotion of equality and respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 4(c) – must not use bullying behaviour or harass any person.</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The PSOW's investigation considered that although the former Member resigned from the Town Council during the investigation, the former Member had remained a Member of Gwynedd Council and stood for re-election to the Council. However, ultimately, the former Member was not returned by the local electorate and was therefore no longer a member at town or county level. As a result, the PSOW was no longer satisfied that an investigation into the complaint was in the public interest, and it was decided to discontinue the investigation.</p>	CODE - Discontinued	<p>Only limited information is provided in the case summary. However, it shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high.</p> <p>Because the individual concerned was no longer a member in either a community or county council, the PSOW decided to stop the investigation; perhaps if the individual was still a councillor, the PSOW would have taken a different approach.</p> <p>There is nothing preventing a former Member standing in a subsequent election or by-election.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>2.</b></p> <p>Langstone Community Council</p> <p>Case ref number 202101430</p>	08/06/2022	<p>The complainant alleged that a former Member of Langstone Community Council was violent and abusive during an altercation outside the complainant's property. It was also alleged that the former Member operated an illegal waste disposal business on his property.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The PSOW's investigation found that whilst an Enforcement Notice for an alleged breach of planning control had been served against the former Member, there was no evidence to suggest the former Member's involvement in any official capacity in planning affairs and the matter related to the former Member's private capacity alone. In addition, the former Member had an ongoing appeal against the Enforcement Notice, which had not been determined.</p> <p>The investigation also found there was historic animosity between both parties and that, during the altercation, both had used expletives and provocative behaviour, which culminated in the former Member throwing a punch and the matter being reported to the Police. The Police did not take further action and the former Member stepped down from the Council during the investigation.</p> <p>The PSOW considered that as the matter was not sufficiently serious for the Police to take action, and the former Member was no longer a councillor, it was unlikely that a sanction would be imposed, and it was not in the public interest to pursue the matter.</p>	CODE - No action necessary	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, and that the Police did not take action in relation to the same incident, the PSOW decided that no action was necessary in this matter. Perhaps if the individual was still a community councillor, the PSOW would have taken a different approach, despite the Police decision, as the level of proof is different in criminal and civil cases.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>3.</b></p> <p>Pencoed Town Council</p> <p>Case ref number 202005940</p>	17/06/2022	<p>A former Councillor of Pencoed Town Council had failed to declare a criminal conviction when he stood for election in 2018 and in doing so had breached the Code of Conduct for elected members.</p> <p>The investigation found that the former Councillor had been convicted of an offence in July 2015 and that this conviction disqualified him from standing as an elected member. The former Councillor stood for election to Pencoed Town Council in November 2018 and could not have done so had they not made a false declaration on their nomination paper. The deception did not come to light until an article featured in a national newspaper in July 2020. The former Councillor resigned once this</p>	<p>Integrity.</p> <p>Considering a breach of paragraph:</p> <p>6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>	<p>The PSOW considered that the former Councillor misled the Town Council as to his eligibility to be a Councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the year and 8 months that he acted as a Councillor, was a serious abuse of office which goes against the principles that underpin the Code of Conduct. The former Councillor did not engage with the investigation and did not give any explanation for his actions or show any remorse.</p> <p>The PSOW referred the case to the Adjudication Panel for Wales (APW). The APW heard the case on 10 June 2022 and found that the former Councillor had been elected on a false premise and that his declaration of acceptance of office, undertaking to abide by the Code, and continuation in office took place on the same false premise. APW found that the Consent to Nomination and Guidance to Candidates were so clear that it was inconceivable that the former Councillor was unaware of the fact he was disqualified from being elected and his actions were either deliberate or as the result of extreme recklessness.</p> <p>The APW found that the fact that the former Councillor was disqualified from being elected and yet continued</p>	CODE - Referred to the Adjudication Panel for Wales	<p>Persons who have had a criminal conviction during the period of five years ending with the day of poll, or since being elected have been convicted in the UK of an offence, and have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine and the ordinary period allowed for making an appeal or application in respect of the conviction has passed, are disqualified from standing for election.</p> <p><i>[Section 80A of the Local Government Act 1972.]</i></p> <p>This case is discussed in more detail in a separate report presented to</p>

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		<p>information became public but had acted as a member for 1 year and 8 months when he was not eligible to do so.</p> <p>.</p>		<p>to act as Member went to the heart of public trust in democracy and undermined the Code and standards regime. The former Councillor continued to deal with his constituents and act on a false premise and this constituted a clear breach of paragraph 6(1)(a) of the Code. It also noted that the significant media and public attention and disquiet, would inevitably bring both the office of Member and his Authority into disrepute.</p> <p>The APW concluded that the former Councillor should be disqualified for 24 months from being or becoming a member of the Council or any other relevant authority within the meaning of the Local Government Act 2000.</p> <p>A link to the APW's decision in relation to former Councillor Gordon Lewis can be seen <a href="#">here</a>.</p>		<p>the Standards Committee in relation to decisions made by the Adjudication Panel for Wales [item 7 on the Agenda for the Standards Committee on 14/12/2022].</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p>4.</p> <p>Pembrokeshire County Council</p> <p>Case ref number 202000660</p>	17/06/2022	<p>The PSOW received a complaint that a Member of Pembrokeshire County Council had allegedly published a post in June 2020 on the social media platform Facebook, which could be considered to be racist, and could have the potential to damage the reputation of the office of Member and of the Council.</p> <p>The PSOW's investigation established that the Member had publicly published his post in order to raise concerns about the Council's decision to light up County Hall in support of Black Lives Matter. The Member deleted his entire Facebook profile page some weeks later. Numerous complaints about the post were made to the Council and to</p>	<p>Promotion of equality and respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The PSOW accepted that the Member had the right to question the Council's decision to support Black Lives Matter, however the language used by the Member was offensive and went beyond what would be expected of a councillor in a political discussion. The Member had not taken advantage of opportunities to attend equality and diversity training or social media training.</p> <p>The PSOW determined that the Member may have breached paragraph 6(1)(a) of the Code.</p> <p>The PSOW referred his investigation report to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.</p> <p>The Standards Committee decided that the Member had made the post in his capacity as Councillor and censured him for breaches of paragraphs 4(b) and 6(1)(a) of the Code. It said it would have considered a suspension had the Member been re-elected at the recent Local Government elections.</p>	CODE - Referred to Standards Committee	<p>The Minutes of the Standards Committee meeting when considering this matter at a Hearing can be seen on Pembrokeshire County Council's website via <a href="#">this link</a>.</p> <p>The breach of the Code by the Councillor was considered serious. But because the individual was no longer serving as a Councillor, the Standards Committee had little options available to it by way of sanction for the breach.</p> <p>IOACC has a <a href="#">Protocol on Social Media</a> included in the Council's Constitution (section 5.10).</p>

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		<p>the PSOW's office, and the Member was subject to local and national Press interest, as well as considerable comment on Facebook. The Member said that he considered the post to fall within his right to free speech because he did not believe he had really offended anybody, and the complaints that were made against him were politically motivated.</p>				



Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>5.</b></p> <p>Llansantffraed Community Council</p> <p>Case ref number 202004442</p>	24/06/2022	<p>The PSOW received a complaint that alleged a Member of Llansantffraed Community Council was involved in an incident with a Council contractor (“the Contractor”), following which there was a Police investigation. The Member subsequently pleaded guilty to a charge of causing bodily harm by wanton and furious driving.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>A witness account was obtained from the Clerk and information was obtained from the Police and the Court. The Member declined to cooperate with the PSOW’s investigation. The investigation found that the nature of the criminal offence involving the Council’s Contractor, the impact upon the young boys hurt in the incident, and the publicity surrounding the incident, which referred to the Council, suggested that the Member’s actions may have brought her office and the Council into disrepute.</p> <p>The report on the investigation was referred to the Adjudication Panel for Wales for adjudication by a tribunal.</p> <p>The APW concluded that the Member had breached paragraph 6(1)(a) of the Code of conduct by bringing their office as Councillor into disrepute and decided that the member should be disqualified for 12 months from being or becoming a member of the authority or of any other relevant authority.</p> <p>A link to the APW’s decision in relation to Former Councillor Caryl Vaughan can be seen <a href="#">here</a>.</p>	CODE - Referred to Standards Committee/ APW	<p>This case is discussed in more detail in a separate report presented to the Standards Committee in relation to decisions made by the Adjudication Panel for Wales [item 7 on the Agenda for the Standards Committee on 14/12/2022].</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>6.</b></p> <p>Tiers Cross Community Council</p> <p>Case ref number 202005972</p>	<p>28/06/2022</p>	<p>The PSOW received a complaint from a member of the public that a member of Tiers Cross Community Council had failed to declare an interest in an environmental / planning matter, had disclosed confidential information, and had emailed the complainant's employer in an attempt to discredit her.</p>	<p>Disclosure &amp; register of interest.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 11(1) – disclosure of personal interest at a meeting of the authority</li> <li>- 14(1)(a)(ii) – to withdraw from a meeting when the member has a prejudicial interest in the matter being discussed</li> <li>- 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so</li> <li>- 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other</li> </ul>	<p>The PSOW considered that the Member had a personal and prejudicial interest in the environmental/planning matter, as the person involved was also the Member's landlord and a relative by marriage.</p> <p>The PSOW found the following breaches:</p> <ul style="list-style-type: none"> <li>- that the Member had failed to declare the interest at a Council meeting held in August 2020. The Member declared an interest at video meetings held in March and April 2021 but did not leave the meetings when the matter was discussed.</li> <li>- that the Member had shared information he had received as a Council Member with his landlord.</li> <li>- That the Member had sent several emails about the matter to fellow Members of the Council, despite having an interest. The emails were critical of the complainant and supportive of the person involved in the matters.</li> <li>- That the Member had sent a factually inaccurate email of complaint about the complainant to her employer. The Member withdrew his complaint when he was advised of the inaccuracies.</li> </ul>	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. It appears likely that if the individual was still a community councillor, the PSOW would have taken a different approach.</p> <p>The PSOW also advised that the remaining members of the Council in this matter undertook training on the code of conduct as</p>

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			<p>person, a disadvantage.</p> <ul style="list-style-type: none"> <li>- 14(1)(d) – making written representations in relation to a business in which the member has a prejudicial interest</li> </ul>	<p>The overall behaviour of the Member did not appear to have had any wider implications for the Council and was not therefore suggestive of a breach of paragraph 6(1)(a) of the Code [<i>paragraph 6(1)(a) - Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</i>].</p> <p>The PSOW took into account that the Member had apologised and withdrawn his complaint, and that there appeared to be a lack of understanding about personal and prejudicial interests within the Council as a whole. Furthermore, as the Member did not stand for election in May 2022, and was no longer a Member of any Council, the PSOW determined that it was not in the public interest to refer her report to Pembrokeshire County Council's Standards Committee for consideration. Had the Member stood for election and/or been re-elected then it is likely that further action would have been considered.</p> <p>In view of the issues which have arisen in this case, the PSOW recommended that training be arranged for the Members of the Council in relation to both personal and prejudicial interests and their obligations under the Code.</p>		<p>there seemed to be a lack of understanding about personal and prejudicial interests within the Council. The PSOW encourages training on the Code for Members.</p>

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<p><b>7.</b></p> <p>Llanvaches Community Council</p> <p>Case ref number 202005979</p>	01/07/2022	<p>The PSOW received a complaint that a former Member of Llanvaches Community Council had breached the Code of Conduct regarding matters concerning work conducted by a tree surgeon, intimidating behaviour and the disclosure of confidential information.</p>	<p>Promotion of equality &amp; respect</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 4(c) – must not use bullying behaviour or harass any person.</li> <li>- 5(a) – must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> <li>- 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly</li> </ul>	<p>The PSOW found that when the former Member went to a public playing field and found a tree surgeon at work without an adequate cordon to ensure public safety, the former Member expressed a concern about public safety and work being conducted on Community Council leased land. The PSOW found there was no evidence to suggest the former Member's behaviour was inappropriate or aggressive, or that abusive or offensive language or intimidating behaviour was used in breach of the Code.</p> <p>The PSOW also found that accounts of a conversation between the former Member and the complainant concerning the disclosure of information differed and, as there were no witnesses to the event, it was not possible to draw a conclusion on exactly what was said. Further, the subject matter of the disclosed information had also been discussed at Community Council meetings and recorded in publicly available minutes. Therefore, the PSOW was not persuaded that the alleged conduct was suggestive of a breach of the Code.</p> <p>During the investigation the former Member did not stand in the Local Government elections on 5 May 2022 and stood down from the Community</p>	CODE - No evidence of breach	Only limited information is provided in the case summary.

