

Public Document Pack



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Mr Dylan Williams
Prif Weithredwr – Chief Executive
CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd y Cyngor - Council Offices
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

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

RHYBUDD O GYFARFOD		NOTICE OF MEETING	
PWYLLGOR SAFONAU		STANDARDS COMMITTEE	
DYDD MERCHER, 14 MEHEFIN 2023 am 10:00 o'r gloch		WEDNESDAY, 14 JUNE 2023 at 10:00 am	
CYFARFOD HYBRID - YN YSTAFELL BWYLLGOR 1 AC YN RHITHWR		HYBRID MEETING - VIRTUAL AND IN COMMITTEE ROOM 1	
Swyddog Pwyllgor	Mrs Shirley Cooke 01248 752514	Committee Officer	

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

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

Mr Iorwerth Roberts
Mrs 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 - 12)

To confirm the minutes of the previous meeting of the Standards Committee held on 14 December 2022.

3 ELECTED MEMBERS' ANNUAL REPORTS (Pages 13 - 16)

A report by the Head of Democratic Services.

4 MEMBER DEVELOPMENT (Pages 17 - 30)

A report by the Human Resources Development Manager.

5 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 31 - 36)

A report by the Director of Function (Council Business)/Monitoring Officer in relation to:-

- (a) County Councillors, and
 - (b) Town/Community Councillors
- for Quarters 3 and 4 of 2022/2023.

6 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 37 - 52)

A report by the Director of Function (Council Business)/Monitoring Officer on the Public Services Ombudsman for Wales Investigation Outcomes published since the last Standards Committee on 14 December 2022.

7 DECISIONS BY THE ADJUDICATION PANEL FOR WALES (Pages 53 - 62)

A report by the Director of Function (Council Business)/Monitoring Officer on the APW's decisions in Wales since the last Standards Committee on 14 December 2022.

8 APPLICATIONS FOR DISPENSATIONS

It is usual practice for a report to be prepared to the Standards Committee by the Director of Function (Council Business)/Monitoring Officer on the applications for dispensations considered by the Standards Committee. During the period between the Standards Committee on 14 December 2022 and the day of publishing this agenda, no applications have been received. On this basis, no report is attached.

9 LOCAL RESOLUTION PROTOCOL FOR THE TOWN AND COMMUNITY COUNCILS (Pages 63 - 66)

A report by the Director of Function (Council Business)/Monitoring Officer on the development of a Local Resolution Protocol for use in the Town and Community Councils.

10 UPDATE FROM THE NATIONAL STANDARDS COMMITTEE FORUM (Pages 67 - 68)

A report by the Director of Function (Council Business)/Monitoring Officer on the National Forum for Independent Members of Standards Committees in Wales.

11 STANDARDS COMMITTEE'S ANNUAL REPORT (Pages 69 - 104)

A report by the Director of Function (Council Business)/Monitoring Officer enclosing the draft Annual Report for 2022/2023.

12 PENN REPORT (Pages 105 - 124)

A report by the Director of Function (Council Business)/Monitoring Officer detailing the response prepared by the Standards Committee to the Welsh Government's consultation on the recommendations made in the Penn report.

13 TOWN AND COMMUNITY COUNCILS' TRAINING PLANS (Pages 125 - 128)

A report by the Director of Function (Council Business)/Monitoring Officer detailing the responses received from the Town and Community Council to the Standards Committee's request for documentation.

This page is intentionally left blank

STANDARDS COMMITTEE

Minutes of the meeting held on 14 December 2022

PRESENT: **Independent Members**

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

Representing Town and Community Councils

Councillor Iorwerth Roberts

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Human Resources Training Manager (MW)
Committee Officer (SC)

APOLOGIES: Councillor Trefor Lloyd Hughes MBE (County Council Representative)
Councillor Dafydd R Thomas (County Council Representative)
Councillor Margaret Thomas (Town and Community Council Representative)

The Chair welcomed all those present to the meeting. He extended a warm welcome to Councillor Iorwerth Roberts, a returning member of the Standards Committee.

1. DECLARATION OF INTEREST

Mrs Celyn Edwards declared a personal interest in Item 9 on the agenda, in relation to her work outside this Committee.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 28 June 2022 were confirmed as correct, subject to the following:-

Matters arising from the minutes of 28 June 2022:-

- The Chair reported that he, together with the Vice-Chair, attended the Town and Community Council Forum meeting in September 2022.
- The Chair confirmed that the Standards Committee's Annual Report was approved by Council on 30 September 2022.

3. MEMBERS' ANNUAL REPORTS

Submitted - a report by the Business Manager for Democratic Services on the process and timetable for publishing Members' Annual Reports.

The Business Manager reported that arrangements are in place to enable members to prepare annual reports on their activities. She stated that, although it is not a statutory requirement, the Standards Committee has asked Group Leaders to encourage their members to submit reports, as it plays a significant part in creating an annual development plan for members.

It was noted, with disappointment by the Standards Committee, that only 4 members out of the 18 who were eligible (returning after the local government elections in May 2022) had submitted annual reports. Those received have been published on the Council's website.

With regard to annual reports for 2022/23, a report template was shared with members on 14 July 2022 to remind them of the need to keep records / collate data for submission of the next annual report. A draft timetable has been presented and this includes a deadline for submitting the 2022/23 reports to the Head of Democracy by 31 May 2023.

Concerns were expressed by Committee members regarding the low uptake in members submitting annual reports. A request was made for the Standards Committee to receive a copy of the Head of Democracy's report, which will be presented to Group Leaders in June 2023, on the number of members in each Group who have not completed annual reports by the deadline. It was also agreed by the Committee that the issue of members' annual reports be included as an agenda item / any other business at the next meeting of the National Standards Committee Forum.

RESOLVED:-

- **To note the content of the report.**
- **That the Business Manager for Democratic Services forward the Committee's request to the new Head of Democracy, for the Standards Committee to receive a copy of his report on members' annual reports to Group Leaders in June 2023.**
- **That the Monitoring Officer requests that the issue of members annual reports be raised in the next National Standards Committee Forum meeting on 27 January 2023, in order to:-**
 - **establish whether the low submission of annual reports by members is a pattern throughout Wales, and**
 - **discuss whether the status of annual reports should be raised to a mandatory requirement.**
- **That the Chair and Vice-Chair discuss, with Group Leaders, ways to further encourage their members to submit annual reports and to establish the reasons for the apparent reticence of some members.**
- **That the Business Manager and HR Training Manager (HRTM) discuss ways to encourage / support members in submitting their annual reports.**

Action: See Resolution above

4. MEMBER DEVELOPMENT

Submitted - a report by the HRTM on training sessions offered to members since May 2022.

The HRTM reported that since May 2022, 47 training days were delivered to members on a range of subjects eg Planning, Licensing, Audit, ICT Skills, Chairing for Scrutiny Chairs and Vice-Chairs. Further training on Health, Safety & Wellbeing has been scheduled for the New Year. It was noted that attendances at training sessions have been varied.

The Standards Committee was unanimously of the view that, as chairing meetings has become more complex owing to the introduction of hybrid meetings, it was agreed to request that Group Leaders make chairing skills training mandatory for Chairs and Vice-Chairs of Committees.

It was noted by the HRTM that training delivery is continually being reviewed in terms of timing of meetings; daytime/late afternoon/early evening, to take into account the work/caring commitments of members.

Concerns were expressed that information relating to members' attendance at training sessions cannot be accessed via the Council website. It was noted that attendances at training sessions are recorded by members in Members' Annual Reports and these are published on the Council's website.

The HRTM reported that HR staff are available to offer support to members to complete and publish their annual reports. She stated that Standards Committee's attendance at training and briefing sessions are not published online, but they are noted and logged by Human Resources.

Concerns were raised by the Committee regarding three of the four aspects of mandatory training outlined in the report. All 35 have completed the cyber security module but only 24 out of 35 have completed equality and diversity and 12 of the 35 have completed data protection. It was also noted that 6 of the 35 elected members have not undertaken training on the Code of Conduct; although it is mandatory under the Code of Conduct adopted by the County Council.

RESOLVED:-

- **To note the content of the report**
- **That the Chair, and Vice-Chair raise the following issues at a future Group Leaders meetings:-**
 - **To propose that Chairing Skills training be made mandatory for Chairs and Vice-Chairs of Committees on appointment (or reappointment), and that training be undertaken every 2 years. This requirement for mandatory training on chairing is to be extended to**

include non-elected independent and co-opted Chairs and Vice-Chairs of Committees too, and

- To recommend to Group Leaders that they encourage members to update the information available online in relation to their attendance at training and briefing sessions.**
- That the Chair and Vice-Chair forward a copy of the Newsletter that will be drafted, following this meeting, to Group Leaders.**
- Having received data from officers, on the members of each group who have failed to complete the mandatory training that the Chair and Vice Chair of the Standards Committee to request that Group Leaders report back with how they intend to resolve this issue.**
- That the issue of Chairing Skills for Chairs and Vice-Chairs of Standards Committees to be raised in the next meeting of the National Standards Committee Forum.**

Action: See Resolution above

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) in the form of an updated matrix of quarterly complaints received by the Public Services Ombudsman for Wales (PSOW) in respect of (a) County Councillors, and (b) Town/Community Councillors.

The Solicitor (Corporate Governance) reported that the PSOW received one complaint against a County Councillor from a member of the public between April - June 2022 (Q1), which was not investigated. No complaint was received against a County Councillor between July - September 2022 (Q2).

It was noted that two complaints were presented to the PSOW against Town/Community Councillors during Quarter 1, 2022. The Ombudsman decided not to continue with the investigation in the first case and decided not to investigate the second complaint. No complaint was received against a Town/Community Councillor for Quarter 2.

In response to a question on trends arising, the Monitoring Officer responded that the number of complaints are currently so few that it is not possible to identify any particular trends. When a pattern of similar complaints does emerge, the Monitoring Officer will report it to the Chair of the Standards Committee and suitable interventions will be discussed.

RESOLVED:-

- To note the contents of Enclosures 1-4.**
- That the Monitoring Officer distributes Enclosures 1-4 to the Town and Community Councils and to the elected and co-opted members via their respective Newsletters.**

Action: See Resolution above

6. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) summarising the Public Services Ombudsman for Wales (PSOW)'s findings in relation to Code of Conduct cases between 1 June and 30 November 2022, which are now published on the Ombudsman's website.

The Solicitor (Corporate Governance) detailed that 13 cases had been reported on during this period. The following themes were noted:-

The two stage test continues to be used, where the Ombudsman firstly considers whether there is evidence of the Code of Conduct being breached and, if so, whether it would be in the public interest for the Ombudsman to conduct an investigation.