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
			<p>to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p>	<p>Council.</p> <p>The PSOW noted that since the events the Community Council had taken steps to ensure that when similar authorised work is conducted, members are present to ensure appropriate health and safety measures to protect the public are in place.</p> <p>The PSOW found no further action was necessary or required in the public interest.</p>		

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>8.</b></p> <p>Llanigon Community Council</p> <p>Case ref number 202100842</p>	01/07/2022	<p>The PSOW received a complaint that a member of Llanigon Community Council had breached the Code of Conduct by</p> <ul style="list-style-type: none"> <li>• Behaving in a disrespectful, aggressive, and very intimidating manner towards the complainant in a Council meeting on 9 December 2020.</li> <li>• Bullying and intimidating the Clerk.</li> <li>• Discriminating towards female Members by not including them in correspondence and discussions.</li> <li>• Failing to consult full Council when taking decisions.</li> <li>• Failing to discuss the Clerk's wages.</li> <li>• Failing to conduct virtual Council meetings during the COVID-19</li> </ul>	<p>Accountability &amp; openness.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 4(c) – must not use bullying behaviour or harass any person.</li> <li>- 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> <li>- 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for</li> </ul>	<p>Witness accounts were obtained from all members of the Council, the Clerk, and a County Councillor. Documentation provided by the Clerk and the Monitoring Officer of Powys County Council was also reviewed.</p> <p>The Member was not re-elected at the May 2022 elections and the evidence was inconsistent. The PSOW did not consider that it was in the public interest to take further investigative steps and took the decision that no action needed to be taken in respect of the matters investigated.</p>	CODE - No Action Necessary	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. There is limited information contained in the case summary but it is possible that if the individual was still a community councillor, the PSOW may have taken a different approach.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
		<p>pandemic.</p> <ul style="list-style-type: none"> <li>• Delaying having a Council website and subsequently made one himself, which was inaccessible to the public, and for which he claimed a fee from the Council for maintaining.</li> <li>• Refusing to provide receipts when claiming expenses.</li> </ul>	<p>themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p> <ul style="list-style-type: none"> <li>- 9(a) – must observe the law and their authority’s rules governing the claiming of expenses and allowances in connection with their duties as a member.</li> </ul>			

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>9.</b></p> <p>Sully and Lavernock Community Council</p> <p>Case ref number 202104219</p>	04/07/2022	<p>An employee of Sully and Lavernock Community Council complained that a former Member used bullying and disrespectful language towards him during a telephone conversation in September 2021.</p> <p>The employee complained about the former Member's behaviour to the Police and the PSOW on the day of the telephone conversation. The former Member resigned from the Council on the same day. The former Member denied the allegations to the Police, who took no further action.</p>	<p>Promotion of equality &amp; respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 4(c) – must not use bullying behaviour or harass any person.</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The former Member refused to be interviewed and did not wish to participate in the PSOW's investigation. However, the former Member confirmed that a telephone conversation occurred but said that the Code did not apply at the time as they had resigned from the Council.</p> <p>The PSOW therefore determined the investigation on the evidence available and concluded, on the balance of probabilities, that the former Member was a Member at the time of the telephone call and had directed offensive language towards the employee which could be considered disrespectful and bullying.</p> <p>The PSOW concluded that the former Member's conduct was suggestive of a breach of paragraphs 4(b), 4(c), and 6(1)(a) of the Code. However, as the former Member had resigned from the Council and had not been elected to any Council at the May 2022 elections, the PSOW did not consider it to be in the public interest for any further action to be taken.</p>	CODE - No Action Necessary	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. On the basis the case summary explains that the "conduct was suggestive of breaches" of the Code, it appears likely that if the individual was still a community councillor, the PSOW would have taken a different approach.</p>



Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>10.</b></p> <p>Merthyr Tydfil County Borough Council</p> <p>Case ref number 202200667</p>	12/07/2022	<p>The PSOW received a complaint from an Officer of Merthyr Tydfil County Borough Council that a Member of the Council had failed to observe the Code of Conduct for Members. It was alleged that during the recent election campaign the Member had removed a political leaflet from a member of the public's letterbox, replaced it with his own leaflet, and taken the removed item away. The investigation considered whether the Member's alleged conduct brought the Member and the Council into disrepute.</p>	<p>Duty to uphold the law</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The PSOW obtained information from the Council's Monitoring Officer, including video footage of the incident. The Council confirmed that whilst the matter had been reported to the Electoral Commission and the Police, it had been established that the matter was not an electoral or Royal Mail offence and both bodies had declined to take any further action.</p> <p>As a result, the PSOW was no longer satisfied that an investigation into the complaint was in the public interest, and it was decided to discontinue the investigation.</p>	CODE - Discontinued	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Whilst the PSOW considered it was appropriate to investigate this matter initially, the PSOW continues to review the public interest test whilst carrying out its investigation and it is at that point that the PSOW has decided to end the investigation in this matter.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>11.</b></p> <p>Bridgend Town Council</p> <p>Case ref number 202102372</p>	19/07/2022	<p>It was alleged that a Councillor disclosed confidential information on Facebook when she shared information about a discussion which took place in a private council session and that this may amount to breach of the Code of Conduct.</p> <p>During the course of the investigation, information from the Community Council was considered, including meeting minutes. Witnesses were also interviewed.</p>	<p>Integrity.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> <li>- 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</li> </ul>	<p>The investigation found that the Member posted a comment on her personal Facebook account. The content of the comments related to Council matters and her role within the Council. The PSOW considered that the Member gave the impression she was relying on her status as a member and therefore that the Code of Conduct was fully engaged in relation to the comment.</p> <p>The PSOW found that the meeting discussions and the minutes of the meeting were confidential. However, the PSOW found that during the full Council meeting that took place, some information was shared during the public element of the meeting and was documented in the minutes of the meeting which were shared publicly. Therefore, the PSOW did not consider that there was evidence suggestive of a breach of paragraphs 6(1)(a) and 7(a) of the Code of Conduct. The PSOW was satisfied that, in view of the information which was in the public domain, the impact of the substance of the comment being shared was limited. The PSOW found that under Section 69(4)(b) of the Local Government Act 2000, no action needed to be taken in respect of the matters investigated.</p>	CODE - No Action Necessary	<p>Members should not rely on this case as a way of defending disclosing confidential information obtained in their capacity as member of the council.</p> <p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>12.</b></p> <p>Ceredigion County Council</p> <p>Case ref number 202106365</p>	03/09/2022	<p>The PSOW received a self-referred complaint from a Member of Ceredigion County Council, that they had breached the Council’s Code of Conduct for members.</p> <p>The Member said that during a discussion at a public Council meeting about Welsh Ambulance Service NHS Trust (“WAST”) provision in Ceredigion, they had made inappropriate comments about “incomers” to the county and “immigrants” being allowed into Wales by the Welsh Government and the potential impact on those services.</p>	<p>Promotion of equality &amp; respect</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> <li>- 4(a) – must carry out duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion</li> <li>- 4(b) – must show respect and consideration for others.</li> <li>- 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>Information was obtained from the Council including a transcript of what the Member had said in the meeting, minutes of Council meetings, and comments from the Member.</p> <p>The PSOW found that following the incident the Member had stepped down from their political party to sit as an independent member.</p> <p>During the investigation the Member stood in the election on 5 May 2022 and was not returned by the local electorate.</p> <p>In comments to the Council and the PSOW, the Member accepted the remarks had been inappropriate and taken in a way not intended. The PSOW found that the Member’s remarks did not extend to gratuitous or personal comment or hate speech and would not have been interpreted as representative of the views of the Council. As such, they would not have amounted to a breach of paragraphs 4(a) or 6(1)(a) of the Code of Conduct. The PSOW determined, however, that they could be considered divisive and disrespectful, and suggestive of a breach of paragraph 4(b) in failing to show respect and consideration for others.</p> <p>The PSOW considered that, as the</p>	Code - No Action Necessary	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high. Because the individual concerned was no longer a member of the county council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. On the basis the case summary explains that the remarks “could be considered divisive and disrespectful” and “suggestive of a breach” of the Code, it appears likely that if the individual was still a county councillor, the PSOW would have taken a different approach.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
				<p>Member's role was ultimately decided by the local electorate and they were no longer a member of the Council, any sanction which could be given if a breach of the Code of Conduct was found by the Council's Standards Committee would be limited and therefore it was not in the public interest to take any further action in respect of the matter. The PSOW found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.</p>		

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p><b>13.</b></p> <p>Llandovery Town Council</p> <p>Case ref number 202100012</p>	27/10/2022	<p>The PSOW received a complaint that a Member of Llandovery Town Council had breached the Code of Conduct. The Member had been convicted of drug driving and it was reported in a newspaper that she did not intend to stand down as Mayor.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> <li>- 6(1)(a) - failure to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</li> </ul>	<p>The PSOW considered the Member's conviction and the fact that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The PSOW also considered the account provided by the Member.</p> <p>The PSOW considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The PSOW was of the view that the Member's conviction and the press coverage that followed which referred to the Council, the Member's membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.</p> <p>The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee. The Standards Committee concluded that the member had breached paragraph 6(1)(a) of the Code of Conduct. Accordingly, the Standards</p>	CODE - Referred to Standards Committee	<p>The Minutes of the Standards Committee meeting when considering this matter at a Hearing can be seen on Carmarthenshire Council's website on <a href="#">this link</a>.</p> <p>The breach of the Code by the Councillor was considered serious. But because the individual was no longer serving as a Councillor, the Standards Committee had little options available to it by way of sanction for the breach.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
				Committee decided that the Member should be suspended for 2 months and be required to attend Code of Conduct training within 6 months.		

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Adjudication Panel for Wales Decisions</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To provide information about the matters considered by the Adjudication Panel for Wales to date (published since the last Committee meeting on 28 June 2022)</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwycs@ynysmon.llyw.cymru">mwycs@ynysmon.llyw.cymru</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

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

1. To form case tribunals, or interim case tribunals, to consider reports from the Public Services Ombudsman for Wales (PSOW) following investigations by the PSOW into allegations that a member has failed to comply with their authority's code of conduct;

and

2. To consider appeals from members against the decisions of their own authority's standards committee that they have breached the code of conduct (as well as deciding if permission will be given to appeal in the first instance).

This report includes decisions published by the APW during the period since the Standards Committee meeting on the 28 June 2022. 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 cases are at **ENCLOSURE 1**.

## **2.1 Decisions made**

APW/0010/2021-022/CT: Former Councillor Gordon Lewis : 10 June 2022  
APW/009/2021-022/AT: Former Councillor Caryl Vaughan : 24 June 2022  
APW/008/2021-022/CT – Former Councillor Paul Dowson : 22 August 2022

## **2.2 Appeals adjudicated**

None during this period.

## **3. RECOMMENDATION**

To note the content of the case summaries



**Summary of Cases before the Adjudication Panel for Wales – June 2022 to November 2022**

Name	Summary of Facts	Decision Summary	Findings
<p><b>1.</b></p> <p>Former Councillor Gordon Lewis</p> <p>Pencoed Town Council</p> <p>APW/010/2021- 022/CT</p> <p align="center">Page 23</p>	<p>An allegation that the Councillor had breached Paragraph 6(1)(a) of the Code of Conduct for Members of Pencoed Town Council:</p> <p>Paragraph 6(1)(a) states that a Member; - <i>“must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute”</i></p> <p>It was alleged that the Councillor had misled the Town Council as to his eligibility to be a Councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the 1 year and 8 months that he acted as a Councillor, was a serious abuse of office.</p> <p>The Respondent did not engage with the PSOW’s investigation and did not give any explanation for his actions or show any remorse.</p> <p><u>Background:</u> The Councillor was convicted of three criminal offences (affray and two counts of common assault) in July 2015. He was sentenced to a total of 16 months imprisonment, suspended for 24 months.</p> <p>Part 1 of the Electoral Commission’s Guide details the requirements of paragraph 80(1)(d) of the Local Government Act 1972: <i>“You cannot be a</i></p>	<p><u><b>Preliminary Legal Issue:</b></u></p> <p><i>Whether an individual who is disqualified for being a Member is nevertheless subject to the Code of Conduct for Members.</i></p> <p>After consideration of the relevant legislation and case law, the Case Tribunal determined that an individual who is disqualified for being a Member is nevertheless subject to the Code of Conduct for Members when continuing to act.</p> <p>In this case, Councillor Lewis was elected as a Member and remained a Member within the ordinary meaning of the Code until the date of his resignation, despite his disqualification for being elected (but not necessarily from acting as Member as per the caselaw.)</p> <p><i>Conclusion:</i> the Case Tribunal found that the Respondent was subject to the Code from the date of his election to the date of his resignation.</p> <p><u><b>Decision on failure to comply with the Code:</b></u></p> <p>The Case Tribunal noted that the position was absolutely clear that the Councillor was disqualified from being a Member of Pencoed Town Council.</p> <p>The Case Tribunal was satisfied that the Councillor had been elected on a false premise and likewise that the signature of his Declaration of Acceptance of Office form, his undertaking to abide by the Code and his</p>	<p>On the basis of the Material Facts and evidence before it, the Case Tribunal found by unanimous decision that the Respondent had failed to comply with Paragraph 6(1)(a) of the Code. It considered that the Councillor had conducted himself in a manner which could reasonably be regarded as bringing his office and Pencoed Town Council into disrepute.</p> <p>The Case Tribunal concluded by <b>unanimous</b> decision that Former Councillor Lewis should be <b>disqualified for 24 months</b> from being or becoming a member of Pencoed Town Council or any other relevant authority within the meaning of the Local Government Act 2000.</p> <p><u><b>Learning Points:</b></u></p> <ul style="list-style-type: none"> <li>➔ This case shows that the Code of Conduct is considered to be relevant to Members even if they are disqualified from being elected as such in the first place.</li> <li>➔ There is a responsibility on individuals to ascertain whether they are eligible to apply to be a Councillor including considering if they are disqualified.</li> <li>➔ The sanction imposed for the breach of the Code in this case is disqualification for two years – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years.</li> <li>➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.</li> </ul>