There were several cases where the subject of the complaint had ceased being a councillor between the date when the breach occurred and the Ombudsman's investigation. It is important to note that former councillors are still subject to the Ombudsman's jurisdiction, even when they cease to hold office, provided the breach occurred while they were still councillors. The only distinction will be the impact on the public interest test and more limited sanctions available (Standards Committees can still censure and a case tribunal of the Adjudication Panel for Wales can still censure or disqualify for up to 5 years).

Cases 3 and 5 were to be discussed in Item 7 on the agenda, as cases where the Ombudsman had referred them to the Adjudication Panel for Wales.

Cases 4 and 13 - these were matters that had been referred to the relevant Standards Committee but the Committees were limited in the sanctions they could impose (censure) as the councillors were no longer serving councillors.

Case 6 - even though only one member of the community council was subject to the Ombudsman's investigation, and deemed to have breached the Code of Conduct, the Ombudsman recommended that all members of the Community Council undertake training on the Code of Conduct.

RESOLVED:-

- **To note the report and enclosures.**
- **That all town and community councillors are encouraged to undertake Code of Conduct Training.**
- **That certain themes arising within the report be included in the respective Newsletters that are to be shared with IOACC's members and the members of the town and community councils.**

Action: See Resolution above

7. DECISIONS BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) summarising the key issues and learning points presented in the decisions published by the Adjudication Panel for Wales (since the Standards Committee's last meeting on 28 June 2022).

A correction was noted in relation to case 3 on page 55 of the Welsh version of the report; the reference to paragraph 5(c) should read paragraph 4(c).

Case 1 – An allegation that a Councillor had misled the Town Council as to his eligibility to become a town councillor, as he was subject to a criminal conviction, which automatically disqualified him from standing for office. The Adjudication Panel for Wales disqualified the individual for a period of 2 years. This case shows that the Adjudication Panel for Wales considers that the Code of Conduct is relevant, even to those not deemed eligible to be elected in the first place.

Case 2 – An allegation that a Councillor had breached the Code of Conduct for Members, as she had committed a criminal offence whilst holding the office of councillor. The Adjudication Panel for Wales disqualified the individual for a period of 1 year. In addition to the sanction for the individual Councillor, the Adjudication Panel for Wales also made two recommendations: the first, that all members of the Community Council attend training on the Code of Conduct within three months; and secondly, that the Community Council considers making it a requirement for the Council's Clerk to attend such training too.

Case 3 – This case included the consideration of 3 separate complaints in relation to the same Councillor, with a common theme being the Councillor's inappropriate use / comments on social media. The APW disqualified the individual for a period of 3 years.

RESOLVED:-

- **To note the content of the case summaries.**
- **To include information from the case summaries and the learning points in particular in the respective Newsletters that are to be shared with IOACC's Members and the members of the town and community councils.**

Action: See Resolution Above

8. APPLICATIONS FOR DISPENSATIONS

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

9. THE STANDARDS COMMITTEE'S MONITORING OF A SAMPLE OF COUNCIL/ COMMITTEE MEETINGS

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer incorporating details of a pilot review undertaken by four independent members of the Standards Committee. It was noted that two members attended each meeting of the County Council, Planning and Orders Committee and both Scrutiny Committees, on a rota, so as to observe members' conduct in each of their formal meetings.

The Monitoring Officer reported that an evaluation sheet had been developed to record observations made when attending meetings (Enclosure 2 of the report). Following each of these meetings, the Standards Committee members who had been observing, would provide feedback to the relevant Chair. A letter detailing general feedback and findings was shared with Group Leaders following the review process; in addition to Code of Conduct matters, this letter also included general observations made by the Standards Committee members in relation to processes/constitutional issues / matters relating to hybrid meetings.

The following corrections were noted in relation to the Meetings Schedule at page 45, Enclosure 1 of the report:-

County Council meeting on 6/12/22 - It was agreed prior to the meeting that the independent members were not expected to attend this meeting.

Corporate Scrutiny Committee on 19/10/22 - It was noted that the Chair, Vice-Chair and Mrs Gill Murgatroyd, (independent member of the Standards Committee), attend the meeting.

RESOLVED:-

- **To accept the Chief Executive's recommendation that the Democratic Services Committee considers the general matters identified during the observation exercise, which fall outside the remit of the Standards Committee.**
- **It was agreed the Standards Committee would continue to review the Corporate Scrutiny Committee.**
- **It was agreed to revisit the pilot and evaluation sheet in 6 months.**
- **That the Standards Committee provides feedback from this exercise to the elected members.**
- **That the Council Leader's request for the Standards Committee members to observe the Executive be discussed in the Standards Committee's next informal meeting.**

Action: See Resolution above

10. LOCAL RESOLUTION PROTOCOL

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Standards Committee's Local Resolution Protocol (LRP) following

changes brought into force by the Local Government and Elections (Wales) Act 2021, in relation to the new statutory duty on Group Leaders with regard to the conduct of their members.

The Monitoring Officer reported that it is not a statutory requirement for local authorities to adopt a LRP, although Welsh Government and the Ombudsman expect Councils to do so.

It was noted that the Chair and Vice-Chair presented a revised version of the LRP to Group Leaders at their meeting on 29 September 2022.

The LRP was presented to Members at a Briefing Session on 1 December 2022.

The Monitoring Officer referred to the new draft version of the LRP in Enclosure 1, which has been simplified, and takes into account the enhanced role expected by Group Leaders in relation to the conduct of their group members. She gave an overview of how the new LRP will work, and explained the principles involved in the process.

It was noted that Group Leaders supported the principles of the revised LRP which reflects the legislation as it now stands. The Standards Committee was requested to approve and adopt the final version of the LRP.

RESOLVED:-

- **To note the agreement of Group Leaders to the LRP in Enclosure 1.**
- **To approve and adopt the LRP as per the draft in Enclosure 1.**
- **To encourage the use of the LRP in Enclosure 1 by members in relevant circumstances; and**
- **To review the process adopted and the document itself in 12 months' time.**

Action: See Resolution above

11. COMMUNITY COUNCIL MEMBERS OF THE STANDARDS COMMITTEE

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer on the appointment of two Community Council members to the Standards Committee, following the local government elections in May 2022.

The Monitoring Officer reported that a process has been undertaken whereby requests were made to clerks of town and community councils to nominate up to two councillors for the role of town and community council representatives on the Standards Committee.

On 6 October 2022, a postal ballot was conducted in each of the town and community councils, and a request was made for ballot papers to be returned by 19 November 2022. On 23 November, two successful candidates were identified, and the process was verified by the Chair of the Standards Committee.

A report was presented to the County Council at its meeting on 6 December 2022 requesting the full Council's decision to appoint the successful candidates. The County Council approved the recommendations in the report, and appointed the following community councillors to the Standards Committee until the next local government election or until they stop being community councillors, whichever is sooner:-

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

RESOLVED:-

- **To note the content of the report; and**
- **To note the appointment of Councillor Margaret Ann Thomas and Councillor Iorwerth Roberts as town and community council representatives on the Standards Committee by the County Council meeting on 6 December 2022.**

Action: See Resolution above

12. CODE OF CONDUCT TRAINING FOR THE TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Solicitor (Corporate Governance) on the three Code of Conduct Training sessions offered to the town and community councils following the May 2022 election.

The Solicitor (Corporate Governance) reported that the Standards Committee is responsible for maintaining high standards of conduct by councillors. It was noted that training on the Code of Conduct, for town and community councillors, is not mandatory, but it is an expectation of the Ombudsman, the APW and the Standards Committee. Each town and community council must adopt a Code of Conduct and each councillor, on election, must undertake to act in accordance with their Council's Code of Conduct.

Training on the Code was arranged for town and community councillors, on behalf of the Standards Committee. It was noted that, of the 90 spaces available for training, only 37 attended. It was further noted that no members or clerks from 29 of the 40 town and community councils attended the training sessions.

Reference was made to page 89 section 6 paragraph 3 on the Welsh version of the report. A correction was made in relation to the words "ffactor lliniaru" - '*failure to have attended training on the Code would be considered as an aggravating factor*', the Welsh version should read "ffactor gwaethybol" (aggravating) and not "lliniaru" (*mitigating*) factor in Welsh.

Discussion focused on ways to encourage town and community councils to provide feedback from training sessions and to prepare a training programme for their members/clerks; which is now a statutory requirement.

RESOLVED:-

- That the Standards Committee consider the content of the report and the information in Enclosure 1, in terms of the number of members who have attended training sessions, and also the pattern in terms of the number of town and community council members who have not undertaken training.
- That the Standards Committee refers to poor attendance rates at training sessions, and promotes training in town and community councils, in the Newsletter to Town and Community Councils.
- That the Chair and Vice-Chair raise the issue of attendances at training sessions in the Town and Community Council Forum.

Action: See Resolution above

13. TERMS OF REFERENCE FOR THE NATIONAL STANDARDS COMMITTEE FORUM

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer, following recommendations made in the Penn Review of the Ethical Arrangements in Wales to set up a National Standards Committee Forum, covering all of Wales, in place of the current North Wales Standards Committee Forum.

The Forum's Terms of Reference has been included in Enclosure 1 of the report..

The Monitoring Officer reported that the Forum meeting which had been scheduled on 8 December 2022 had been postponed until 27 January at 2.00pm.

RESOLVED:-

- To note the contents of the report, and the Terms of Reference included in Enclosure 1.
- That the Chair of the Standards Committee attends the National Standards Committee Forum meeting on 27 January 2023.
- That the Monitoring Officer circulates the minutes of the National Standards Committee Forum to the Standards Committee members upon receipt.

Action: See Resolution above

The meeting concluded at 4.05 pm

**MR JOHN R JONES
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
Meeting:	Standards Committee
Date:	14 June 2023
Title of report:	Elected Members' Annual Reports
Report by:	Head of Democracy
Purpose of Report:	To update the Committee on annual report arrangements for 22/23

Background

1. A report was presented to the Standards Committee in its meeting on 14 December outlining the arrangements and the timeline for receiving and publishing members' annual reports for 2022/23.
2. Following the low number of reports that were presented for the 21/22 period, the Committee requested that Democratic Services take steps to encourage and facilitate the process of preparing reports for 22/23.
3. 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. Although there is no statutory requirement for Members to prepare a report, it is good practice so as to promote local accountability and as a way of presenting information on their roles and responsibilities.
4. In accordance with Welsh Government statutory guidance on annual reports made under the Local Government Measure (2011), the Council has adopted a reporting template to facilitate the task for members. The template follows the recommendations of the guidance and includes the following headings:
 - Role and responsibilities
 - Ward activity
 - Initiatives and special activities
 - Learning and development

- Other activities and issues

Annual Reports Arrangements 22/23

5. The reports are published on the Council's website in the section that provides information on elected members. Only 4 reports were submitted for the 2021/22 period. The May 2022 local elections had an impact on the situation along with job vacancies and capacity issues in Democratic Services at the time.
6. In order to prepare effectively for 22/23 and to raise the awareness of new elected members, the following messages were circulated:
 - 14 July 2022 – e-mail to all elected members explaining the process and timetable and including a copy of the annual report template.
 - 2 February 2023 – briefing with group leaders on the process and timetable for preparing reports.
 - 15 February 2023 – e-mail to all elected members to remind them of the process and deadline and including a copy of the template. It was also explained how to get in touch with Democratic Services with any questions.
 - 31 March 2023 – a reminder was included in the Standards Committee newsletter to all members with a link to the template (the template was published on the Council's Monitor intranet).
 - 17 May 2023 – e-mail to all elected members to remind them of the process and deadline and including a copy and link to the template.
 - 2 June 2023 – e-mail to all elected members with a final request for reports.
7. Members were asked to send their reports to Democratic Services by 26 May 2023. In order to give members every opportunity to respond, the deadline was extended, and the final reports were received on 6 June. The reports will need to be reviewed and translated to ensure consistency. We aim to publish the reports on the Council's website by the end of June.
8. A total of 19 out of 35 reports (54%) have been received for 2022/23. Although this is a significant increase on 21/22, as mentioned in paragraph 5 above, there were exceptional circumstances last year. It is more accurate to compare with 2020/21 when 16 out of 30 reports (53%) were submitted.

Next steps

9. The information in this report will be presented to the Democratic Services Committee on 28 June and there will be a discussion in a group leaders' meeting in June.
10. Although presenting an annual report is considered good practice, it is not a statutory requirement, so ensuring a high proportion of responses is challenging. In order to make the process as easy and efficient as possible, over the next few weeks Democratic Services officers will consider further steps, including:
 - Further discussions with individual members to understand any barriers.
 - Discussion with other County Councils to identify good practice / lessons learnt.
 - Develop the template to ensure that it is as easy as possible to use.

Recommendation

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

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	14 th JUNE 2023
TITLE OF REPORT :	MEMBER DEVELOPMENT
REPORT BY :	HUMAN RESOURCES TRAINING MANAGER
CONTACT OFFICER :	MIRIAM WILLIAMS (extension 2512)
PURPOSE OF REPORT :	TO PROVIDE AN UPDATE ON TRAINING AND DEVELOPMENT MATTERS FOR ELECTED MEMBERS

1. INTRODUCTION

The purpose of the report is to provide the Standards Committee with an update on Training and Development matters since the report presented in June 2022 and to provide an overview of the provision offered to Elected Members during the last financial year.

In addition, information regarding arrangements in place for the 2023-2024 training plan is also presented.

2. THE PLAN

Between 11 May 2022 and 31 March 2023, 59 training days were offered to Elected Members by the Human Resource Training Team – note that these sessions were in addition to the regular briefing sessions available to them.

The training offered covered a wide range of subject areas, some of which relate to specific Committees e.g. Planning/Audit whilst additional generic sessions such as Chairing and ICT skills were made available to all. Attendance at sessions 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 x25 (additional session arranged for March 2023)

- General Data Protection Principles (GDPR) x19
- Cyber Security x35
- Safeguarding x21

3. PLAN FOR 2023-2024

As highlighted in section 4 of the Member Development Strategy (see appendix 1), The Local Government and Elections (Wales) Act 2021 requires that local authorities provide every Member with the opportunity to have an annual review of his/her training needs. Arrangements were put in place for all Members to be offered a Development Interview by the end of April.

The development interview should ideally be conducted by the member's group leader. If this is not possible, then the interview can be conducted with the Head of Democracy. The interview should focus on the member's roles and responsibilities and the outcome from the above will be an individual Development Plan for each Member who undertakes an interview or provides details of his /her training needs to the Head of Democracy (within the constraints of available budgets and other resources).

In order to ensure the Training programme addresses the Authority's overall needs in addition to that of individual Members, the Authority's Strategic Leadership Team and Heads of Service will be consulted and invited to submit any potential development and training needs for their area of responsibility.

All the above will be taken into account in drawing up the 2023-2024 plan which will be presented to the Chair of Democracy and Head of Democracy for approval.

4. 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 2022) and which can be found on the Authority's E-Learning Platform, Learning Pool. Elected Members also have access to Health & Wellbeing information; generic modules as well as those specifically for their roles.

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

As a new arrangement this year, quarterly reports will be distributed to Group Leaders which record details of specific training Members of their Group have offered/attended.

5. 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. In addition, consideration will be given to hosting classroom/hybrid sessions during 2023/2024.

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.

6. IN SUMMARY

Acknowledgement is given to the high number of training sessions that were arranged at the beginning of this term however as the year progressed the number eased. Where Elected Members were unable to attend some of the mandatory sessions, the intention is to offer further sessions during 2023/2024 programme in order to ensure compliance.

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

7. RECOMMENDATION

- To note of the content of the report

Miriam Williams
HR Training Manager
June 2023



Isle of Anglesey County Council

MEMBER DEVELOPMENT STRATEGY

2022 - 2027

**‘Shaping the future through
developing people’**

Review date: March 2027

MEMBER DEVELOPMENT STRATEGY

1. Introduction

1.1 The Isle of Anglesey County Council recognises that there are ever increasing demands on, and expectations of Members, given the pace of legislative change and constantly changing environment. There is therefore a requirement to ensure that effective development and support is in place to enable them to fulfil the demands of their roles.

1.2 The Council is operating in a constantly changing environment, having to respond to changes in legislation (e.g. Local Government (Wales) Act 2015, Well-being of Future Generations (Wales) Act 2015 and Social Services and Well-being (Wales) Act 2014); Local Government and Elections (Wales) Act 2021, reducing budgets whilst taking on new responsibilities. This requires Elected Members and a workforce that are flexible and responsive to change. The Council is faced with an extremely challenging and demanding programme which includes:-

- Collaborating with other local authorities and agencies to improve service delivery.
- Responding to budget cuts year on year.
- New, challenging and changing roles for Elected Members.
- New political management arrangements and responsibility for the scrutiny of other public service providers.
- An emphasis on continuous improvement.
- Corporate Governance.
- Digital and Technical Developments

1.3 In embracing these challenges, the Council must continue to develop its Members so that they:

- Are responsive to change.
- Maximise the use of all available resources.
- Can challenge the Council and other organisations fairly and identify best practice.
- Are focussed on maximising the outcomes provided by public services within the challenging climate of diminishing financial resources.

- Are influential community leaders.

2. Purpose of the Strategy

2.1 To enable Councillors to operate efficiently and effectively in fulfilling their various roles it is the Council's policy to identify the learning and development needs of all Councillors.

2.2 This requires a proactive approach towards Member Development and support in the form of internally and externally facilitated presentations, seminars and workshops as well as through specific training courses. The Council has supported Member development through the allocation of a specific budget and applied its policy on an equal basis to all 35 Members, as well as supporting co-opted members of the Standards, Audit and Scrutiny committees. This system was formalised in 2008 when the Council was awarded the WLGA's Charter for Member Support and Development, which was subsequently renewed in 2019.

2.3 The Council recognises the need to further improve opportunities and support for Members and their learning and development needs. Charter status underlines the continuing importance of training and development for Members and ensures future provision will be based on need, provided by professionals where the quality of training is monitored for quality and provided to all Members on an equal basis.

3. Member Development Strategy – Aims and Objectives

3.1 Member Development refers to any development activities or training programmes specifically designed to improve the knowledge, skills and abilities of Elected Members in their varied roles.

3.2 This strategy aims to equip Members with the skills and knowledge they need in their current and future roles and role descriptions amended/updated as required. To ensure that this strategy meets the needs of Members and the Council, activities will be properly planned, resourced within current budget limits, monitored and evaluated.

3.3 The strategy's main objectives are:-

- To achieve a clear and shared understanding of the various Member roles.

- To improve the performance of senior post holders aided by annual Personal Support and Development Interviews.
- To provide an integrated induction and ongoing role, skills and knowledge programme of development opportunities for all Members.
- To provide opportunities for Elected Members to develop and enhance their digital skills which will serve to become proficient and effective with technological challenges
- To provide support tailored to the needs of Members based on individual training needs analysis.
- To monitor the impact of the strategy and use feedback to improve over time and celebrate success.

3.4 The Council will provide Elected Members with flexible and responsive training and development that is based on individual and organisational needs. This will maximise the effectiveness of Members in their various roles to ensure that the Isle of Anglesey County Council will be regarded as a leader in the provision of support to Elected Members and deserving of Charter status.

3.5 This strategy should be read in conjunction with the Authority's current corporate "Learning, Training and Development Policy"

4. Implementing the Charter Requirements

4.1 It is fundamental to its success that Members take a leading role in its development, will oversee its implementation, willingly participate with the requirements of the Charter and play a full role in evaluating and monitoring its progress and effectiveness.

4.2 The Wales Charter for Member Support and Development sets out a rigorous and structured approach for Member development. Set out below are the Charter's main requirements and the Council's approach to their implementation:-

4.2.1 Members are supported with role descriptions, which are reviewed as required and are subject to formal approval before circulation to all members, including co-opted members. They will be used to inform the individual training and development plans which will be available to all members.

Links from the standard role descriptions and personal specifications are made to each member's personal online page.

4.2.2 Members are supported in undertaking their duties according to high standards of conduct – Code of Conduct training has been identified as a core element of the Member Development Programme and training will be provided as need is identified.

4.2.3 Members are supported in understanding their roles and responsibilities as set out in the Constitution – Appropriate training will be provided on the various roles of both Members and committees.

4.2.4 A Member learning and development strategy has been adopted – This document has been adopted by Council as its Member Development Strategy.

4.2.5 The Local Government and Elections (Wales) Act 2021 requires that local authorities provide every Member with the opportunity to have an annual review of his/her training needs. Arrangements will be put in place for all Members to be offered a Development Interview and Members will be reminded of this opportunity on an annual basis. The WLGA Charter further requires that all Members who receive a Senior Salary must undergo such an interview.

4.2.6 In order to ensure that the training and development needs cover as wide a range of Member requirements as possible, where individual Members do not take up this option they will be given the opportunity to respond either directly to the Head of Democracy and/or Lead for Workforce Development by telephone, e-mail or in writing.

4.2.7 Identification of the Authority's Needs – In order to ensure the programme addresses the Authority's overall needs in addition to that of individual Members the Authority's Strategic Leadership Team and Heads of Service will be consulted on an annual basis to submit any potential Member development and training needs for his/her area of responsibility.

4.2.8 Individual Development Plans – The outcome from the above will be an individual Member Development Plan for each Member who undertakes an interview or provides details of his /her training needs to the Head of Democracy (within the constraints of available budgets and other resources).