Name	Summary of Facts	Decision Summary	Findings
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 24</p>	<p><i>candidate if at the time of your nomination and on polling day you have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day”.</i></p> <p>The Councillor had received a suspended prison sentence exceeding three months, without the option for a fine and was therefore not eligible to be a candidate for election to the Town Council in November 2018.</p> <p>Despite this, the Councillor was elected as a member of the Town Council on 29 November 2018.</p> <p>An article was published in a national newspaper on 25 July 2020, which referenced the Councillor’s criminal conviction from 2015. Pencoed Town Council was not aware of the Councillor’s criminal conviction until it appeared in this press article in July 2020.</p> <p>The Councillor resigned from his role as Member on 31 July 2020.</p> <p>A complaint was made to the Police that the Respondent had failed to declare a criminal conviction when standing for election. The Police did not take further action due to insufficient evidence as the consent to nomination paper had been destroyed by the Elections Service.</p>	<p>continuation in office also took place on the same false premise. He either knew that the information he’d provided was false and misleading or was reckless as to that fact.</p> <p>The Case Tribunal also considered the matter in the light of the Nolan principles which underpinned the Code. It was satisfied that there was an expectation that local authority Members would act with integrity, act in accordance with the trust that the public placed in them, lead by example and act to promote public confidence in their role and in their Authority. The fact that the Councillor was disqualified from being elected and yet continued to act as Member went to the heart of public trust in democracy and undermined the Code and standards regime.</p> <p>The Case Tribunal considered that the breach was serious in nature as the conduct could reasonably be regarded as conduct which would seriously undermine the public’s faith in the Code and the standards regime. As such, it considered that disqualification was an appropriate sanction.</p> <p>The Case Tribunal noted that the Member had been in office for a lengthy period of time and significant decisions were likely to have been made by the Authority during that period. The Respondent was likely to have participated and voted in such matters and to have received sensitive information in the role of Member, despite being disqualified from being elected.</p> <p>Section 80(1)(d) was in place for a reason, so that an individual would be disqualified for a substantial amount of time if they had been convicted and sentenced of certain offences.</p>	

Name	Summary of Facts	Decision Summary	Findings
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 25</p>		<p>By nevertheless signing his Declaration of Acceptance of Office and acting as a Member for 1 year and 8 months, the Case Tribunal considered this to be a matter which merited a significant period of disqualification under the standards regime.</p> <p><i>Mitigating Factors:</i> As the Councillor hadn't engaged with either the Ombudsman or the Adjudication Panel for Wales, the Case Tribunal stated that it was unclear what, if any, mitigating factors he might wish the Case Tribunal to consider. The Case Tribunal nevertheless considered whether there were any relevant factors as indicated by the Sanctions Guidance. It noted that the Respondent had displayed a degree of recognition of the seriousness of the matter in view of his prompt resignation following press reporting, however there was no evidence of any real insight shown or evidence of any accompanying apology. It also noted the lack of checks and balances in the system which meant the issue was not identified at the outs</p> <p><i>Aggravating Factors:</i> The Case Tribunal considered that the conduct which led to this train of events was either deliberate or reckless. It also noted that there would have been an element of personal gain or political gain in achieving the status of Member. The status was also enjoyed for a lengthy period of time. The Case Tribunal was satisfied that this involved an abuse of a position of trust. It was noted that, as well as the election form, the Declaration of Acceptance of Office and undertaking to abide by the Code were solemn documents that should have been completed with honesty, integrity and extreme care. The election form</p>	

Name	Summary of Facts	Decision Summary	Findings
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 26</p>		<p>had an official statement which needed to be read and signed by the Councillor and which would clearly have consequences. Finally, there was no evidence that the Councillor had co-operated or engaged in any way with the Ombudsman's investigation nor the Tribunal process.</p>	

Name	Summary of Facts	Decision Summary	Findings
<p><b>2.</b></p> <p>Former Councillor Caryl Vaughan</p> <p>Llansantffraed Community Council</p> <p>APW/009/2021- 022/AT</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 27</p>	<p>An allegation that the Councillor had breached Ceredigion County Council's Code of Conduct, paragraph 6(1)(a), by committing a criminal offence and her surrounding actions while holding the office of Councillor, and allegedly being responsible for the generation of adverse publicity.</p> <p>Paragraph 6(1)(a) states that a Member; - <i>"must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute"</i></p> <p><u>Background:</u> The Councillor signed her declaration of acceptance of office as a member of Llansantffraed Community Council on 7 May 2019.</p> <p>Three days later, on 10 May 2019, the Councillor was involved in an incident with the Council's Contractor (a private individual who is referred to as "the Contractor"), in which the Councillor drove her car at speed on private land at the Contractor while he was undertaking his duties for the Council. The Councillor was acting in her private capacity at the time of the incident. Her car struck two minors during the incident; at least one suffered bodily harm.</p> <p>Police investigated the incident and the Councillor continued in her role as a Councillor after the incident and after pleading guilty to the offence. The Councillor was charged with causing bodily harm by wanton and furious</p>	<p><u><b>Considering the breach of paragraph 6(1)(b):</b></u></p> <p>The reference from the PSOW to the Case Tribunal had mentioned a breach of paragraph 6(1)(b) of the Code of Conduct.</p> <p>Paragraph 6(1)(b) details: <i>"You must report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty)"</i></p> <p>The Case Tribunal unanimously concluded, following the indication provided by the President, that as the provision referred to reporting the possible criminal conduct of "another member", if this provision was meant to deal with self-reporting, it should state this unambiguously. It therefore did not proceed to consider a breach of this paragraph of the Code.</p> <p><u><b>Role of the Clerk:</b></u></p> <p>The Decision record from the Tribunal notes that the Councillor sought advice from the Clerk, and did not report her own conduct to the Monitoring Officer or the Ombudsman. The other councillors also did not report the Councillor's possible criminal offence to the Ombudsman, following advice from the Clerk which made no reference to the requirement to do so under paragraph 6(1)(b) of the Code.</p>	<p>On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure by the Councillor to comply with the Llansantffraed Community Council's code of conduct, specifically in relation to paragraph 6(1)(a). The Case Tribunal found that the Councillor's actions brought the office of councillor into disrepute, but not the Council itself.</p> <p>The Case Tribunal considered all the facts of the case and in particular the seriousness of the breach of the Code of Conduct and former Cllr Vaughan's persistent failure to engage with either the Ombudsman or the APW.</p> <p>The Case Tribunal concluded by <b>unanimous</b> decision that former Cllr Vaughan should be <b>disqualified for 12 months</b> from being or becoming a member of Llansantffraed Community Council or of any other relevant authority within the meaning of the Local Government Act 2000.</p> <p>In addition to the sanction imposed on the Councillor, the Case Tribunal also made two recommendations: → That all current councillors of Llansantffraed Community Council attend training on the Code of Conduct within a period of three months from 27 June 2022 (to be provided by the Monitoring Officer, her delegate, One Voice Wales or any other appropriate provider) to ensure that they understand these provisions, including paragraph 6(1)(b) [the duty to report]; → That Llansantffraed Community Council considers requiring the attendance at such training by the Clerk to the Council.</p> <p><u><b>Learning Points:</b></u> → Members are encouraged to obtain advice from the Clerk but ultimate responsibility</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>driving contrary to Section 35 of the Offences against the Person Act 1861; she pleaded guilty to the offence on 14 October 2020 and was sentenced on 9 December 2020 to a suspended sentence of 10 weeks' imprisonment, and her driving licence was endorsed with 8 penalty points; she was also required to pay a victim surcharge of £128.</p> <p>The sentence fell short of automatic disqualification from the office of councillor (Section 80A of the Local Government Act 1972 says that a sentence of three months or more disqualifies a person from the office of councillor).</p> <p>The Councillor continued in her role as a Councillor after her sentencing and resigned from the Council on 22 December 2020 after adverse media reports about the incident and her conviction.</p>	<p>The Case Tribunal concluded that - It is evident that the Clerk did not inform the members of the Council of their obligation to report the possible criminal conduct of another member under paragraph 6(1)(b) of the Code, even after former Cllr Vaughan pleaded guilty. This omission is wholly unexplained, but it is not the responsibility of former Cllr Vaughan to give such advice. It is further the finding of the Tribunal that the Clerk and former Cllr Vaughan were aware that her criminal conduct was likely to be a breach of the Code by December 2020. Given that former Cllr Vaughan pleaded guilty in October 2020, the Tribunal found that it is likely that former Cllr Vaughan knew much earlier, or should have known, that questions about the effect of her behaviour on whether she had breached the Code of Conduct arose. There is no evidence when the Clerk knew of the guilty plea, but his statement says he knew that she intended to plead guilty when the first court date was arranged. The Tribunal noted that Former Cllr Vaughan was not responsible for the advice given to her or the other councillors by the Clerk. However, the duty to comply with the Code cannot be delegated to another, including the clerk, by members. The advice given goes some way in the Tribunal's view to explaining why former Cllr Vaughan continued to serve in office and no reference or complaint was made to the Ombudsman at an earlier stage by either her or members of the Council.</p> <p><b><u>Breach of paragraph 6(1)(a) in relation to "bringing ....authority into disrepute":</u></b></p> <p>The Case Tribunal considered four articles or letters to the press on the question of adverse</p>	<p>for following the requirements of the Code of Conduct lies with each member.</p> <ul style="list-style-type: none"> <li>➔ Members need to consider if they should be self-referring themselves to the Ombudsman for conduct matters.</li> <li>➔ The sanction imposed in this case is disqualification for one year – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years.</li> <li>➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.</li> </ul>

Name	Summary of Facts	Decision Summary	Findings
<p style="text-align: center;">Page 29</p>		<p>press coverage. The Tribunal found that it was not accurate to say that the adverse publicity regarding the Councillor’s criminal act referred to her office as councillor or the Council. The only reference in the articles to the Council was to the Contractor working on its behalf. The only item that made any reference to the office of councillor or the actions of the Council was the letter from a family involved.</p> <p>The publicity generally did not bring the Council into disrepute; what left the Council vulnerable to criticism was its lack of action about former Cllr Vaughan and her continued presence as a councillor. The Code required the members to report the matter to the Ombudsman; the Clerk to the Council did not give the members this advice.</p> <p>The Case Tribunal stated that the Councillor is not responsible for these failures or the negative publicity in the letter about the Council.</p> <p><b><u>Breach of paragraph 6(1)(a) in relation to “bringing ....office into disrepute”:</u></b></p> <p>The Tribunal considered that the act of driving a car by a councillor at a council Contractor and causing bodily harm to minors as a result, no less than a criminal act, in its own right brought the office held by that councillor into disrepute. The extent of the press coverage and whether it told readers of the office held by former Cllr Vaughan was to an extent irrelevant. What former Cllr Vaughan did was extraordinary and wholly inconsistent with the standard of behaviour for officeholders required by the Code and expected by the public. The public in particular was likely to view such unjustified and dangerous conduct as unacceptable, especially when it was directed at a council contractor undertaking</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>work for the council of which former Cllr Vaughan was a councillor.</p> <p>The Tribunal also considered that former Cllr Vaughan's decision to continue serving as a councillor after committing a criminal act of this nature and after pleading guilty to a serious criminal offence to be conduct bringing the office of councillor into disrepute. It ignored the Nolan principles and the wider Welsh public service principles. It was obvious from the evidence that former Cllr Vaughan only resigned, not because she felt any remorse or shame, but in order to avoid an investigation by the Ombudsman. The evidence of the Clerk demonstrated this. The likely view by the public of such conduct would be that former Cllr Vaughan had no regard or respect for the principles of public service, including integrity, openness, and leadership.</p> <p>The Tribunal also reminded itself of the advice given by the Clerk to the Council. Councillors are encouraged to seek the advice of the Clerk, who is meant to either advise or signpost councillors to the information they require, though this does not mean a councillor can delegate their own responsibility to comply with the Code to the clerk. However, in the view of the Tribunal, once former Cllr Vaughan decided to plead guilty to the offence and officially accept her culpability, it was for her to consider her position and whether she should self-refer to the Ombudsman. The conviction and the sentence did not result in her resignation. The Clerk's advice to resign was very late in the day and only after adverse publicity was generated about former Cllr Vaughan herself. The focus of that advice was about what was best for former Cllr Vaughan,</p>	



Name	Summary of Facts	Decision Summary	Findings
<p style="text-align: center;">Page 31</p>		<p>not for the Council or the need to maintain confidence in local democracy. The Clerk failed to address the impact on the office of councillor and the council itself of a councillor who had been convicted of an offence continuing to serve without making a referral to the Ombudsman.</p> <p>Former Cllr Vaughan’s decision to remain in office without making a referral to the Ombudsman was in part explained by the advice she received from the Clerk, but her responsibility was not wholly expunged by this. The Tribunal considered the advice given by the Clerk to be a mitigating factor for former Cllr Vaughan but the failure to reflect for herself on her conduct and the lack of insight into her criminal act and the likely impact on the office of councillor and Council was viewed as an aggravating factor. Her conduct underlying the criminal conviction was in the view of the Tribunal “deliberate or reckless conduct with little or no concern for the Code” (paragraph 42 subsection x Aggravating factors, Sanction Guidance).</p> <p>It was also an aggravating factor that former Cllr Vaughan resigned in the view of the Tribunal not because she had brought the office of councillor into disrepute or had behaved in a thoroughly reprehensible way towards the Contractor, but to avoid the Ombudsman’s investigation (as shown by the Clerk’s evidence). In addition, no apology to the Contractor or the minors has been given as far as the Tribunal is aware, and former Cllr Vaughan chose not to co-operate with either the Ombudsman’s investigation or these proceedings. The Tribunal concluded that former Cllr Vaughan’s behaviour as a whole</p>	