4.2.9 E-Learning – A series of e-Learning modules will be developed and utilised as a key element of Member development.

4.2.10 A development programme for councillors is in place with a mechanism for its annual review – A Member Development Programme will be agreed by the Democratic Services Committee annually, taking into account and evaluating the previous year's plan, individual Member development reviews, feedback from Members who respond to the Head of Democracy and feedback from officers and the Authority's Strategic Leadership Team.

4.2.11 All Members are made aware of, guided to and are able to access the development activities equally – A programme of training events will be circulated to all Members.

4.2.12 Prospective candidates, candidates and new Members are informed of their role and responsibilities – Prospective candidates will be provided with appropriate information, events and support during the period leading up to an election.

4.2.13 Development activities are relevant and of high quality – A range of both in house and external provision will be utilised as appropriate and an evaluation of each session undertaken.

4.2.14 There is a clear responsibility for leading the programme, driving the strategy and monitoring the outcomes – The Democratic Services Committee, supported by the Head of Democracy, will be responsible for both this strategy and the programme.

4.2.15 Resources are identified and provided for Member development – An annual training budget will exist to meet Member development requirements, the level of which being subject to the financial constraints of the Authority.

4.2.16 All Members will be offered the opportunity to request mentoring with mentors who have received appropriate training to undertake the role.

4.2.17 Officer support is provided for Member development, support and scrutiny – The Democratic Services Committee, supported by the Head of Democracy, will have responsibility for ensuring that adequate support exists.

4.2.18 Arrangements made for the business of the Council are flexible and enable Members to participate fully, regardless of personal circumstances – An annual report will be presented to Council to consider the dates and times of meetings for the coming year, taking account of the requirements of the Local Government and Elections (Wales) Act 2021 and to address the diversity of the Elected Members.

4.2.19 Contact management and communication – Members will be supplied with appropriate information as part of an Induction pack and on the Council's Intranet site to support them in undertaking their duties.

The Authority will maintain standards for response times to e-mails, telephone calls and written correspondence.

4.2.20 Annual Reports – All Members will be offered the opportunity of producing an Annual Report in line with requirements

4.2.21 All Members are provided with adequate access to ICT – Appropriate equipment, support and training will be provided to Members.

4.2.22 Information resources are provided – Appropriate resources and information are available to Members in an appropriate format.

4.2.23 Facilities for Members to work in the Council are available – The Democratic Services Committee, supported by the Head of Democracy, will periodically review that accommodation, ICT and other related resources are adequate to meet Member needs.

5. Strategy Delivery

5.1 The Chair of the Democratic Services Committee, as the Member Development Champion will lead on this, supported by the Head of Democracy. The Strategy/Charter Application will be presented to Council, but adopting the annual plan, monitoring and reporting will be the responsibility of the Democratic Services Committee.

5.2 The purpose of the Committee's work in this respect will be:-

- To establish a comprehensive and robust Member Training and Development process using the principles of the WLGA Charter for Member Development and Support.
- To ensure that Member Development becomes part of the overall mainstream organisational activity.
- To make recommendations to Council, as appropriate, on Member Support, particularly Member Development.
- The co-ordination and continuous evaluation of the Member Development Programme.
- To monitor progress against the Strategy's objectives.

5.3 All Member training and development activities provided as a result of this Strategy will:-

- Be secured from the most effective and appropriate training providers or facilitators from within or outside the Authority.
- Respond to the needs of Members for method and style of delivery.
- Take into account the principles of relevant Council policies.
- Planned and delivered at suitable times and locations to meet the diverse range of Elected Members.

6. Evaluation of the Strategy

6.1 Progress will be continually monitored and evaluated by the Democratic Services Committee and the Head of Democracy.

6.2 The development of Members as a result of the activities will be assessed by themselves with support of appropriate senior Members and Officers if participating in the Personal Support and Development Interviews.

7. Resources

7.1 An annual budget will be included in the Corporate Training budget to support Member Training and Development activities. The Head of Democracy has overall

responsibility for Member Development and is supported by the HR service to co-ordinate, liaise and organise the relevant training.

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Conduct Complaints to the Public Services Ombudsman for Wales (PSOW)
PURPOSE OF THE REPORT:	To advise the Committee of the complaints which have been sent to the PSOW in relation to (a) County Councillors and (b) Town and Community Councillors.
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. INTRODUCTION

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

2. UPDATES

2.1 The reports for Quarter 1 (April – June 2022) and Quarter 2 (July - September 2022) for 2022/2023 were submitted at the Standards Committee meeting on 14 December 2022.

2.2 A copy of the report for Quarter 3 for 2022/2023 [October – December 2022], in relation to County Councillors, appears at **Enclosure 1**.

A copy of the report for Quarter 3 for 2022/2023 in relation to Town and Community Councillors, appears at **Enclosure 2**.

2.3 A copy of the report for Quarter 4 for 2022/2023 [January – March 2023], in relation to County Councillors, appears at **Enclosure 3**.

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

2.4 The reports for Quarters 3 and 4 (**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 OMBWDSMON – “O” – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH
CYNGHORWYR CYNGOR SIR YNYS MÔN - DIWEDDARIAD**

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

Chwarter 3 (Hydref - Rhagfyr 2022) – 2022/2023 – Quarter 3 (October – December 2022)

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

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

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

Chwarter 3 (Hydref - Rhagfyr 2022) – 2022/2023 – Quarter 3 (October – December 2022)

Enw'r Cynghorydd 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				

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

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

Chwarter 4 (Ionawr – Mawrth 2023) – 2022/2023 – Quarter 4 (January – March 2023)

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 OMBWDSMON – “O” – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH
CYNGHORWYR CYMUNEDOL A THREF - DIWEDDARIAD**

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

Chwarter 4 (Ionawr – Mawrth 2023) – 2022/2023 – Quarter 4 (January – March 2023)

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

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Published findings by the Public Services Ombudsman for Wales for all Councils in Wales
PURPOSE OF THE REPORT:	To advise the Committee of all Wales findings published on its website by the Public Services Ombudsman for Wales for the period between 1 December 2022 and 31 May 2023.
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. INTRODUCTION

As noted in a previous report (December 2022), the [Public Services Ombudsman for Wales \(PSOW\)](#) has changed the way it now publishes findings made in relation to Code of Conduct cases.

Since April 2021, Code of Conduct Casebooks are not be published 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 December 2022 to May 2023 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 applies 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. QUARTERLY NEWSLETTER

In addition to the information on the website, the Ombudsman also publishes quarterly Newsletters. The first Quarterly Newsletter from the Public Services Ombudsman for Wales (dated May 2023) can be seen [here](#).

4. 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
1. Gwynedd Council Case ref number 202107843	31/10/2022	The Ombudsman's office received a complaint that a member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had behaved inappropriately when she responded in German to correspondence she received in Welsh.	Integrity. The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct: 4(a) – Members must carry out their 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. 4(b) – Members must show respect and consideration for others. 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.	<p>The Member admitted responding to 2 emails written in Welsh, in German. She expressed remorse and regret for her actions. She said that she was unaware the Council's translation services were available to her for this type of correspondence. However, the investigation found that, given the Member's length of service, she ought to have known that the Council had a translation service and that responding in German would be perceived as inappropriate. The Ombudsman therefore considered that the Member's conduct was indicative of a breach of paragraphs 4(a), 4(b) and 6(1)(a) of the Code of Conduct.</p> <p>The report on the investigation was referred to the Monitoring Officer of Gwynedd Council for consideration by the Council's Standards Committee.</p> <p>The Standards Committee concluded that the Member had breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code of Conduct.</p> <p>Accordingly, the Standards Committee decided that the Member should be suspended for 1 month, be required to attend training and provide a written apology to the Complainant within 3 weeks. The Standards Committee also</p>	CODE – Integrity CODE - Referred to Standards Committee	Link to Gwynedd Council's Standards Committee's report at its Hearing on 18 April 2023 is available here .

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
				recommended for the Council to consider assisting Members when they receive correspondence in a language they do not understand, either by utilising its own staff or by sign-posting the Member to a relevant translation service provider.		
2. St Harmon Community Council Case ref number 202106162	29/11/2022	<p>The Ombudsman's office received a complaint that a former member ("the Former Member") of St Harmon Community Council ("the Council") had breached the Code of Conduct. It was alleged that the Former Member had failed to declare interests at 2 Council meetings when a report by Audit Wales was discussed.</p> <p>The Former Member admitted that she was aware that she had personal and prejudicial interests, but she did not declare them as she did not want to be made to leave the meetings. She agreed that she had addressed Council</p>	<p>Disclosure & register of interest.</p> <p>The investigation considered whether the Former Member failed to comply with the following provisions of the Code of Conduct:</p> <p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>7(a) – Members must not in their 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.</p> <p>10(1) – Members must in all matters consider whether they have a personal interest,</p>	<p>The investigation found that the Former Member's conduct was suggestive of a breach of paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a), 14(1)(c) and 14(1)(e) of the Code of Conduct.</p> <p>The Tribunal concluded that the Member had breached paragraphs 11(1), 14(1)(a) and 14(1)(e) of the Code of conduct by failing to disclose the existence and nature of personal and prejudicial interests in relevant business, in failing to withdraw from meetings dated 1 April and 3 November 2021 and in making oral representations in respect of that business in the meetings.</p> <p>The Tribunal also concluded that the Member had breached paragraph 6(1)(a) of the Code of Conduct by conducting herself at such meetings in a manner which could reasonably be regarded as bringing her office or authority into disrepute.</p> <p>The Tribunal further concluded that the Member had breached paragraphs 7(a) and 14(1)(c) of the</p>	<p>CODE - Disclosure & register of interest</p> <p>CODE - Referred to the Adjudication Panel for Wales</p>	<p>Case discussed under a separate Agenda item (Summary of APW reports – item 7 on the Agenda, case number 2).</p> <p>Link to the APW's decision is available here.</p>

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
		and took part in votes at both Council meetings. The Former Member said that she had no regrets about her actions.	<p>and whether the Code of Conduct requires them to disclose that interest.</p> <p>10(2)(c) – Members must regard themselves as having a personal interest in any business of their authority if a decision upon it might reasonably be regarded as affecting their wellbeing or financial position, or that of a person with whom they live, or any person with whom they have a close personal association.</p> <p>11(1) – Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</p> <p>11(2) – Where a Member has a personal interest in any business of their authority and they make oral representations to a member or officer of their authority they should disclose the</p>	<p>Code of Conduct by using or attempting to use her position improperly to avoid a disadvantage for another person and seeking to influence a decision about relevant business.</p> <p>Accordingly, the Tribunal 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>		

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
			<p>interest at the commencement of such representations, or when it becomes apparent to them that they have such an interest, and confirm the representation and interest in writing within 14 days of the representation.</p> <p>12(1) – Where a Member has a personal interest in any business of their authority, they also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.</p> <p>14(1)(a) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held —</p>			

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
			<p>i. where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration;</p> <p>or</p> <p>ii. in any other case, whenever it becomes apparent that that business is being considered at that meeting.</p> <p>14(1)(c) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about business.</p> <p>14(1)(e) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any</p>			

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
			business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.			
3. Porthcawl Town Council Case ref number 202105146	30/11/2022	<p>The Ombudsman received a complaint that a member ("the Member") of Porthcawl Town Council ("the Town Council") had breached the Code of Conduct for Members.</p> <p>It was alleged that the Member had failed to declare a personal and prejudicial interest regarding an association with an employee ("the Employee") of a company which the Town Council had contracted for work. It was also alleged</p>	<p>Disclosure & register of interest</p> <p>The investigation considered whether the Member's conduct may have breached paragraphs:</p> <p>6(1)(a) - Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>7(a) – Members must not in their 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</p>	The investigation found that the Member and Employee had had a short relationship in 2020, during which it was likely that the Member had a personal and prejudicial interest which they would have needed to declare and withdraw from relevant meetings where associated matters were discussed, or in approving invoices. The evidence obtained suggested that the Member had not approved invoices whilst the relationship was ongoing, and whilst they had attended several Town Council meetings, which included associated items, only one of these meetings fell within the period of the relationship. The Ombudsman determined that the Member may therefore have breached paragraphs 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct with regard to the meeting within the relevant period.	<p>CODE - Disclosure & register of interest</p> <p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test i.e.</p> <p>(1) the evidential test - is there direct evidence that a breach of the Code took place; and</p> <p>(2) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is 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>that the Member had allowed an inaccurate Internal Audit report to be published on the Town Council's website. The Ombudsman determined that investigation of the allegations concerning interests was appropriate, and the investigation considered whether the Member's conduct may have breached paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct.</p> <p>Information was obtained from the Town Council, including relevant minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.</p>	<p>person, a disadvantage.</p> <p>11(1) – Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</p> <p>14(1)(a) – Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</p> <p>14(1)(b) - Where a member has a personal interest in any business of their authority, they should not exercise executive or board functions in relation to that business.</p>	<p>It was found that as the Member and Employee's association was neither close or acrimonious after the relationship ended, the interest was no longer personal and prejudicial. The Ombudsman's investigation also found there was insufficient evidence to suggest the Member had used their position improperly or brought their office as a member or the Town Council into disrepute in breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct.</p> <p>The Ombudsman considered that in the light of the limited involvement in the Town Council's business during the relationship and the fact that the Member had reflected on their position and that they should have considered their obligations under the Code and sought advice, it was unlikely a sanction would be imposed and it was not in the public interest to take further action in respect of the matter. However, it was recommended that the Member should attend refresher training on the Code of Conduct in respect of the matters investigated.</p> <p>The Ombudsman 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>		<p>The PSOW was satisfied that the Member may have breached paragraphs 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct; but considered there was insufficient evidence of a breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct. However, the case 'failed' on the second stage i.e. it was considered that a sanction was unlikely and so it was not in the public interest to take further action.</p> <p>The PSOW made a recommendation that the Member should attend refresher training on the Code of Conduct in respect of the matters investigated.</p>
4.	05/12/2022	The Ombudsman	Promotion of equality &	Information was obtained from the	CODE -	Only limited

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p>Radyr and Morganstown Community Council</p> <p>Case ref number 202105923</p>		<p>received a complaint that a Member (“the Member”) of Radyr and Morganstown Community Council (“the Council”) had breached the Code of Conduct.</p> <p>It was alleged that the Member made racist comments to another member of the Council by making a seemingly out of context and negative reference to a political and religious figure to the Complainant who was of the same religion as that figure. The Ombudsman determined that an investigation into the comments was appropriate and considered whether the Member’s conduct may have breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.</p>	<p>respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 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; - 4(b) – must show respect and consideration for others; - 4(c) – must not use bullying behaviour or harass any person; - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>Council, including relevant meeting minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.</p> <p>The investigation found that the Member’s comments could reasonably be said to fall within the realms of freedom of expression. The investigation found that the Member’s explanation for his comments, the fact that he had posted previously on social media about similar issues and that he said that he did not intend to be disrespectful to the Complainant and her faith suggested that he was entitled to express his views. His comments did not go beyond what was lawful comment and did not amount to gratuitous or personal comment or hate speech. The Ombudsman was not persuaded that the comments amounted to a breach of paragraph 4(a), 4(b), 4(c) or 6(1)(a) of the Code of Conduct.</p> <p>The Ombudsman found that under Section 69(4)(a) there was no evidence of any failure to comply with the Code of Conduct.</p>	<p>Promotion of equality and respect</p> <p>CODE - No Evidence of Breach</p>	<p>information is provided in the case summary. However, it shows that the PSOW continues to use the two stage test i.e.</p> <p>(1) the evidential test - is there direct evidence that a breach of the Code took place; and</p> <p>(2) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p>
<p>5.</p> <p>Haverfordwest</p>	20/02/2023	The Ombudsman received a complaint that a Member (“the	Promotion of equality and respect.		CODE - Promotion of equality &	No details provided.

ENCLOSURE 1 (December 2022 – May 2023)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
Town Council Case ref number 202200117		Member”) of Haverfordwest Town Council (“the Council”) had breached the Code of Conduct for Members of the Council. The report on the investigation was referred to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.			respect CODE - Referred to Standards Committee	A link to Pembrokeshire County Council's Standards Committee's homepage is here . No Hearing has taken place to date.
6. Powys County Council Case ref number 202101250	22/02/2023	The Ombudsman's office received complaints that a Member of Powys County Council had breached the Code of Conduct. The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.	Objectivity and propriety		CODE - Objectivity and propriety CODE - Referred to Adjudication Panel for Wales	No case reported upon to date. A report will be presented to the Standards Committee when the APW publishes its decision. A link to the APW's decision homepage is available here .
7. Saundersfoot Community Council	03/03/2023	The Ombudsman received a complaint from a member of the public (“the complainant”) that a Member of	Promotion of equality & respect.	Having considered the evidence submitted from both of the parties involved, none of the information or evidence available suggested that one account should be preferred over the other. Therefore, in the absence	Promotion of equality & respect CODE - Discontinued	Only limited information is provided in the case summary. However, it shows that the PSOW

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
Case ref number 202202280		<p>Saundersfoot Community Council ("the Council") had failed to observe the Code of Conduct for Members.</p> <p>It was alleged that the Member approached the complainant and behaved aggressively towards him over a parking matter. The complainant alleged the Member had behaved in a bullying and intimidating manner and used his position to belittle and humiliate him.</p> <p>The complainant said that the Member behaved in a way that was bullying and intimidating. The Member acknowledged there was an encounter but said that he did not behave poorly in the interaction. There is no other witness or CCTV evidence available.</p>		<p>of any independent evidence of the incident, the Ombudsman was unable to say whether the behaviour of the Member was suggestive of a breach of the Code of Conduct.</p> <p>Further investigation of this matter was unlikely to yield any information which would alter the balance of evidence available and therefore it was not proportionate or in the public interest to continue the investigation.</p>		<p>continues to use the two stage test i.e.</p> <p>(1) the evidential test - is there direct evidence that a breach of the Code took place; and</p> <p>(2) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p>

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Adjudication Panel for Wales Decisions
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales to date (published since the last Committee meeting on 14 December 2022)
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. INTRODUCTION AND BACKGROUND

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

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

and

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

This report includes decisions published by the APW during the period since the Standards Committee meeting on the 14 December 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/011/2021-022/CT: Former Councillor Sheila Jenkins : 17 March 2023

2.2 Appeals adjudicated

APW/012/2022-023-AT: Councillor Paul Rogers : 15 February 2023

3. RECOMMENDATION

To note the content of the case summaries

Summary of Cases before the Adjudication Panel for Wales – December 2022 to May 2023

Name	Summary of Facts	Decision Summary	Findings
1. Councillor Paul Rogers Wrexham County Borough Council – Brymbo Community Council APW/012/20 22-023-AT Page 55	<p>Following a decision by the Standards Committee of Wrexham County Borough Council (“the Standards Committee”) that the Appellant breached the Code of Conduct of the Relevant Authority on 12 January 2023, and the Notice of Decision emailed to the Appellant on 17 January 2023, the Appellant made an application for permission to appeal under Regulation 10(8) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) Regulations 2001.</p> <p>The President of the Adjudication Panel for Wales (“APW”) deemed the application to have been made out of time.</p>	<p>The Appellant’s appeal was received by the APW on 14 February 2023, outside of the 21 day period in which applications for permission to appeal must be received. The application was sent by post. The deadline by when the application had to be received by the APW was 7 February 2023, 21 days from the notification by the Standards Committee on 17 January 2023; it is not sufficient to post the application within that period. While the letter enclosing the application is dated 6 February 2023, the requirement of Regulation 10(2) is that the notice must be given to the APW within the 21 day period. There is no deemed service provision within the Regulations, nor any ability to grant an extension to the 21-day period.</p> <p>In addition, the Registrar for the APW informed the Appellant in response to his email on 6 February 2023 that the application could be submitted electronically; it was the choice of the Appellant not to do so.</p> <p>The Deputy Monitoring Officer advised the Appellant that the deadline was 9 February 2023; the President asked the Registrar to ask the Monitoring Officer to provide further information as to when and how the notification of the decision of the Standards Committee was sent to the Appellant. The notification was dated 17 January 2023 and marked as sent by email only. Evidence was immediately provided that the notification was sent to the Appellant on 17 January 2023. Emails are regarded as received on the date that they are sent; the time to appeal ran from 17 January 2023.</p> <p>The APW’s President decided that an Appeal Tribunal would not be convened to consider the Appellant’s appeal as it was considered to have been made out of time.</p>	<p><u>Learning Points:</u></p> <p>➔ Members are able to appeal against the decision of the Standards Committee by submitting their appeal to the Adjudication Panel for Wales within 21 days of receipt of the Standards Committee’s decision. Such appeal can be sent in the post or electronically. Where electronic notification is given (by the Appellant or the APW), the notification period begins immediately.</p> <p>➔ Members must be mindful of the strict time limits and that there are no exceptions.</p> <p>➔ The details of the 12.01.2023 Standards Committee Hearing can be seen here.</p>
2. Former Councillor Sheila Jenkins St Harmon Community	<p>By letter dated 29 November 2022, the Ombudsman made a referral to the APW and submitted a Report in relation to allegations made against the Respondent, these allegations being as follows.</p>	<p><u>Paragraphs 11(1), 14(1)(a) and 14(1)(e) of the Code of Conduct.</u></p> <p>Paragraph 11(1) of the Code of Conduct states that; ‘<i>Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</i>’</p> <p>Paragraph 14(1)(a) of the Code of Conduct states that; ‘<i>Subject to sub-paragraphs</i></p>	<p><u>Case Tribunal’s determination as to Sanction.</u></p> <p>The Case Tribunal considered all the facts and evidence. It also had regard to <u>the Adjudication Panel for Wales current Sanctions Guidance</u>.</p>