Name	Summary of Facts	Decision Summary	Findings
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 32</p>		<p>demonstrated no insight into or manifestation of the Nolan principles, despite her signed declaration that she would “duly and faithfully fulfil the duties of it according to the best of my judgement and ability” and comply with the Code.</p>	

Name	Summary of Facts	Decision Summary	Findings
<p><b>3.</b></p> <p>Former Councillor Paul Dowson</p> <p>Pembrokeshire County Council</p> <p>APW/008/2021-022/CT</p> <p>Page 33</p>	<p>Allegations made in three complaints against the Councillor of breaches of paragraphs 4(c) and 6(1)(a) of the Council's Code of Conduct.</p> <p>Paragraph 4(c) states that: <i>You must not use bullying behaviour or harass any person.</i></p> <p>Paragraph 6(1)(a) states that: <i>You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</i></p> <p><u>First Complaint:</u> The first complaint, initiated by a member of the public called Mr Marc Davies, alleged that the Respondent repeatedly made statements that were untrue about a fellow Member of Pembrokeshire County Council, Councillor Joshua Beynon; and about Mr Marc Davies himself.</p> <p>(A) In 2020, the Respondent was alleged to have falsely and publicly accused Councillor Beynon of sharing a pornographic video of an underaged girl. It was further alleged that to make such a false allegation without checking that it was true brought the Respondent's office and/or his Authority into disrepute. When the Respondent repeated and insinuated those false allegations, he bullied Councillor Beynon. This bullying is aggravated because the Respondent lied when he said that</p>	<p><u>First complaint:</u> The Case Tribunal found that the first complaint related to two people whose complaints were similar in that in each case, former Councillor Dowson used social media to say in public that each person had behaved criminally.</p> <ul style="list-style-type: none"> <li>- After Mr Marc Davies told former Councillor Dowson in September 2020 that he had not been convicted of any offences, as had previously been suggested, former Councillor Dowson later used Twitter to wrongly allege that Mr Davies was a violent criminal who breached parole. He made similar allegations during the PSOW's investigation.</li> <li>- In Councillor Beynon's case, former Councillor Dowson alleged that Councillor Beynon engaged in serious criminal conduct, namely the posting of criminally indecent images.</li> </ul> <p>Neither allegation was true.</p> <p>In the case of Mr Marc Davies, the Case Tribunal took the view that former Councillor Dowson did not care whether what he said was true or false and at best took no steps to determine the truth until Mr Marc Davies made a complaint and the Respondent was aware that he would have to answer it. In Councillor Beynon's case, the Case Tribunal took the view that former Councillor Dowson relied for credibility upon his untrue version of a conversation he had with Councillor Beynon, knowing that it was untrue. To that lie, he added others, again to bolster his credibility and to make life worse for a fellow elected Member. Making such serious, false allegations against,</p>	<p>The Case Tribunal decided <b>unanimously</b> that former Councillor Paul Dowson should be <b>disqualified for three years</b> from being or becoming a member of Pembrokeshire County Council or of any other relevant authority within the meaning of the Local Government Act 2000.</p> <p><u>Considerations for determining sanction:</u></p> <ul style="list-style-type: none"> <li>- The PSOW brought to the Case Tribunal's attention a report of a decision of the Standards Committee of Pembrokeshire County Council that took place in a hearing on 9th June 2022, when former Councillor Dowson was censured for behaviour on social media that breached paragraph 6(1)(a) of the Code of Conduct and other provisions. Former Councillor Dowson was not re-elected to office in May 2022, so by the time that hearing took place, the sanction passed by the Standards Committee was the maximum sanction available. The Standards Committee noted in that matter that had former Councillor Dowson been re-elected, it was highly likely that he would have been suspended from office.</li> <li>- Given that former Councillor Dowson was no longer an elected member of the Council, the Case Tribunal had a binary choice: <ul style="list-style-type: none"> <li>- either to take no action, or</li> <li>- to pass a period of disqualification from being or becoming a member of Pembrokeshire County Council or of any other relevant authority within the meaning of the Local Government Act 2000.</li> </ul> </li> </ul> <p>PSOW accepted that the lack of any other sanction did not mean that the Tribunal should simply proceed to disqualification by default; and that this sanction should only be imposed if it was justified. Given the consequences and the seriousness of the breaches, PSOW submitted that it was not appropriate to take</p>

Name	Summary of Facts	Decision Summary	Findings
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 34</p>	<p>he was only repeating something Councillor Beynon had told him.</p> <p>(B) Between September 2020 and February 2021, the Respondent was alleged to have falsely and publicly accused Mr Marc Davies of being an ex-offender, something which again, was factually untrue. Mr Marc Davies challenged the Respondent in September 2020 and told him he was wrong. Nonetheless, the Respondent repeated the allegations against Mr Marc Davies between September 2020 and February 2021, when he apologised for them and accepted that they were untrue. To repeatedly say such things against Mr Marc Davies without taking reasonable steps to confirm that the information he was sharing was accurate after being told that it was not, amounts to harassment and brought the Respondent's office as a Member and/or his Authority into disrepute.</p> <p><u>Second Complaint:</u> The second complaint, initiated by a member of the public Mrs Elaine Wyatt, alleged that on and after 17th January 2021, the Respondent misinformed people when he posted online that the Welsh Government's Relationships and Sex Education ("RSE") curriculum aims to teach 3- year-old children about masturbation; and to teach 13-year-old boys and girls about anal sex. He repeated this misinformation in an email</p>	<p>on the one hand a member of the public, on the other, a fellow elected Member brought not only the office former Councillor Dowson held into disrepute but also the Council itself.</p> <p>In each case, former Councillor Dowson's behaviour also amounted, by reason of repetition to bullying against Councillor Beynon; and harassment against Mr Marc Davies. As the PSOW submitted and the Case Tribunal accepted, bullying can be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour; and that bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to confidence and capability, and may adversely affect their health. The Case Tribunal found that former Councillor Dowson's behaviour towards Councillor Beynon fell four-square within this definition. Similarly, as the PSOW submitted and the Case Tribunal accepted, harassment is repeated behaviour which upsets or annoys people. The Case Tribunal found that former Councillor Dowson's behaviour towards Mr Marc Davies fell four-square within this definition.</p> <p>Former Councillor Dowson's behaviour towards both Mr Marc Davies and Councillor Beynon do not come within the ambit of free speech protected by Article 10 of the Convention. His comments about each were directed towards each personally. They were not aspects of "political expression" and were in any event, not merely offensive but grossly offensive, and therefore not protected by Article 10.</p> <p>Accordingly, the Case Tribunal found that on</p>	<p>no action and that disqualification was appropriate.</p> <p><u>Mitigating Factors:</u></p> <ul style="list-style-type: none"> <li>- served a relatively short length of service, having been in office since May 2017;</li> <li>- had apologised to Mr Marc Davies in February 2021;</li> <li>- had co-operated with the process for example by being interviewed.</li> </ul> <p><u>Aggravating Factors:</u> Tribunal needed to be careful not to double-count as aggravating those features which were already considered as elements of the case proved.</p> <ul style="list-style-type: none"> <li>- The repeated nature of the breaches and the findings of disrepute.</li> <li>- The lack of understanding of the consequence of misconduct for others.</li> <li>- The fact that former Councillor Dowson showed very little concern for those about whom he made allegations.</li> <li>- The fact that he sought to blame others for his faults.</li> <li>- He sought to blame Mr Timothy Brentnall for producing false documents, rather than admitting his own dishonesty.</li> <li>- He sought to blame Councillor Beynon for telling him what he repeated, even though no such conversation took place.</li> <li>- His behaviour demonstrated deliberate and reckless conduct with little or no concern for the Code of Conduct.</li> </ul> <p>The most recent, separate finding against former Councillor Dowson by the Standards Committee was considered not to give him credit but was distinct enough to be kept to one side.</p> <p><u>Learning Points:</u> → The sanction imposed in this case is</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>to a fellow Member of the Council when he also said that lesson plans for 11-year-olds and upwards contained reference to bondage, anal sex, facial ejaculation and more. There was no basis for these statements about the curriculum and in saying that there was, the Respondent wilfully and dishonestly misinformed people to outrage them. By doing so, he had brought his office and/or his Authority into disrepute.</p> <p><u>Third Complaint:</u> The third complaint, initiated by a member of the public Mr Timothy Brentnall, alleged that on 12th April 2021, the Respondent engaged in a heated conversation on Facebook with Mr. Brentnall, who at the time was using the name “Timothy Stjohn”.</p> <p>(A) At one point in the conversation, the Respondent replied to Mr Brentnall “what a t**ser. I heard you are on the register but it’s not been proven so I’m not spreading it around. Better man than you”. It is alleged that the Respondent was thereby falsely and maliciously suggesting that Mr Brentnall was subject to registration because he was a sex offender.</p> <p>(B) It is further alleged that screenshot evidence the Respondent provided to the PSOW’s investigation in respect of this third complaint was a fabricated exhibit and therefore amounted to a deliberate attempt to mislead the investigation. Both the initial post and the attempt to</p>	<p>the first complaint, in respect of both Mr Marc Davies and Councillor Beynon, former Councillor Dowson’s behaviour amounted to <b>breaches of paragraphs 6(1)(a) and 4(c) of the Code of Conduct.</b></p> <p><u>Second complaint:</u> The Case Tribunal found this to be a further example of former Counsellor Dowson representing something as true when he had no grounds to do so, from a position of authority on a subject that had the capacity to wrongly cause serious alarm to both his constituents and members of the public. That brought both his office and the Council into disrepute, particularly when taken as part of his wider course of similar conduct.</p> <p>Considering again the question of whether former Councillor Dowson’s comments came within the ambit of free speech protected by Article 10 of the Convention, the Case Tribunal agreed with the PSOW’s submission that whilst Article 10 protects the right to make incorrect but honestly made statements in a political context, it does not protect statements which the publisher knows to be false. As he admitted in interview, former Counsellor Dowson knew that he had no real foundation for his assertions about the future RSE curriculum.</p> <p>In the absence of same, the Case Tribunal found that his comments were directed to cause shock and outrage, rather than to honestly inform the public and so were not protected by Article 10. They amounted to wilful misinformation. The Tribunal was fortified in this decision by its decisions in relation to the nature of former Councillor Dowson’s behaviour towards Councillor Beynon, Mr Marc</p>	<p>disqualification for three years – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years.</p> <p>➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.</p> <p>➔ Though on the face of it there appears a similarity between the current case and the complaint considered by the Standards Committee against the Councillor some months earlier, it was considered distinct enough by the Tribunal to be kept to one side.</p>

Name	Summary of Facts	Decision Summary	Findings
Page 36	<p>mislead the investigation taken separately and together, brought the Respondent's office as a Member and his Authority into disrepute.</p>	<p>Davies and Mr Timothy Brentnall. His comments on the RSE curriculum can be seen as part of a similar pattern of behaviour.</p> <p>Accordingly, the Case Tribunal found that on the second complaint, that former Councillor Dowson's behaviour amounted to a <b>breach of paragraph 6(1)(a) of the Code of Conduct.</b></p> <p><u>Third complaint:</u> The Case Tribunal found this to be a further example of former Counsellor Dowson suggesting serious criminal conduct by a member of the public when he had no cause or grounds to do so. To allege for no reason that a person is a registered sex offender can do no other than bring both the Council and the officer holder into disrepute, given the potential for loss of public confidence caused by such behaviour. To seek to justify that behaviour by misleading an investigation and relying upon a fabricated exhibit can again do nothing other than bring both the office holder and the Council into disrepute.</p> <p>Former Councillor Dowson's behaviour towards Mr Timothy Brentnall was not considered to come within the ambit of free speech protected by Article 10 of the Convention in the Tribunal's view. His comments were directed towards Mr Brentnall personally. They were not aspects of "political expression" and were in any event, not merely offensive but grossly offensive, and therefore not protected by Article 10.</p> <p>The Case Tribunal therefore found <b>breaches of paragraph 6(1)(a) of the Code of Conduct</b> in relation to both aspects of the third complaint.</p>	

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Standards Committee’s Monitoring of a sample of Council/Committee meetings</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To publish details of the exercise undertaken by the independent members of the Standards Committee to observe a sample of formal meetings of the Council and its Committees and the process for providing feedback</b>
<b>REPORT BY:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.gov.uk">lbxcs@ynysmon.gov.uk</a> 01248 752586</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.gov.uk">lbxcs@ynysmon.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION

Part of the Standards Committee’s statutory responsibilities involve supporting Members of the Isle of Anglesey County Council in complying with the Council’s [Code of Conduct](#).

Although the Code applies to Members whenever they carry out work as elected/co-opted members, conduct at formal Council and committee meetings is central to public confidence in the Council as a whole, and its decision makers in particular.