Name	Summary of Facts	Decision Summary	Findings
<p>Council</p> <p>APW/011/20 21-022/CT</p> <p>Page 56</p>	<ul style="list-style-type: none"> - That the Respondent failed to declare personal and prejudicial interests at two Council meetings, despite being aware that she had such interests, and remained in the meeting room and addressed Council on both occasions. The PSOW considered that the Respondent's actions were therefore suggestive of breach of paragraphs 11(1), 14(1)(a) and 14(1)(e) of the Code of Conduct for Members ('the Code'). - That the Respondent used emotive terms in addressing Council and took part in votes at both meetings and in doing so, the Respondent's conduct could reasonably be perceived as being capable of influencing the decision of the Council. The PSOW also alleged that presence alone at those meetings was capable of influencing the Council's decision-making and that the conduct could also be perceived as attempting to secure an advantage 	<p><i>(2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held —</i></p> <p><i>i. where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or</i></p> <p><i>ii. in any other case, whenever it becomes apparent that that business is being considered at that meeting.'</i></p> <p>Paragraph 14(1)(e) of the Code of Conduct states that; '<i>Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.</i></p> <p><u>Case Tribunal's determination as to alleged breach of paragraph 11(1), 14(1)(a) and 14(1)(e) of the Code of Conduct.</u></p> <p>In considering this matter, the Case Tribunal considered the relevant provisions of the Code which explain the nature of personal and prejudicial interests and had regard to the PSOW Guidance for Members of Community and Town Councils.</p> <p>Whilst the business of the meeting of 1 April 2021 appeared to deal with the narrow issue of the factual accuracy or otherwise of the draft Audit Wales report, the business did also partly relate to the former Chairman. The Case Tribunal considered that whilst the draft report dealt with wide-ranging governance and financial concerns applicable to the Council as a whole, it did also specifically refer to three individuals, one of whom was the Respondent's husband. The Respondent's husband had declared a personal and prejudicial interest and had left the meeting accordingly.</p> <p>The Case Tribunal concluded that the Respondent had a personal interest in the business of the meeting of 1 April 2021, as the Council's decision might reasonably be regarded as affecting her husband's well-being. The Case Tribunal also considered this interest to be a prejudicial interest as it was clearly so</p>	<p>Regardless of any difficult background issues, the Case Tribunal considered that the breach was serious in certain respects, particularly in relation to the question of voting on whether to refer her husband to the PSOW. As such, it considered that the case was one which would normally attract disqualification or suspension for a significant number of months. In the circumstances, and in view of the serious nature of the breach, the Case Tribunal considered that it had no option other than to impose a period of disqualification.</p> <p><i>Aggravating factors</i></p> <p>The Case Tribunal went on to consider any aggravating factors in this case. It concluded that the following factors applied and that the Respondent: -</p> <ul style="list-style-type: none"> - was engaged in deliberate conduct and use of office/a position of trust to attempt to avoid a disadvantage for her husband; - had breached the Code at two meetings and the Respondent's behaviour had therefore been repeated. - had chosen not to attend training on the Code; - had engaged in conduct with little or no concern for the Code; - had ignored advice given by

Name	Summary of Facts	Decision Summary	Findings
<p style="text-align: center;">Page 57</p>	<p>for another person by taking part. The PSOW considered that the Respondent's conduct was therefore suggestive of a breach of paragraphs 7(a) and 14(1)(c) of the Code.</p> <ul style="list-style-type: none"> - That the Respondent's conduct at the meetings and subsequent press coverage may have brought the Respondent's Council and/or her office as a member into disrepute. The PSOW also alleged that knowingly disregarding the Code of Conduct showed lack of regard for the ethical standards regime in Wales which may affect public confidence in local democracy. The PSOW considered that the Respondent's conduct was therefore suggestive of a breach of paragraph 6(1)(a) of the Code. <p>The matter referred to an Audit Wales Report regarding the Council. The Respondent's husband was the Chair at the time the report had been prepared. The report included reference to the</p>	<p>significant that it was likely to prejudice the Respondent's judgment of the public interest. It noted from the evidence that the Respondent failed to declare any interests, remained in the meeting and addressed the meeting.</p> <p>As to the meeting of 3 November 2021, the Case Tribunal considered that the Respondent had a clear personal interest, as one of the recommendations in the Audit Wales report directly affected the Respondent's husband. One of the recommendations made by Audit Wales was to consider whether matters raised in its report should be referred to the PSOW, as potential breaches of the Code. The Council duly decided to report the former Chairman to the PSOW. The Case Tribunal also considered that the personal interest was one which a member of the public would reasonably regard as being so significant that it was likely to prejudice the Respondent's judgment of the public interest.</p> <p>The Case Tribunal also noted a further undisputed material fact that, not only did a decision of 3 November 2021 directly affect a person with whom the Respondent had a close personal relationship, but a second decision also directly affected herself. Again, the Respondent remained in the meeting, did not declare her clear personal and prejudicial interests in this respect and did not withdraw from the meeting once an additional proposal was made that the Respondent be reported to the PSOW</p> <p>The Case Tribunal noted that the Respondent spoke but abstained in the vote on the 1 April 2021 and abstained in the vote relating to the proposal to refer herself to the PSOW in the meeting of 3 November 2021. Nevertheless, the Case Tribunal considered that the business of the meetings could reasonably be regarded as affecting the well-being of both the Respondent and her husband, as a referral to the PSOW would have been a matter of concern, embarrassment and discomfort to both. The Case Tribunal found that as the Respondent had not withdrawn from either meeting and had also made oral representations at the meetings and had not received dispensation to do so, the Respondent was in clear breach of the Code.</p> <p>The Case Tribunal considered that the Respondent's answers during her interview indicated that she had not fully appreciated the requirements of the Code. She had equated declaring a personal interest with a requirement to leave the meeting, which was not the case. In addition, as to prejudicial interests, her answer during her interview indicated that she had not fully appreciated the meaning of this paragraph.</p>	<p>the Clerk regarding the Code at both meetings even though the Respondent accepted that the Clerk wanted her to declare an interest, and she had also chosen not to attend any Code training.</p> <p><i>Mitigating Factors</i></p> <p>The Case Tribunal also considered mitigating factors in this case. It concluded that the following factors applied, that the Respondent: -</p> <ul style="list-style-type: none"> - had a relatively short period of service and inexperience in the role; - had a previous record of good service; - had co-operated with the investigation officer. <p>In addition to these mitigating factors highlighted from the Sanctions Guidance, the Case Tribunal considered the Respondent's responses during PSOW interview had been honest and straightforward. The Case Tribunal accepted the Respondent's evidence of her serious health condition in the absence of medical evidence and gave credit to the fact that the Respondent had not sought to use her health condition to excuse any failure to adhere to the Code, nor did she seek to blame others for this failure.</p>

Name	Summary of Facts	Decision Summary	Findings
<p style="text-align: center;">Page 58</p>	<p>Respondent's husband. The Respondent attended and took part in meetings when the report was being discussed. The Respondent did not declare any personal or prejudicial interest.</p>	<p>Finally, the Case Tribunal noted that this was not a case where the Respondent was attempting to hide the fact that she was related to the former Chairman. Nevertheless, the Case Tribunal noted that the Respondent accepted that she was aware that she was acting in breach of the Code's provisions.</p> <p>The Case Tribunal therefore found by unanimous decision that the Respondent had breached Paragraph 11(1), 14(1)(a) and 14(1)(e) of the Code of Conduct.</p> <p><u>Paragraphs 7(a) and 14(1)(c) of the Code of Conduct.</u></p> <p>Paragraph 7(a) of the Code of Conduct states that; <i>'Members must not in their 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.'</i></p> <p>Paragraph 14(1)(c) of the Code of Conduct states that; <i>"...where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee – not seek to influence a decision about that business"</i>.</p> <p><u>Case Tribunal's determination as to alleged breach of paragraphs 7(a) and 14(1)(c) of the Code of Conduct.</u></p> <p>In considering this matter, the Case Tribunal had regard to the PSOW Guidance for Members of Community and Town Councils in relation to the Code.</p> <p>The Case Tribunal considered that in the light of its finding on the Disputed Material Fact above, the Respondent had intended to influence proceedings and decisions of the Council. As to Paragraph 7(a) of the Code, the Case Tribunal considered that the wording of the Paragraph required a degree of intent or knowledge that the member's actions could influence others. In the light of its finding on the Disputed Material Fact and the evidence, the Case Tribunal was satisfied that the Respondent's failure to declare interests, her participation in meetings and particularly her voting on her husband's position, were all actions designed to try to prevent him being reported to the PSOW. It considered that her actions in the meeting of 3 November 2021 were either a conscious or subconscious attempt to use her position to avoid a disadvantage for her husband.</p> <p>As to the comments which the PSOW alleged were suggestive of a breach of paragraph 7(a) of the Code, these were quoted in the press as "The way [Audit</p>	<p>The Case Tribunal also noted the Respondent's position that there were entrenched views within the Relevant Authority and that she had been seeking to put forward an alternative view. Nevertheless, the Case Tribunal noted that there were other members who could have put forward an alternative view and that there were procedures in place which could have enabled her to speak, to include the procedure in Paragraph 14(2) of the Code as well as the right to apply to the Relevant Authority's Standards Committee</p> <p>In view of the Respondent's resignation the day after the meeting of November 2021, the sanction of suspension was clearly not a sanction available. As to former members, Paragraph 47 of the Guidance states <i>'In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate... This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected...'</i></p> <p>The Case Tribunal accepted that</p>

Name	Summary of Facts	Decision Summary	Findings
<p style="text-align: center;">Page 59</p>		<p>Wales] have personally gone for the chairman with their hands around his neck is disgusting. He has been made a scapegoat". The Minutes recorded it in slightly different terms that the Respondent had said as follows "Audit Wales had it in for the chairman from the start and had been hanging around his neck, which is disgusting." There was no clear evidence to confirm whether the press had been present at the meeting of 3 November 2022 or whether the Respondent's comments had been passed on to the press. The Case Tribunal was satisfied however that the Minutes provided an official record of the meeting and that on the balance of probabilities, the Respondent made the comment recorded in the Minutes.</p> <p>Whilst the Respondent was adamant that she did not intend to, and did not think she could change anyone's mind she clearly spoke in emotive terms in support of her husband and voted to avoid his referral. She said that her intention was only to defend her husband in the face of what she considered to be entrenched views. Whilst in this particular case, the Case Tribunal considered it unlikely that the Respondent's presence influenced others, her contribution to the debate could conceivably have persuaded others to temper their views. By voting on the issue, the Case Tribunal considered that this could have influenced and changed the outcome of the vote.</p> <p>It was noted that the Relevant Authority provided an opportunity for members of the public to speak on issues at Council meetings. There is no available evidence to indicate whether the Respondent was advised or sought advice in this regard. Nevertheless, the Respondent could therefore have spoken in any event by virtue of Paragraph 14(2) of the Code and then left the meeting. However, by acting in the role of Member and in particular by using her right to vote, the Case Tribunal considered that she had attempted to use her position improperly to avoid a disadvantage to her husband.</p> <p>The Case Tribunal therefore found by unanimous decision that the Respondent had breached Paragraph 7(a) and 14(1)(c) of the Code of Conduct.</p> <p><u>Paragraph 6(1)(a) of the Code of Conduct</u></p> <p>Paragraph 6(1)(a) of the Code of Conduct 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>Case Tribunal's determination as to alleged breach of paragraph 6(1)(a) of the</p>	<p>the Respondent had no intention of returning to member duties, nevertheless the Case Tribunal noted that sanctions had other overarching purposes. They not only provided a disciplinary response to an individual member's breach of the Code, but they were also to deter future misconduct by others and promote a culture of compliance across authorities generally. It considered there to be a requirement to reinforce the importance of the Code as well as the principles of selflessness, propriety and objectivity in decision-making.</p> <p>In the circumstances, the Case Tribunal considered whether 'No Action' or 'Disqualification' as detailed in the Sanctions Guidance was an appropriate outcome.</p> <p>In view of the Respondent's prompt resignation following the events of 3 November 2021, her candid responses during interview and her accepted ill-health, this was a finely balanced decision. The Case Tribunal also considered Article 10 in the context of imposing sanctions. Being mindful of the public interest however and the need to uphold the law, ethics and morals and to protect the rights of others in a democratic society, the Case</p>

Name	Summary of Facts	Decision Summary	Findings
Page 60		<p><u>Code of Conduct.</u></p> <p>In considering this matter, the Case Tribunal had regard to the PSOW Guidance for Members of Community and Town Councils in relation to the Code of Conduct.</p> <p>The Case Tribunal considered that the Guidance provided a list of case examples where a breach of paragraph 6(1)(a) had been found to have occurred. The Case Tribunal considered that these examples were not comparable to the behaviour of the Respondent in this case. The Case Tribunal was nevertheless mindful that behaviour at a public meeting could, in some cases, amount to behaviour capable of breaching paragraph 6(1)(a) of the Code of Conduct.</p> <p>As to the press report submitted in evidence, the Case Tribunal considered that this arose in the context of <i>'an Audit Wales report which criticised the council for inadequacies in governance, financial management and internal control arrangements.'</i> The headline however referred specifically to the Respondent's husband as the Chairman during the period upon which the Audit Wales report had focused, being the 2018-2019 financial year. The press report went on to say that Councillors had also agreed to refer the Respondent to the Ombudsman 'but she has since resigned from the authority.' It went on to state that the Respondent had been reported for attending two council meetings when the audit report was discussed, and she should have declared a personal and prejudicial interest. The Respondent's comments were also reported.</p> <p>The Case Tribunal considered that the Respondent's actions had arisen in a situation where it is likely that the Relevant Authority had already been brought into disrepute in the light of the critical Audit Wales Report. It was a 64-page document which focused in detail on governance, and financial management and internal control failures of the Council as a whole, whilst also referencing the role of three individuals connected to that Authority, including the former Chairman of the Council. Nevertheless, the Case Tribunal considered that the deliberate conduct of the Respondent on its own, in particular at the meeting of 3 November 2021 was also capable of bringing the Relevant Authority and the role of member into disrepute.</p> <p>It considered that members of the public should be able to expect their elected members not to participate in proceedings and particularly not to vote on matters which directly affect their spouses, friends or close personal associates. They would be expected to be acting solely in the public interest and not to benefit their own interests or those of people close to them. Doing otherwise, and deliberately</p>	<p>Tribunal was satisfied that a finding of 'No Action' would not be appropriate in this case. There was an expectation that members would act with integrity, act in accordance with the trust that the public placed in them, lead by example, and promote public confidence by acting in the public and not private interest. The Respondent had not done so.</p> <p>In all the circumstances therefore and bearing in mind the Respondent's disregard of the Code and absence of regret for her actions, as well as the wider purpose of sanctions as outlined in the Guidance, it considered that the sanction of disqualification was appropriate. It considered that this was necessary to underline the importance of the Code and the need for members to reflect upon its purpose when undertaking to abide by the Code on taking office. It considered that disqualification for a period was a proportionate and necessary sanction in this case.</p> <p>The Case Tribunal therefore found by unanimous decision that the Respondent should be disqualified for 12 months from being or becoming a member of the Relevant Authority or any other relevant authority within the meaning of the Local</p>

Name	Summary of Facts	Decision Summary	Findings
Page 61		<p>so, would inevitably attract adverse publicity and local press interest and ultimately reduce trust in the role of member.</p> <p>In conclusion, the Case Tribunal considered that the Respondent had deliberately disregarded the requirements of the Code of Conduct by failing to declare a personal and prejudicial interest at both meetings and continuing to participate in them.</p> <p>It considered that voting on the issue of referral of her husband to the PSOW was a serious breach of the Code. The press also reported the nature of the breach. Whilst it considered that the predominant reasons for press attention of the Relevant Authority was due to the actions of the Council as a whole and of named individuals in the Audit Wales report, the Respondent's disregard of the Code requirements could also reasonably be regarded as bringing the Authority and office into disrepute. The Respondent made it clear that she would have acted in the same way again as her "husband came first."</p> <p>As for the comments made by the Respondent and recorded in the minutes of the meeting of 3 November 2021, the Case Tribunal considered that whilst they were somewhat emotive, they were not egregious in the context of ordinary political debate. It did not consider that these comments in themselves constituted a breach of the Code and noted that the comments were likely to have been made in the heat of the moment.</p> <p>The Case Tribunal therefore found by unanimous decision that the Respondent had breached Paragraph 6(1)(a) of the Code of Conduct.</p>	<p>Government Act 2000.</p> <p><u>Learning Points:</u></p> <ul style="list-style-type: none"> ➔ Members are encouraged to obtain advice from the Clerk. ➔ Members are encouraged to undertake training on the Code of Conduct so as to understand the provisions in relation to the disclosure of personal and prejudicial interests. ➔ 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. ➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Local Resolution Protocol in the Town and Community Councils
PURPOSE OF THE REPORT:	To provide information about how the Standards Committee is going to assist Town and Community Councils in an informal resolution process
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer lbxc@ynysmon.llyw.cymru 01248 752586

1. INTRODUCTION AND BACKGROUND

1.1 The previous Public Services Ombudsman for Wales (PSOW) introduced a threshold test for conducting investigations into alleged breaches of the code of conduct. This change applied to both county councillors and Town and Community councillors. The current Ombudsman [in post since April 2022], continues to use this “two stage test”.

1.2 County Councils were previously asked to each devise a local resolution protocol to deal with “low level disputes” alleging breaches of the code; with specific reference to disputes between councillors involving allegations of a failure to show respect / consideration.

This Council has recently adopted an updated local resolution protocol (LRP) for its elected and co-opted members [discussed under item 10 on the Agenda at the last Standards Committee meeting in December 2022; a link to the report is available [here](#)]. The process remains voluntary for individual councillors.

A link to the LRP was included in the Standards Committee Newsletter sent to members in March 2023.

1.3 Following a similar request being made by the PSOW for suitable, informal arrangements for Town and Community councils [TCCs], [One Voice Wales](#) (the principal organisation for community and town councils in Wales) devised and published a Local Resolution Protocol for TCCs which can be seen [here](#).

1.4 Whilst the One Voice Wales LRP is available for all TCCs to adopt, the Standards Committee has previously assisted TCCs (in an effort to support these councils) when circumstances fall outside the remit of that LRP. Such involvement has been at the discretion of the Chair of the Standards Committee.

1.5 As work has recently been done to assist County Councillors with a LRP, it is timely to consider developing a LRP which will complement the One Voice Wales LRP / that is useable when the OVW document cannot assist TCCs.

2. THE PROPOSAL

2.1 Previously, the Standards Committee has made it clear that it would expect the One Voice Wales LRP to be used by members and Clerks in TCCs. However, in limited circumstances, the Standards Committee will become involved.

2.2 A draft Town and Community Council Local Resolution Protocol is attached at **Enclosure 1**.

2.3 The proposed TCC LRP details that the Standards Committee will become involved, via the Standards Committee's Chair, upon request from the Chair or a Clerk of the town or community council or following a TCC resolution, and only in circumstances where the Standards Committee's Chair considers it would be beneficial, that resources/capacity permit and that the matter(s) of concern are within the terms of reference of the Standards Committee, specifically that they relate to matters of conduct.

3. OTHER AUTHORITIES

3.1 A request was made so ascertain the position of other Standards Committees in North Wales in relation to their involvement in assisting to restore relationships following disputes in their TCCs. Two responses were received and neither Council operate a separate LRP for the TCCs in their area; they only refer to the LRP developed by One Voice Wales.

4. THE PROCESS FOR OPERATING THE PROPOSAL

4.1 If the Standards Committee accepts the proposal put forward in this report, the workings of what is included in **Enclosure 1** (as amended, if required) will be shared with the TCCs in the next Standards Committee Newsletter.

4.2 Arrangements will be made for the independent members and the TCC representatives on the Standards Committee to undertake Mediation training, so as to assist them in relation to all their LRP duties.

5. RECOMMENDATION

5.1 For the Standards Committee to confirm:

5.1.1 its agreement to the draft Local Resolution Protocol, attached at **Enclosure 1** of this report, for use in the Town and Community Councils, and subject to this, for

5.1.2 the details of the LRP to be communicated to the Town and Community Councils in their next Newsletter by the Standards Committee.