A recommendation was made by Richard Penn to a national meeting of Standards Committee Chairs in Wales when discussing the developments under the Local Government and Elections (Wales) Act 2021 that reviews be developed and reviews undertaken.

In light of these matters, the Standards Committee’s Work Programme for 2022/2023 (approved by full Council on the 30/09/2022), included a resolution to undertake a review of conduct at a sample of County Council and committee meetings.

## 2. PRELIMINARY ARRANGEMENTS

→ Who would undertake the work:

022335/729277

This is the first time such an exercise has been undertaken by the Standards Committee. It was a pilot, and involved only four co-opted members of the Standards Committee, as the fifth independent member of the Committee had a personal interest due to the nature of their employment outside their Council role. The Town and Community Council representatives and the County Councillors on the Standards Committee were not involved in the process.

→ Which meetings?

The Standards Committee members decided they would attend meetings of the Council, the Planning and Orders Committee and both Scrutiny Committees.

In deciding which meetings to attend, the Standards Committee considered the following:

- Council meetings were deemed pivotal as this is where all Council elected members meet; political discussions and decisions are made by members. Poor conduct would be acutely damaging in such an arena.
- The Standards Committee wanted to observe a regulatory Committee and on that basis the Planning and Orders Committee was added to the list of meetings to be observed.
- Both Scrutiny Committees were selected due to their importance in the decision making process; scrutiny committees provide an opportunity for other members, particularly from different political groups, to hold the Executive and Senior Officers of the Council to account in relation to decisions made and to be made.
- It was decided that attending Executive meetings would be of limited value as the Executive is a statutory body in its own right, governed by the Leader, and that it is run very differently from the other Council Committees.
- The Governance and Audit Committee is regularly observed by external regulators and so it was considered excessive for the Standards Committee to also attend to observe these meetings.
- Other Committees meet on an ad-hoc basis (generally) and it was felt that the Standards Committee's resources would be put to greater use if it concentrated on the four identified above.

The arrangements for attending the meetings of these Committees were shared and approved in advance by the four relevant Group Leaders.

### **3. THE PROCESS**

Arrangements were made for the Standards Committee members to attend the meetings in accordance with the table in **Enclosure 1**. Two of the four independent members of the Standards Committee attended at each arranged meeting.



A standard form was developed by the Standards Committee to capture the findings they made when attending at the meetings as observers. A copy of the template Evaluation Sheet is included in **Enclosure 2**.

Each Standards Committee member completed an Evaluation Sheet at, or soon after, the meetings they attended.

Immediately after, or very shortly after each review, the relevant members of the Standards Committee would meet with the Chair of the Council/Committee to provide “fast feedback”.

Following the last of the observed meetings, the four independent members met to agree on the main points they wished to communicate with the Council members by way of observations and recommendations. A general feedback letter has been shared with Group Leaders, for discussion at a meeting on 8 December 2022. Whilst it was the Standards Committee’s intention to restrict the observations made to Code of Conduct matters, it was inevitable that other process/governance issues would emerge and the Standards Committee members have included some of those observations in the letter too in the hope they assist the Council and its Members moving forward.

#### **4. OBSERVATIONS MADE**

The Standards Committee members commented:

- They were welcomed by the Chairs; and all Chairs positively accepted the feedback after the meetings.
- Chairs understood the role and functions of the Standards Committee.
- The Planning and Orders Committee and the Partnership and Regeneration Scrutiny Committee were run in an exemplary manner.

It was noted that the chairing skills demonstrated in both these Committees was excellent and would stand as good examples to other members who, in the future, might wish to become committee chairs themselves.

- Respect for the Chair was evident in all the meetings monitored.

Members were respectful of each other, with clear evidence of differing views and opinions being expressed.

There was a positive, but professional, rapport between members and officers.

- Members generally appeared to be well prepared. There was active participation, and engaged debate.
- There was particularly effective joint working between the Chair and Vice-Chair in the Partnership and Regeneration Scrutiny Committee.
- The Standards Committee’s feedback to the Chair of the County Council in relation to meeting arrangements and ensuring public engagement after the first monitoring meeting, had clearly been acted upon by the second meeting, and the Standards

Committee welcomed the improvements made. The issues identified related to the likely perception of the meeting by members of the public, and, whilst minor in nature, the changes adopted were felt to have made meetings clearer and easier for a lay person to follow events in an engaged way.

- No prejudicial interests were declared during the monitoring process.
- Personal interests were declared and the Standards Committee would encourage members to be mindful when preparing for meetings as to whether or not they have interests; to seek advice in advance if they require it and, perhaps, to advise the Chair that they will be declaring interests (so as to assist the Chairs; it is not a legal requirement).
- There was no opportunity to view public speaking in Scrutiny but the arrangements at the Planning and Orders Committee were considered very well done.
- There was no opportunity to observe co-opted members as there were no relevant agenda items on the Scrutiny Committees.
- The only issues of significant concern detected by the Standards Committee, related to the political management of Corporate Scrutiny Committee . These matters have been raised with all four Group Leaders.

## **5. STANDARDS COMMITTEE'S RECOMMENDATIONS**

The recommendations included in the Standards Committee's letter to all members are:

- Code of Conduct
  - 1) Encouragement for any Committee Chair/Vice-Chair who has not recently received training on chairing skills to attend such training. The same level of training should be made available to Vice-Chairs as well as Chairs. The Standards Committee recommends that attendance at such training should be mandated by group leaders.
  - 2) Training for Chairs should be provided for any new Chairs/Vice-Chairs appointed and all Chairs/Vice-Chairs appointed at the beginning of the term of a new Council.
  - 3) The training referred to in 1 and 2 above should include the effective management of hybrid meetings and participation from public speakers where relevant.
  - 4) All members, but especially Chairs/Vice-Chairs, need to undergo an appropriate evaluation of their IT skills and offered further training, if required. It is understood that this has happened but the Standards Committee felt that in one case, it had not been effective. The Standards Committee recommends that relevant group leaders should grasp the statutory responsibility they have been given and mandate attendance at such training where re-evaluation demonstrates a continuing need. Refreshing such training should be taken into consideration in the same way as chairing skills.
- Generally

- 5) A request for a “countdown” clock to be visible to the public speakers when they participate in the three committees which provide for direct public participation.
- 6) A suggestion that all reports should be more clearly focused on decisions/ outcomes and included only the information required by members to form a view/make properly informed decisions. And no acronyms!
- 7) It was noted that, at times, there were technical IT issues and IT support for Committees would be advantageous. Whilst appreciating that there are resource/capacity issues, it was suggested that it would be useful if a nominated IT support officer could be “on call” to lend support during Committee meetings if required, but not to be in continuous attendance.
- 8) The Council’s webcast arrangements, from the perspective of the viewing public, was not considered to provide the best experience; despite complying with its legal obligations. It would be better if there were a clear distinction between the members of the committee, those advising the committee and those other members who may be present but who are not members of the committee. If it were technically possible, it would be better for the full names of individuals to be included under their video, denoting “Councillor” / “Co-opted Member” where appropriate. If it is not possible to specifically identify committee members, then this should be done at the outset by way of a roll-call of those who are members of the committee.
- 9) Cameras should remain switched on, even for those who are not participating in the meeting so as to avoid black screens on the webcasting of meetings.
- 10) Having clarity around the identity of individuals, and their roles, would be particularly helpful for any member of the public tuning in and using the translation service as there is only one voice to be heard, making it more difficult to identify who is speaking.
- 11) It was quite difficult to see the meeting when attending remotely as if a member of the public; the view was limited and it was often not possible to see the speakers. The experience is quite different from logging in remotely as a member or officer. It was suggested that the poor viewing experience for the public will not help improve engagement in politics and this may be significant when contentious matters come to be debated.

## **6. FUTURE WORK ARISING FROM THIS OBSERVATION PILOT**

Given the Standards Committee members’ particular concerns regarding the Corporate Scrutiny Committee, and the perception that the initial feedback given to the Chair appears to have had no impact, the Standards Committee will continue to monitor this Committee.

More generally, the intention is to carry out a review of this pilot and decide how and when to continue with this work in the future. This will be done at a future informal meeting of the Committee. However, given the overall reassurance felt by the Standards Committee from carrying out these observations, it is likely that future work will be occasional and “light touch”.

Having seen the feedback letter the Standards Committee members wish to share with elected members, the Chief Executive has suggested that the Democratic Services Committee be requested to consider the general matters raised during this observation pilot which fall outside the remit of the Standards Committee, including the experience for the public in attending hybrid meetings. It will be a matter for the Democratic Services Committee as to whether this is a piece of work they wish to undertake.

## **7. RECOMMENDATION**

The Standards Committee is to:

1. Accept the recommendation made by the Chief Executive for the Democratic Services Committee to consider those general matters identified during the observation exercise which fall outside the remit of the Standards Committee;
2. Continue with monitoring the Corporate Scrutiny Committee; and
3. Revisit the pilot and evaluation sheet in 6 months.

## CYFARFODYDD / MEETINGS

<b>Medi / September 2022</b>			<b>Aelodau i fynychu / Members attending</b>
Mer/Wed	7	1.00pm Pwyllgor Cynllunio a Gorchmynion / Planning and Orders Committee	John R Jones Sharon Warnes
Maw/Tues	13	2.00pm Cyngor Sir / County Council	Rhys Davies Sharon Warnes
Llun/Mon	19 26	9.30am Pwyllgor Sgriwtini Partneriaeth ac Adfywio/Partnership and Regeneration Scrutiny Committee	John R Jones Sharon Warnes
		2pm Pwyllgor Sgriwtini Corfforaethol (Ch1)/Corporate Scrutiny Committee (Q1)	John R Jones Rhys Davies
Iau/Thur	29 30	2.00pm Cyngor Sir / County Council (cadarnhau cyfrifon terfynol / approval of final accounts)	John R Jones Gill Murgatroyd
<b>Hydref / October 2022</b>			
Mer/Wed	5	1.00pm Pwyllgor Cynllunio a Gorchmynion / Planning and Orders Committee	Gill Murgatroyd – methu mynychu / unable to attend Sharon Warnes
Maw/Tues	18	2.00pm Pwyllgor Sgriwtini Partneriaeth ac Adfywio/Partnership and Regeneration Scrutiny Committee	Rhys Davies Gill Murgatroyd
Mer/Wed	19	2.00pm Pwyllgor Sgriwtini Corfforaethol / Corporate Scrutiny Committee	John R Jones Rhys Davies
Iau/Thur	27	2.00pm Cyngor Sir (Arbennig) County Council (Extraordinary)	John R Jones Rhys Davies
<b>Tachwedd / November 2022</b>			
Mer/Wed	2	<del>1.00pm Pwyllgor Cynllunio a Gorchmynion / Planning and Orders Committee</del>	Gill Murgatroyd Sharon Warnes
Maw/Tues	22	2.00pm Pwyllgor Sgriwtini Corfforaethol (Ch2)/Corporate Scrutiny Committee (Q2)	Rhys Davies Sharon Warnes
Mer/Wed	23	<del>2.00pm Pwyllgor Sgriwtini Partneriaeth ac Adfywio/Partnership and Regeneration Scrutiny Committee</del>	John R Jones Gill Murgatroyd
<b>Rhagfyr / December 2022</b>			
Maw/Tues	6	Cyngor Sir / County Council	Rhys Davies Gill Murgatroyd
Mer/Wed	7	<del>1.00pm Pwyllgor Cynllunio a Gorchmynion / Planning and Orders Committee</del>	John R Jones Sharon Warnes

## TAFLEN WERTHUSO / EVALUATION SHEET

<b>DYDDIAD / DATE</b>	
<b>ENW'R PWYLLGOR</b> <b>NAME OF COMMITTEE</b>	
<b>AELODAU'R PWYLLGOR SAFONAU</b> <b>SY'N MYNYCHU</b> <b>MEMBERS OF STANDARDS COMMITTEE</b> <b>ATTENDING</b>	
<b>AELODAU'R PWYLLGOR NAD YDYNT</b> <b>YN BRESENNOL</b> <b>COMMITTEE MEMBERS NOT IN</b> <b>ATTENDANCE</b>	
<b>SIARAD CYHOEDDUS, OS YN</b> <b>BERTHNASOL</b> <b>PUBLIC SPEAKING, IF RELEVANT</b>	
<b>DATGANIADAU O DDIDDORDEB</b> <b>INTERESTS DECLARED</b>	
<b>PERSONOL / PERSONAL</b>	
<b>SY'N RHAGFARNU / PREJUDICIAL</b>	
<b>ESBONIAD O'R DIDDORDEB</b> <b>EXPLANATION OF INTEREST</b>	
<b>OS YW'N RHAGFARNU, A WNAETH YR</b> <b>AELOD(AU) ADAEL YR YSTAFELL</b> <b>IF PREJUDICIAL, DID THE MEMBER/S</b> <b>LEAVE THE MEETING ROOM</b>	
<b>PARCH TUAG AT Y CADEIRYDD</b> <b>RESPECT FOR CHAIR</b>	
<b>PARCH TUAG AT AELODAU ERAILL</b> <b>RESPECT FOR OTHER MEMBERS</b>	

<p><b>PARCH TUAG AT SWYDDOGION</b></p> <p><b>RESPECT FOR OFFICERS</b></p>	
<p><b>PARCH TUAG AT GYFRANOGWYR TRYDYDD PARTI</b></p> <p><b>RESPECT FOR THIRD PARTY PARTICIPANTS</b></p>	
<p><b>RHYNGWEITHIO RHWNG AELODAU CYFETHLEDIG AC AELODAU ETHLEDIG, OS YN BERTHNASOL</b></p> <p><b>INTERACTION BETWEEN COOPTED MEMBERS AND ELECTED MEMBERS, IF RELEVANT</b></p>	
<p><b>PAWB A OEDD YN CYMRYD RHAN WEDI CAEL CYFLE TEG I GYFRANNU</b></p> <p><b>ALL PARTICIPANTS GIVEN A FAIR OPPORTUNITY TO CONTRIBUTE</b></p>	
<p><b>A OEDD YR AELODAU WEDI PARATOI'N DDIGONOL</b></p> <p><b>WERE THE MEMBERS ADEQUATELY PREPARED</b></p>	
<p><b>A OEDD YNA UNRHYW YMDDYGIAD A ALLAI DDWYN ANFRI AR YR AWDURDOD</b></p> <p><b>WAS THERE ANY CONDUCT THAT MIGHT BRING THE AUTHORITY INTO DISREPUTE</b></p>	
<p><b>CADEIRIO'R CYFARFOD</b></p> <p><b>CHAIRING OF THE COMMITTEE</b></p>	
<p><b>SYLWADAU PELLACH</b></p> <p><b>FURTHER COMMENTS</b></p>	
<p><b>UNRHYW HYFFORDDIANT NEU GEFNOGAETH AR GYFER Y PWYLLGOR NEU AELODAU UNIGOL</b></p> <p><b>ANY TRAINING AND SUPPORT FOR THE COMMITTEE OR INDIVIDUAL MEMBERS</b></p>	

<p><b>UNRHYW ARFERION DA / DYSGU I'W RANNU</b></p> <p><b>ANY GOOD PRACTICE / LEARNING TO BE SHARED</b></p>	
<p><b>ANGEN AM UNRHYW BWYNTIAU / ADBORTH ARALL</b></p> <p><b>ANY OTHER POINTS / FEEDBACK REQUIRED</b></p>	
<p><b>ADBORTH I GADEIRYDD Y PWYLLGOR</b></p> <p><b>FEEDBACK TO THE COMMITTEE CHAIR</b></p>	
<p><b>ADBORTH I'R ARWEINYDDION GRŴPIAU</b></p> <p><b>FEEDBACK TO THE GROUP LEADERS</b></p>	
<p><b>ADBORTH I UNRHYW ARWEINYDD GRŴP PENODOL</b></p> <p><b>FEEDBACK TO ANY SPECIFIC GROUP LEADER</b></p>	



<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Local Resolution Protocol</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Standards Committees on the revised Local Resolution Protocol</b>
<b>REPORT BY:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 1. BACKGROUND

The purpose of a Local Resolution Protocol (LRP) is to achieve swift resolution and reconciliation between members of the Council where complaints are made or concerns raised on low-level behavioural breaches of the Code of Conduct for Members. It is an informal means of supporting the practical provision of the Code of Conduct for Members, at a local level and using the LRP process gives the parties involved access to assistance by the Standards Committee, where necessary.

A LRP has been in place for several years, with its aim to address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold for investigations and/or deal with matters arising promptly in an effort to avoid unnecessary delay or escalation of matters. In turn, this assists to promote high standards of conduct, foster and maintain positive working relationships and safeguard the Council's reputation. The LRP is not intended to oust the jurisdiction of the PSOW but is intended to deal with a limited category of complaints which wouldn't meet the PSOW's two-stage test for investigation.

There is no statutory requirement to adopt a LRP and there is no standard format; it is a matter for each authority. However, both Welsh Government and the PSOW have made it clear that they expect all local authorities to have such an arrangement in place. More recently, the Penn Report: "Independent Review of the Ethical Standards Framework" details that "*The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation*".

In light of the changes brought into force by the Local Government and Elections (Wales) Act 2021, particularly in relation to the new Group Leader duties, the Standards Committee has reviewed its LRP and prepared a new version, to reflect the Code as it now stands. The new version takes into account the enhanced role expected of Group Leaders in relation to the conduct of their group members.

## **2. THE PROPOSED NEW LOCAL RESOLUTION PROTOCOL'S JOURNEY TO DATE**

A copy of the current version of the Local Resolution Protocol is included as **ENCLOSURE 1** to this report.

The amended LRP was presented by the Chair and Vice Chair of the Standards Committee at a meeting of the Group Leaders on 29 September 2022. A copy of the covering report that was submitted to the Group Leaders is included as **ENCLOSURE 2**.

There was consensus among the Group Leaders that they were supportive of the principles of the revised LRP and they noted their willingness to work in accordance with the proposal.

The draft LRP has been subject to a Members' Briefing session to all members on 1 December 2022.

The intention is for the LRP to be available on Monitor for members from now on.

## **3. HOW THE NEW LOCAL RESOLUTION PROTOCOL WILL WORK**

### 3.1 The principles of the LRP process:

- The LRP process is a voluntary mediation process and Members are not required to participate. Members are also able to withdraw from the process at any time and no inference may be taken from such a withdrawal.
- If disputes arise, Members are requested and encouraged to attempt to resolve through the LRP if it is possible and appropriate.
- The LRP is for member-member issues.
  - A complaint by a member that relates to a member of their own group will be dealt with by their Group Leader. Party/group conduct is the primary focus with Group Leaders taking management responsibility for their own members.
  - For officer-member concerns, the [Relationship Protocol for Members and Officers](#) should be reviewed.
- Whilst the LRP relies on a commitment to internal resolution, the LRP is not intended to stifle legitimate political debate, challenge or scrutiny.
- Serious breaches of the Code of Conduct e.g. where a member has sought to influence or participate in a decision which would benefit their personal interest would fall outside the scope of the LRP and would require referral to the external regulator.

### 3.2 A brief overview of the LRP process included in the new document:

- The LRP is applicable in situations involving a complaint by a member (complainant) about a member of their own group or a different political group (respondent).
- A complaint by a member about another member of the same political group will be dealt with by their Group Leader.

- A complaint by a member about a member of a different political group should be raised with their own Group Leader; that Group Leader will discuss the matter with the respondent's Group Leader.
- Group Leaders are expected to take a proactive approach to resolving such issues, with the emphasis on early resolution and could include mediation, conciliation, training, development or education, or a combination of these.
- Group Leaders may, at their discretion, consult with the Chair of the Standards Committee (or their nominee) about any proposed action the Group Leader intends to take. Group Leaders may also use the Chair of the Standards Committee (or their nominee) as a sounding board at any stage during the process.
- In cases of significant misconduct, or after persistent breaches, the Monitoring Officer may advise that the matter be referred to the PSOW.
- If the complaint relates to a Group Leader, the Chair of the Council will be asked how best to address the complaint, in consultation with the Chair of the Standards Committee (or their nominee)
- The Chair of the Council will undertake the Group Leader's role should a member or members be unaffiliated.
- The meetings that take place during the LRP process are held in private and discussions are confidential; there will be no paperwork or records retained after the mediation process is completed.
- There will be general feedback to Group Leaders, where both members agree; any feedback will be anonymous and focused on outcomes and good practice.

### 3.3 The Standards Committee's role in the LRP process:

- In addition to the advisory and support role to the Group Leaders (if requested), should the matter not be resolved through party/group discipline, a complainant may refer the matter to the Chair of the Standards Committee (or their nominee). Such referral should be made within 7 days of party/group discipline failing; consideration outside this time limit will be at the discretion of the Chair of the Standards Committee (or their nominee).
- Any nomination made by the Chair of the Standards Committee must be a lay member of the Standards Committee.
- The role of the Standards Committee members will be to facilitate – not to come to a view, apportion blame or make any findings; though they may make informal recommendations which the parties may or may not follow.
- The Chair of the Standards Committee (or their nominee) will only facilitate mediation meetings if they have received training for that purpose.
- Whilst the process details having four meetings in total, it is only a guide as the Chair of the Standards Committee (or their nominee) will be very much guided by the parties in the matter.
- The mediation process:
  - ➔ Standards Committee receives a referral from a complainant.
  - ➔ Meeting 1:  
The Chair of the Standards Committee (or their nominee) meets with the complainant.  
Alternatively, this stage may be done with the complainant sending their written concerns to the Chair of the Standards Committee (or their nominee). Whichever route is selected, the purpose of this first stage is to ascertain from the complaint what has happened, how the complainant considers the Code has been breached and what the complainant is seeking by way of resolution.

- If the Chair of the Standards Committee (or their nominee) is willing to undertake a mediation role, they will contact the respondent.
- Meeting 2:  
The Chair of the Standards Committee (or their nominee) may decide on asking the respondent to meet with them.  
Alternatively, the Chair of the Standards Committee (or their nominee) will write to the respondent.  
Either way, at this stage, the respondent will be provided with information so they can understand the details of the complaint against them and consider if they agree to proceed with a mediation meeting with the complainant and the Chair of the Standards Committee (or their nominee).  
The respondent will have 7 days to confirm their willingness to participate in the mediation process; should the respondent not respond or refuse the offer of mediation, the Standards Committee will not take any further action.
- Meeting 3:  
If the respondent has agreed to meet with the Chair of the Standards Committee (or their nominee), in order to participate in the mediation process, a further meeting will be arranged with the respondent in order to discuss their response to the complaint/their point of view.
- Meeting 4 – the mediation meeting:  
The mediation meeting will take place between the complainant, the respondent and the Chair of the Standards Committee (or their nominee). The purpose of the meeting is to narrow down the issue(s) and see if it is possible to reach an agreed resolution.
- Further meetings may be arranged if the parties agree.

#### 4. RECOMMENDATIONS

##### 4.1 For the Standards Committee to:

- 4.1.1 note the agreement of the Group Leaders to the Local Resolution Protocol in **Enclosure 1**;
- 4.1.2 be given a verbal update on the outcome of the briefing session that took place on 1 December 2022 with all Council members;
- 4.1.3 approve and adopt the Local Resolution Protocol as per the draft in **Enclosure 1**;
- 4.1.4 encourage the use of the Local Resolution Protocol in **Enclosure 1** by members in relevant circumstances; and
- 4.1.5 review the process adopted and the document itself in 12 months' time.

## LOCAL RESOLUTION PROTOCOL

<b>PART 1 – BACKGROUND</b>	
<b>Why do we need a Local Resolution Protocol (LRP)?</b>	<p>The purpose of the LRP is to:</p> <ul style="list-style-type: none"> <li>• promote high standards of conduct;</li> <li>• foster and maintain positive working relationships;</li> <li>• address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold for investigations;</li> <li>• deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation;</li> <li>• safeguard the Council's reputation.</li> </ul> <p><b><u>In Summary</u></b>, the LRP seeks to achieve swift resolution and reconciliation with the parties being assisted by the Standards Committee, where necessary.</p>
<b>Is it compulsory?</b>	<ul style="list-style-type: none"> <li>• It is not a statutory requirement to adopt such an LRP but both the Welsh Government and the PSOW have made it clear that they expect all local authorities to have such arrangements in place.</li> <li>• The Penn Report: 'Independent Review of the Ethical Standards Framework' states: <p style="margin-left: 20px;"><b><i>“The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority’s reputation”.</i></b></p> </li> <li>• Members are not required to participate. This is a <u>voluntary mediation process</u>.</li> </ul>
<b>What other processes are available to members?</b>	<ul style="list-style-type: none"> <li>• The LRP is not intended to interfere with, or take the place of, group/party discipline. Each political party/group will have their own internal processes to follow in relation to party/group discipline.</li> <li>• The LRP is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.</li> </ul>

	<ul style="list-style-type: none"> <li>• It is NOT intended to replace the <a href="#">Code of Conduct</a>, rather, it is an informal means of supporting the Code, at a local level.</li> <li>• The LRP does not replace the <a href="#">Relationship Protocol for Members and Officers</a> set out in the Council's Constitution.</li> <li>• Members should make all reasonable attempts to resolve disputes through the LRP, where possible and appropriate, and always subject to their obligations under the Members' Code of Conduct.</li> </ul>
<p><b>What are the general principles of the LRP?</b></p>	<ul style="list-style-type: none"> <li>• To promote high standards of conduct as a way of strengthening respect and trust among members to enable members and officers to focus on "the work".</li> <li>• Referral to external regulators is a last resort, unless there is a serious breach of the <a href="#">Code of Conduct</a>, eg where a member has sought to influence or participate in a decision which would benefit their personal interests. Such matters fall outside the scope of the LRP.</li> <li>• Members will avoid personal confrontation in any public forum, especially full Council, and through the media.</li> <li>• <b>These commitments to internal resolution must not stifle legitimate political debate, challenge or scrutiny.</b></li> <li>• Party/group conduct will be the primary focus, with group leaders taking management responsibility for their own members.</li> </ul>
<p><b>What are the responsibilities of the group leaders?</b></p>	<ul style="list-style-type: none"> <li>• The leader of a political group should take reasonable steps to promote and maintain high standards of conduct by the members of their group, in accordance with their statutory duty under the Local Government and Elections (Wales) Act 2021.</li> <li>• Reasonable steps that a group leader might undertake include:- <ul style="list-style-type: none"> <li>• Demonstrating personal commitment to and attending relevant development or training around equalities and standards;</li> <li>• Encouraging group members to attend relevant development or training around equalities and standards;</li> <li>• Ensuring nominees to a committee have received the recommended training for that committee;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Promoting civility and respect within group communications and meetings, and in formal Council and committee meetings;</li> <li>• Promoting informal resolution procedures in the Council, and working with the Standards Committee and Monitoring Officer to achieve local resolution;</li> <li>• Promoting a culture within the group which supports high standards of conduct and integrity;</li> <li>• Attending a meeting of the Council's Standards Committee, if requested, to discuss Code of Conduct issues;</li> <li>• Working to implement any recommendations from the Standards Committee about improving standards;</li> <li>• Working together with other group leaders, within reason, to collectively support high standards of conduct within the Council.</li> </ul>
<p><b>What are the responsibilities of the Standards Committee?</b></p>	<ul style="list-style-type: none"> <li>• To monitor and encourage group leaders to comply with their duty to promote and maintain high standards of conduct by members of their group;</li> <li>• To advise on the adoption or revision of the <a href="#">Code of Conduct</a>, this LRP, as well as any other documents/consultations within the Committee's remit;</li> <li>• To monitor the operation of the <a href="#">Code of Conduct</a>; including occasional attendance at Council / Committees meetings;</li> <li>• To provide advice, or provide or arrange, training on the Code for members;</li> <li>• To receive any reports from group leaders;</li> <li>• To share best practice;</li> <li>• To provide timely and meaningful feedback to group leaders.</li> </ul>
<p><b>PART 2 – HOW DOES THE LRP WORK?</b></p>	
<p><b>What is expected of the Group Leaders?</b></p>	<ul style="list-style-type: none"> <li>• A complaint by a member, relating to a member of their own group, will be dealt with by their group leader.</li> </ul> <p>A complaint by a member, about a member of a different political group, will first be raised by the complainant with their own group leader. Their group leader will then refer the matter to the group leader who has responsibility for the</p>

	<p>respondent.</p> <ul style="list-style-type: none"> <li>• Upon receiving a complaint, whether from a member of their own group, or from the leader of another group, it is the role of every group leader to take management responsibility (though not personal responsibility) for the conduct of their members.</li> <li>• Subject to existing processes/arrangements within each party/group, group discipline should seek to be informal, and resolved through face to face meetings, as quickly as possible.</li> <li>• Group leaders may choose to retain some records but the process should not be burdensome.</li> <li>• The emphasis should be on early resolution and may include mediation, conciliation, training, development or education; or some combination thereof. Clearly, it should seek to be fair and consistent.</li> <li>• During the course of this process, the group leader may, at any stage and at their discretion, consult with the Chair of the Standards Committee (or their nominee) about any proposed action the group leader intends to take. Group leaders may also use the Chair of the Standards Committee (or their nominee) as a “sounding board”.</li> <li>• Prior to considering any sanction, or training/development etc., the relevant group leader may consult with the Chair of the Standards Committee (or their nominee) who will use best endeavours to provide frank, fair, consistent and confidential advice to any group leader requesting such a discussion.</li> <li>• In cases of significant misconduct, or after persistent breaches, a complainant may be advised by the Monitoring Officer to refer the matter to the Public Services Ombudsman for Wales.</li> <li>• Where a complaint is made about a group leader, the Chair of the Council will be asked to consider how best to address the complaint, in consultation with the Chair of the Standards Committee (or their nominee)</li> <li>• If the issue involves an unaffiliated member or members, the Chair of the Council will undertake the role of Group Leader.</li> </ul>
<p><b>What is expected of the Standards Committee?</b></p>	<ul style="list-style-type: none"> <li>• In addition to the advisory and support role to the group leaders, described above, if the matter has not been capable of resolution through party/group discipline, a complainant</li> </ul>



	<p>may refer the matter to the Chair of the Standards Committee (or their nominee).</p> <ul style="list-style-type: none"> <li>• The member making the complaint will be asked to put their concerns in writing to the Chair of the Standards Committee (or their nominee). Alternatively, if the complainant prefers, to meet with the Chair of the Standards Committee (or their nominee). In either case, the purpose will be to confirm: <ul style="list-style-type: none"> <li>• when, where and how the relevant incident occurred</li> <li>• how and why the incident breached the <a href="#">Code of Conduct</a></li> <li>• what the complainant is seeking by way of resolution</li> </ul> </li> <li>• The Chair of the Standards Committee (or their nominee) will consider the complaint and advise the complainant as to whether or not the Standards Committee is willing to undertake a mediation role.</li> <li>• If the Chair of the Standards Committee (or their nominee) is willing to undertake a mediation role, then they will contact the respondent, explain the substance of the complaint, and ask whether or not the respondent is willing to participate in mediation with the complainant, and a member of the Standards Committee.</li> <li>• The respondent will be asked to respond to the offer of mediation within 7 days. If the offer of mediation is refused, or the respondent fails to respond, then there will be no further action and the Standards Committee will treat the matter as closed.</li> </ul>
<p><b>Are there any time limits?</b></p>	<ul style="list-style-type: none"> <li>• Any complaint should be made within 7 days of the date when party/group discipline has failed to resolve the matter.</li> <li>• Consideration of any complaint raised outside this time limit will be at the discretion of the Chair of the Standards Committee (or their nominee).</li> </ul>
<p><b>How many meetings may be necessary?</b></p> <p>Preliminary meeting 1</p>	<ul style="list-style-type: none"> <li>• The number of meetings held may vary according to the circumstances of the case and, in particular, the potential for resolution.</li> </ul> <p>So the following is a guide only with the number of meetings/process suggested not being mandatory. It very much depends on what the parties agree. Subject thereto, the following is an example of what may happen in practice:-</p> <ul style="list-style-type: none"> <li>• The Chair of the Standards Committee (or their nominee) will have a first meeting with the complainant, as described above, in order to receive necessary</li> </ul>

	<p>information about the complaint and establish the desired resolution</p>
<p>Preliminary meeting 2</p>	<ul style="list-style-type: none"> <li>• Similarly, a second meeting, with the respondent, will have taken place, as described above, to explain the complaint and confirm whether or not the respondent is willing to meet with the complainant and a member of the Standards Committee, to see whether it is possible to mediate a solution.</li> </ul>
<p>Preliminary meeting 3</p>	<ul style="list-style-type: none"> <li>• If the offer of mediation has been made and accepted, then the Chair of the Standards Committee (or their nominee) will meet with the respondent in order to discuss their response to the complaint/their point of view.</li> </ul>
<p>Mediation meeting</p>	<ul style="list-style-type: none"> <li>• The mediation meeting will take place between the complainant, the respondent, and the Chair of the Standards Committee (or their nominee). The purpose of the meeting will be to narrow down the issue/s in dispute and see if it is possible to reach an agreed resolution.</li> <li>• Further mediation meetings may take place if all parties are agreed that a further meeting or meetings are necessary/desirable and that there are reasonable prospects of achieving a resolution.</li> <li>• During the mediation meeting/s, and thereafter, the Chair of the Standards Committee (or their nominee) will not come to any view, apportion blame or make any findings. They may, however, make informal recommendations to the parties. Any such recommendations shall not be binding.</li> <li>• The Chair of the Standards Committee (or their nominee) will only facilitate a mediation meeting if they have already received training for this purpose and that the training they have received is current.</li> <li>• All the meetings shall take place in private. Discussions will remain confidential.</li> <li>• There will be no paperwork nor records retained after the completion of the mediation process. This applies equally to digital records.</li> <li>• There will be general feedback to group leaders, where both members concerned have agreed. Any feedback will be anonymous and will be focused on outcomes and good practice. <b>Absolutely no sensitive information will be shared.</b></li> </ul>

Footnotes:

1. There are several references in the LRP to the Chair of the Standards Committee (or their nominees). Nominees refer to lay members only. Elected members of the County Council, and co-opted members of the town and community councils, will not participate in the LRP mediation process.
2. As stated in the document, participation in the LRP is voluntary and the members concerned in any matter may withdraw from the process at any time; including where they have already given their consent/agreement to the mediation process. No inference may be taken from such a withdrawal.
3. Having been agreed by the group leaders, any changes to this LRP shall be made by the Monitoring Officer, but only after consultation and explicit agreement of all the group leaders.

DRAFT

**Report to Group Leaders by the Standards Committee**

The framework for conduct in public life, in Wales, consists of the ten following principles (derived from, and expanding upon, Lord Nolan's "Seven Principles of Public Life"):

- Selflessness
- Honesty
- Integrity and propriety
- Duty to uphold the law
- Stewardship
- Objectivity in decision-making
- Equality and respect
- Openness
- Accountability
- Leadership

**Local Government and Elections (Wales) Act 2021**

The above Act changes existing legislation to require that a leader of a political group must take reasonable steps to promote and maintain high standards of conduct by members of their group.

The duty does not make leaders of a political group accountable for the behaviour of their members, as conduct remains a matter of individual responsibility. However, it does mean that leaders must take positive steps to uphold high standards by members of their group.

The relevant draft guidance, issued to accompany the Act, suggests that the reasonable steps a group leader may take includes the following:-

- Demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- Encouraging group members to attend relevant development or training around equalities and standards;
- Ensuring nominees to a committee have received the recommended training for that committee;
- Promoting civility and respect within group communications and meetings, and in formal Council and committee meetings;
- Promoting informal resolution procedures in the Council, and working with the Standards Committee and Monitoring Officer to achieve local resolution;
- Promoting a culture within the group which supports high standards of conduct and integrity;
- Attending a meeting of the Council's Standards Committee, if requested, to discuss Code of Conduct issues;
- Working to implement any recommendations from the Standards Committee about improving standards;
- Working together with other group leaders, within reason, to collectively support high standards of conduct within the Council.

The purpose of the new duty is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour.

### **What the Council is doing**

Enquiries have been made of the Wales Local Government Association (WGLA) about any resources which may be available to assist the Council in supporting group leaders with their additional responsibilities.

The WGLA has informed us that there are no plans to provide training, or resources, on these duties.

The Council does, though, provide the following assistance:

- Regular meetings are held between members of the Standards Committee and group leaders to discuss standards issues. The last meeting was held on 15 September 2022.
- Code of Conduct training is offered to all members and is available at <https://ynysmon.learningpool.com/login/index.php>
- The Constitution, which the Council has adopted, contains the [Relationship Protocol for Members and Officers](#), which seeks to encourage appropriate relationships between officers and members
- All members are legally required to sign up to the Members' Code of Conduct upon being elected.
- Members of the Standards Committee are also available to advise group leaders on any Code of Conduct issues.
- There is a standing item on the Standards Committee agenda about reports of breaches of the Code of Conduct within Wales and any sanctions imposed by local standards committees or the Adjudication Panel for Wales.
- A newsletter including links to these reports is sent to every member of the Council by the Standards Committee after every meeting of the Committee.
- Opportunities for all members to undergo a personal development review and support for all members to publish an annual report of their activities and training/development.
- A new Local Resolution Protocol (LRP) has been developed and is being discussed by the Standards Committee and group leaders. The LRP will be the cornerstone of the standards regime, with Richard Penn, in his report to Welsh Government recommending that every council operate an LRP to help 'nip any low level complaints or concerns in the bud'.

### **Recommendation**

The group leaders are asked to consider this report and what, if any, further support they require to assist them in effectively undertaking their new statutory duty.

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Community Council Members of the Standards Committee</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Standards Committees on the appointment of two community council members to the Standards Committee</b>
<b>REPORT BY:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 1. BACKGROUND

Under Part III of the Local Government Act 2000 (as amended by the Local Government Act 2006) the Council must have a Standards Committee consisting of no more than 9 members, the majority of whom must be independent members of the public.

The Standards Committee currently consists of five independent members, two community councillors (both seats being vacant) and two county councillors (who are appointed annually by the Council). Information on the Standards Committee's membership can be seen [here](#).

There is a requirement for the community council members to be collectively nominated by all the community councils after every local government election (or if either should cease to be a community councillor at any time).

A process has therefore been undertaken following the election in May 2022 to appoint two community councillors to the Isle of Anglesey County Council's Standards Committee.

## **2. PROCESS**

The process undertaken to appoint the two community council members to the Standards Committee following the May election is detailed in the report presented to full Council on 6 December 2022. A link to the report can be seen [here](#).

On 30 June 2022, the Monitoring Officer wrote to all town and community council clerks requesting nominations by no later than 30 September 2022. A reminder was sent on 12 September 2022. By the closing date, four valid nominations had been received.

On 6 October 2022, a postal ballot was conducted to allow each town and community council to vote for up to two of the four candidates (on the basis there are two vacant seats on the Committee). A request was made for the ballot papers to be returned to the Monitoring Officer by 19 November 2022. 16 town and community councils responded to this request with 31 votes received.

On 23 November 2022, the process followed was verified by the Chair of the Standards Committee and two successful candidates were identified.

Whilst the nomination of the community council representatives is to be made collectively by the 40 town and community councils on the Isle of Anglesey County Council area, the decision to appoint the two successful councillors as co-opted members of the Standards Committee must be made at a formal meeting of the Isle of Anglesey County Council. That decision is expected to be made at a meeting of full Council on 6 December 2022.

If Council agrees, the appointments will be made for two councillors as co-opted members of the Standards Committee until the next local government elections, or for as long as they remain community councillors; whichever occurs first.

## **3. SUCCESSFUL CANDIDATES**

The two successful candidates following the ballot are:-

- Councillor Margaret Ann Thomas of Llangefni Town Council and
- Councillor Iorwerth Roberts of Bryngwran Community Council

## **4. COUNTY COUNCIL DECISION**

A verbal update on the discussions undertaken and the recommendation made at a meeting of full Council on 6 December 2022 will be given at the Standards Committee meeting on 14 December 2022.

## **5. RECOMMENDATION**

For the Standards Committee

(a) to note the contents of this report ; and

(b) to be given a verbal update on the decision made by the Council at its meeting on 6 December 2022 in relation to the appointments.



<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>Code of Conduct Training for the Town and Community Councils</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of the Code of Conduct training offered to the Town and Community Councils following the May 2022 election</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@ynysmon.llyw.cymru">mwyics@ynysmon.llyw.cymru</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 1. BACKGROUND

The statutory responsibilities of the Standards Committee include promoting and maintaining high standards of conduct by Councillors, assisting Councillors to observe their Code of Conduct and arranging to train Councillors on matters relating to the Code of Conduct. These are requirements which apply not only to members of the County Council but also to Town and Community Council members.

Elections were held for Councillors to all Town and Community Councils in the Isle of Anglesey on 5 May 2022. The Standards Committee deemed it was an appropriate time to arrange training on the Code of Conduct.

## 2. CODE OF CONDUCT

Every Town and Community Council must adopt a Code of Conduct. There is a model Code of Conduct for all relevant authorities in Wales; the content of that statutory Code is the minimum requirement. Each relevant authority can decide if it wishes to include additional requirements within their Code, but no Council can remove any provision included in the statutory Code. In reality, the majority of Councils adopt the statutory Code of Conduct as drafted.

Each member of a Council signs an undertaking upon taking office as a Councillor confirming their commitment to act in accordance with their Council's adopted Code of Conduct.

### 3. TRAINING EVENTS

Online Code of Conduct training, to be provided by One Voice Wales, was offered by the Standards Committee to all Town and Community Council members and clerks. The sessions could accommodate up to 30 attendees and would last approximately 1.5 hours.

Correspondence was sent by the Chair of the Standards Committee to the Town and Community Councils on 12 August 2022 inviting them to attend one of four possible sessions:

Date	Time	Language of event
04.10.2022	14.00	Welsh
06.10.2022	18.30	English
18.10.2022	14.00	English
20.10.2022	18.30	Welsh

Clerks were asked to contact a specified officer from the County Council to confirm the names of those attendees wishing to undertake the training and their choice of session.

The offer of Code of Conduct training and the above arrangements were also mentioned in the Standards Committee's September Newsletter.

Due to low numbers, the training event on 18.10.2022 was cancelled. Arrangements were made for those who had registered their interest to attend one of the other three sessions.

### 4. ATTENDEES AND THEIR TOWN/COMMUNITY COUNCILS

The number of individuals that attended one of the three available sessions is as follows:

Date	Time	Language of event	Number of individuals that had registered their interest to attend the training	Number of individuals that attended the training session
04.10.2022	14.00	Welsh	9	7
06.10.2022	18.30	English	22	17
20.10.2022	18.30	Welsh	17	13
<b>TOTAL</b>			<b>48</b>	<b>37</b>

The table included in **Enclosure 1** details the number of attendees from each Town and Community Council.

Of the 90 spaces available for training, 48 spaces were reserved and 37 individuals attended the training. No members or clerks from 29 of the 40 Town and Community Councils on the Isle of Anglesey attended the training sessions being offered.

### 5. IS TRAINING ON THE CODE A REQUIREMENT?

Whilst attending training on the Code of Conduct is likely to be considered good practice by the Standards Committee, there is no statutory requirement for Councillors to participate in training on the Code. The statutory requirement is for the Standards

Committee to ensure that training is available for Councillors on the provisions of the Code of Conduct.

The Standards Committee will be aware that the Code of Conduct for members of the Isle of Anglesey County Council includes a locally adopted requirement (it is not included in the statutory Code) for members to attend a training session on the Code of Conduct within six months of being elected –

*You must attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office. [Paragraph 4(e)]*

Failure to comply with this provision would result in a member being vulnerable to a complaint of a breach of the Code of Conduct being made to the Public Services Ombudsman for Wales.

However, each Town and Community Councillor will be subject to the Code of Conduct adopted by their respective Town or Community Council, and in all likelihood, that Code may not include such requirement to attend training.

## **6. BENEFITS OF TRAINING ON THE CODE OF CONDUCT FOR MEMBERS**

This issue of training on the Code of Conduct is a matter which has been raised at the Standards Committee's previous reviews at Town and Community Councils; the Standards Committee has encouraged Councils to consider their members' training requirements, in particular in relation to the Code of Conduct.

Attending such training assists Councillors by providing information on the contents of the Code of Conduct and how it affects them in their role as Councillors and in their personal lives; it also gives them an opportunity to gain practical knowledge and ask questions.

Should Councillors find themselves the subject of a complaint for a breach of the Code of Conduct, failure to have attended training on the Code would be considered an aggravating factor when the Standards Committee / Adjudication Panel for Wales deliberated on the issue of sanction [see Adjudication Panel for Wales' previously issued [Sanctions Guidance](#)].

It is also noted that there is a requirement on Community Councils to produce an annual training plan for its Councillors and staff (under the Local Government and Elections (Wales) Act 2021). The first plan should be published by all Councils now [the requirement was within 6 months of the election (on 5 May 2022)]. Whilst there is no requirement for training on the Code of Conduct to be featured in this training plan, it is likely that it would be included or at least considered for inclusion.

## **7. RECOMMENDATION**

- A. For the Standards Committee to consider the content of this report and **Enclosure 1** and the information included particularly in relation to the (a) number of attendees

at the training sessions and (b) the number of Town and Community Councils that did not have any attendees at the training sessions.

- B. For the Standards Committee to consider how it wishes to proceed with communicating this item with the Community Councils. Is it to be included in the Newsletter? Or does the Committee wish to raise it in the Town and Community Council Forum? Any other suggestions?

	<b>Cyngor Tref a Chymuned / Town and Community Council</b>	<b>Nifer yr unigolion wnaeth gofrestru / Number of registered individuals</b>	<b>Nifer yr unigolion a fynychodd / Number of attendees</b>
1	Cyngor Cymuned <b>Aberffraw</b> Community Council	0	0
2	Cyngor Tref <b>Amlwch</b> Town Council	0	0
3	Cyngor Tref <b>Biwmares / Beaumaris</b> Town Council	8	7
4	Cyngor Cymuned <b>Bodedern</b> Community Council	0	0
5	Cyngor Cymuned <b>Bodffordd</b> Community Council	0	0
6	Cyngor Cymuned <b>Bodorgan</b> Community Council	0	0
7	Cyngor Cymuned <b>Bryngwran</b> Community Council	3	2
8	Cyngor Tref <b>Caergybi / Holyhead</b> Town Council	0	0
9	Cyngor Cymuned <b>Bro Cwm Cadnant</b> Community Council	0	0
10	Cyngor Cymuned <b>Bro Cylch y Garn</b> Community Council	0	0
11	Cyngor Cymuned <b>Llanbadrig</b> Community Council	0	0
12	Cyngor Cymuned <b>Llanddaniel-Fab</b> Community Council	0	0
13	Cyngor Cymuned <b>Llanddona</b> Community Council	1	1
14	Cyngor Cymuned <b>Llanddyfnan</b> Community Council	0	0
15	Cyngor Cymuned <b>Llaneilian</b> Community Council	1	1
16	Cyngor Cymuned <b>Llanerchymedd</b> Community Council	0	0
17	Cyngor Cymuned <b>Llaneugrad</b> Community Council	0	0
18	Cyngor Cymuned <b>Llanfachraeth</b> Community Council	0	0
19	Cyngor Cymuned <b>Llanfaelog</b> Community Council	0	0
20	Cyngor Cymuned <b>Llanfaethlu</b> Community Council	0	0
21	Cyngor Cymuned <b>Llanfair Mathafarn Eithaf</b> Community Council	14	13
22	Cyngor Cymuned <b>Llanfair yn Neubwll</b> Community Council	5	0
23	Cyngor Cymuned <b>Llanfairpwll</b> Community Council	2	1
24	Cyngor Cymuned <b>Llanfihangelesceifiog</b> Community Council	0	0
25	Cyngor Tref <b>Llangefni</b> Town Council	0	0
26	Cyngor Cymuned <b>Llangoed a Phenmon / Llangoed and Penmon</b> Community Council		0
27	Cyngor Cymuned <b>Llangristiolus</b> Community Council	2	1
28	Cyngor Cymuned <b>Llanidan</b> Community Council	1	0
29	Cyngor Cymuned <b>Mechell</b> Community Council	0	0
30	Cyngor Cymuned <b>Moelfre</b> Community Council	0	0
31	Cyngor Cymuned <b>Penmynydd a Star / Penmynydd and Star</b> Community Council	0	0
32	Cyngor Cymuned <b>Pentraeth</b> Community Council	5	5
33	Cyngor Tref <b>Porthaethwy / Menai Bridge</b> Town Council	0	0
34	Cyngor Cymuned <b>Rhoscolyn</b> Community Council	0	0
35	Cyngor Cymuned <b>Rhosybol</b> Community Council	0	0
36	Cyngor <b>Rhosyr</b> Council	0	0
37	Cyngor Bro <b>Trearddur</b> Community Council	0	0
38	Cyngor Cymuned <b>Tref Alaw</b> Community Council	0	0
39	Cyngor Cymuned <b>Bro Trewalchmai</b> Community Council	0	0
40	Cyngor Cymuned <b>Y Fali / Valley</b> Community Council	6	6
	<b>CYFANSWM / TOTAL</b>	<b>48</b>	<b>37</b>

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14 December 2022</b>
<b>REPORT TITLE:</b>	<b>National Forum for Independent Members of Standards Committees</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise on the terms of reference for the newly created National Forum for Independent Members of Standards Committees</b>
<b>REPORT BY:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## **1. INTRODUCTION**

1.1 A North Wales Standards Committee Forum was set up some years ago, to provide a support network and an opportunity for exchanging good practice between the independent members of the Standards Committees in North Wales. More recently, the North Wales Standards Committee Forum was extended to include representatives from Powys and Ceredigion’s principal councils.

1.2 One of the recommendations made as part of the recent Penn Review of the Ethical Regime in Wales was that the current Forum should be extended to cover the whole of Wales, thereby creating a National Standards Committee Forum.

1.3 Following the publication of the Penn report, the Monitoring Officers for all principal councils, national park authorities and fire and rescue authorities in Wales reported that there was support from their respective authorities for the creation of this National Standards Committee Forum.

## **2. WELSH LOCAL GOVERNMENT ASSOCIATION (WLGA) SUPPORT**

2.1 Welsh Local Government Association (WLGA) has confirmed its interest in the proposal and its willingness to assist the Forum with practical, administrative support. This includes the WLGA’s involvement in sending out agendas, preparing minutes of formal meetings and preparing reports for analysing different practices across Wales.

### 3. THE NATIONAL STANDARDS COMMITTEE FORUM'S TERMS OF REFERENCE

3.1 A copy of the proposed Terms of Reference document, is included as **ENCLOSURE 1**. These Terms of Reference will be adopted by the Forum at its first meeting. These may be amended as practice evolves.

3.2 The main principles included are as follows:

- The purpose of the Forum is to share good practice and provide a setting for problem solving in relation to the work of the Standards Committees for the relevant councils/authorities in Wales.
- Membership of the Forum will be limited to the Chair of each Standards Committee from the 22 principal councils, 3 fire and rescue authorities and 3 national park authorities. Substitutes will be allowed, and will usually be the Vice Chair of the relevant Standards Committee.
- Members of the Forum will elect a Chair and Vice Chair from amongst its members for a term of two years.
- The Forum will make decisions about administrative matters relating to its own practices but other decisions are to be made by the individual Standards Committees. Decisions will be made by consensus but where a formal decision is required, each authority will have one vote and the Chair of the Forum has a casting vote.
- Agenda items will be suggested by Monitoring Officers attending the Monitoring Officers Group of Lawyers in Local Government (MOG) meetings, following discussion with their respective Standards Committees. The Forum will also have a forward work programme to which members will be able to contribute.
- There will be two formal Forum meetings per year - naturally following one month or so after a MOG meeting so that the agenda can be agreed and circulated.
- Each region will send a Monitoring Officer representative. This Council is part of the North Wales region of 6 local authorities.

3.3 The first meeting of the National Standards Committee Forum is on 8 December, 2022. The Agenda at that first meeting will consider the election of a Chair and Vice-Chair; the role of the Forum and its Terms of Reference (**Enclosure 1**). It will also consider an update on the Penn Report; a discussion on the implementation of the new duty on group leaders and how this will be reported as part of the Standards Committee's annual report. A Guest Speaker from the Ombudsman's office will be making a presentation.

### 4. RECOMMENDATION

4.1 For the Committee to note the contents of this report and the terms of reference included in **Enclosure 1**.



4.2 For a verbal update to be provided by the Chair of the Standards Committee following his attendance at the National Standards Committee Forum's first meeting on 8 December 2022.

**National Standards Committee Forum**  
**Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal councils
- 2) 3 fire and rescue authorities
- 3) 3 national park authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work pan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session  
 Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*