ENCLOSURE 1:**DRAFT Local Resolution Protocol for the Town and Community Councils**

1. The Standards Committee encourages all Town and Community Councils to adopt a Local Resolution Protocol [LRP] and suggests that Councils utilise the LRP published by One Voice Wales. A copy is available here.
2. In circumstances where the One Voice Wales LRP is not suitable or is unworkable, a request for informal assistance can be made to the Chair of the Standards Committee. A request must be made by the:
 - 2.1 Chair of the Town or Community Council;
 - 2.2 Clerk of the Town or Community Council; or
 - 2.3 Town or Community Council itself following a resolution.
3. The Standards Committee's Chair will consider each matter based upon its own facts and will only become involved in circumstances where the Chair considers that:
 - 3.1 The Standards Committee's involvement could be beneficial;
 - 3.2 The Standards Committee has the resources and /or the capacity to assist; and
 - 3.3 The matter of concern falls within the remit of the Standards Committee's terms of reference, and in particular relates to issues of conduct / behaviour.

The Standards Committee will not become involved in governance issues within Town and Community Council.
The Chair has the absolute discretion to decide if the Standards Committee will become involved in the matter or not.
The decision of the Standards Committee's Chair is final.
4. Any process followed by the Standards Committee's Chair will be voluntary for all parties. It will be an informal process with limited paperwork.

Agreed by the Standards Committee – **[DATE]**

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Update on the National Forum for Independent Members of Standards Committees
PURPOSE OF THE REPORT:	As above
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. INTRODUCTION

1.1 A report was presented at the last Standards Committee meeting in December 2022 [item 13 and available [here](#)], advising that a National Standards Committee Forum was being set up, as a result of the recommendation made by the Penn Review of the Ethical Regime in Wales.

2. MEETINGS HELD

2.1 The first meeting of the National Standards Committee Forum was held on 27 January 2023.

2.2 In accordance with the Forum's terms of reference, only the Chair of each Standards Committee attends the Forum meetings.

2.3 The Monitoring Officers from the North Wales authorities attend on a rota basis.

2.4 Correspondence has been received following the Forum's meeting including a recording of the meeting and draft Minutes. These have been shared with the Standards Committee members.

2.5 The Chair of this Standards Committee also shared a personal report following his attendance at January's Forum meeting and this was distributed to all the members of this Standards Committee.

2.6 The next Forum meeting is scheduled on 30 June 2023. Mr John R Jones as the Chair of this Committee will be attending.

3. THE FORUM'S DOCUMENTATION

3.1 A protocol for dealing with the publication of documentation made available by the Forum will be raised at the next Forum meeting. In the meantime, the Standards Committee's Chair, who attended the last Forum meeting, will provide an update to the members of the Standards Committee by relaying factual information presented at the meeting which is in the public domain.

4. RECOMMENDATION

4.1 For the Committee to note the contents of this report.

4.2 For a verbal update to be provided by the Chair of this Standards Committee following his attendance at the National Standards Committee Forum's first meeting on 27 January 2023.

4.3 For the Committee to consider if there are any items it wishes to suggest as items for the Agenda of the next Forum meeting on 30 June 2023.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Draft Annual Report for the Standards Committee 2022/2023
PURPOSE OF THE REPORT:	For the Standards Committee to approve the draft report in readiness for the next full Council meeting
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. BACKGROUND

- 1.1 There is a statutory requirement for the Standards Committee to present an annual report to full Council.
- 1.2 The report currently being considered (**Enclosure 1**) is the Standards Committee's Annual Report for 2022/2023. The period of the report runs from 1 April 2022 to 31 March 2023.
- 1.3 The Standards Committee members have met informally to discuss the draft report for 2022/2023 and to agree a proposed work programme for 2023/2024 (which appears as an appendix to the 2022/2023 annual report).
- 1.4 The draft report is incomplete as the process for Group Leaders to provide information in relation to their new duties as Group Leaders is ongoing. Details about that process is included in the draft annual report. It is envisaged that this process will conclude during the summer of 2023, in readiness for the Committee's final report to be presented to full Council in September 2023.

2. RECOMMENDATION

2.1 For the Standards Committee to agree

- 2.1.1 the contents of the draft report and its enclosures, as included in **Enclosure 1** to this report;
- 2.1.2 that the current draft annual report for 2022/2023 (**Enclosure 1**) is updated in accordance with information obtained during the process of gathering information from the Group Leaders; and

- 2.1.3 that any changes to the annual report (**Enclosure 1**) are made either in an informal meeting or via correspondence with all Committee members, in accordance with the Chair's instructions, having discussed with the Monitoring Officer.

Isle of Anglesey County Council	
MEETING:	County Council
DATE:	12 September 2023
TITLE OF REPORT:	Annual Report of the Standards Committee
REPORT BY:	Standards Committee
PURPOSE OF REPORT:	To report on the activities of the Standards Committee in 2022/2023 and to secure Council approval for the Committee's Work Programme for 2023/2024.
CONTACT OFFICER:	Lynn Ball, Director of Function (Council Business) / Monitoring Officer (ext 2568) lbxcs@ynysmon.llyw.cymru

1. Introduction

This is the second annual report of the Standards Committee to the County Council, a requirement brought into effect by the Local Government and Elections (Wales) Act 2021.

However, it has been customary in this Council for many years for the Chair of the Standards Committee to present an annual report to Council. The topics covered in those reports are very similar to those that are now required under the legislative provisions.

This is the Standards Committee's report for the period April 2022 - March 2023.

2. Membership

The Standards Committee is a statutory committee which comprises 9 members (2 County Councillors, 5 independent members and 2 Town and Community Council members). Details of the Committee and its membership is available [here](#).

(A) Independent Members:

The terms of four independent members ends on 19th December 2027 whilst the term of the fifth independent member ends on 11th December 2025.

One current independent member has decided to submit their resignation before the end of their term and a recruitment process is currently underway by the Standards Committee's Selection Panel in order to appoint to this role. Mrs Celyn Menai Edwards will resign on the appointment of the new independent member.

The Chair must be appointed from among the independent members. Mr John R Jones was appointed Chair at a Standards Committee meeting in February 2020. The Chair is appointed for a period of four years. An individual may be re-appointed as Chair.

Mr Rhys Davies is Vice Chair and his term also ends in February 2024. Mr Davies is eligible to be re-elected.

(B) Town and Community Councillors:

Following a recruitment period after the last Local Government election (May 2022), two Town and Community Councillors were appointed by full Council at its meeting on 6 December 2022. These are Councillor Margaret Ann Thomas of Llangefni Town Council and Councillor Iorwerth Roberts of Bryngwran Community Council. They will sit on the Committee until the next Local Government election or until such time as the appointees are no longer Community Council members, whichever occurs first. A Community Council member may be re-appointed for one further consecutive term, provided that the Isle of Anglesey Town and Community Councils have collectively agreed to select the current Community Council members as nominee for the appointments.

(C) County Councillors:

The current County Council representatives (since May 2022) are Councillor Trefor Lloyd Hughes and Councillor Dafydd Rhys Thomas.

3. Role and Responsibility

The Standards Committee's statutory role and functions, in relation to County Council members and Town/Community Council members, have remained largely the same for a number of years, and include:-

- (a) promoting and maintaining high standards of conduct by Members;
- (b) assisting Members to observe their Code of Conduct;
- (c) advising, training, or arranging to train Members;
- (d) considering applications for dispensations;
- (e) dealing with any referrals from the Public Services Ombudsman for Wales (PSOW), or the Adjudication Panel for Wales (effectively the national Standards Committee).

However, with the introduction of the Local Government and Elections (Wales) Act 2021 ('the Act'), there are additional duties expected of the Standards Committee as of May 2022. These are detailed below:

➤ **Annual Report:**

The Standards Committee is now required to make an annual report to the Council, as soon as reasonably practicable at the end of the financial year, and the Council must consider the report and any recommendations made by the Committee within three months of its receipt.

As a minimum, the report must:

- describe how the Committee has discharged its functions during the preceding year;
- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales (PSOW) relating to the investigation of alleged breaches of the code of conduct, and any subsequent action taken by the Committee;

- describe the advice it has provided on training for all Members and how that advice has been implemented, and
- include the Committee's assessment of how Group Leaders have complied with their new duty to promote high standards of conduct, including the advice the Standards Committee has provided and the training it has suggested in relation to this duty.

➤ Duty of a Standards Committee to monitor Group Leader's compliance and provision of advice and training.

A new duty has been placed on Leaders of Political groups to take reasonable steps to promote and maintain high standards of conduct by members of the group. This responsibility is placed on a Leader of a political group within the Council. In order to demonstrate compliance with this duty a further duty is imposed on the leader of a political group to co-operate with the Council's Standards Committee in the exercise of the Committee's functions.

The Standards Committee must monitor how Group Leaders are complying with their new responsibility and consider how it is ensuring it satisfies the requirement to provide advice and training to Group Leaders under the umbrella of this duty.

4. Information on the Committee's duties and how they have been discharged during 2022/2023

4.1 Local Resolution Protocol:

➤ Local Resolution Protocol for members of the County Council:

An amended Local Resolution Protocol (LRP) for members of the County Council was developed and agreed during the 2022/2023 term. The LRP was developed by the Standards Committee, having considered the new legislative requirements and drawing from its experience to date, and agreed with Group Leaders. A copy can be seen [here](#).

We believe this document is user-friendly and simple to follow and are confident in endorsing it.

Whilst we would like to think that the LRP would not be needed, we do hope, and indeed we would encourage Members to use it should the circumstances arise. Members have been involved in its development (with presentations made by the SC Chair and Vice Chair to a meeting of Group Leaders, and it being the subject of a Briefing Session with all Members); Members have also been reminded of its adoption in the Standards Committee's Newsletter in March 2023.

There have not been any instances where the LRP has been engaged since its adoption.

➤ Local Resolution Protocol for members of Town and Community Councils:

One Voice Wales (the national representative membership organisation for Community and Town Councils throughout Wales) has developed a LRP for use by Town and Community Councils and can be seen [here](#). However, the process

outlined in that LRP is dependent on the Clerk and/or the Chair of the Town / Community Council to manage it. In our experience, the Clerk and/or the Chair are often parties to the dispute / subject to the complaint and so that LRP can be of limited use.

Therefore, this Standards Committee will be discussing the possibility of developing an alternative LRP for use in the Town and Community Councils, when the One Voice Wales Model is not workable or where the particular Council has not adopted the One Voice Wales LRP. This work is included in the Standards Committee's work programme for 2023-2024.

Whilst Code of Conduct matters within Town and Community Councils is within the Committee's remit, the LRP developed will make clear that the Committee will not become involved in matters regarding constitutional or procedural issues within the Town or Community Council.

The Committee Chair (together with other members of the Committee) has been asked to assist in some Town and Community Councils during the 2022/2023 period and more information is available in paragraph 4.2 below.

4.2 Town and Community Councils:

The Standards Committee has a responsibility in relation to Town and Community Councils and to fulfil this responsibility the Committee has undertaken the following work this year.

The Committee has undertaken a number of interventions at Town and Community Councils during the term of this report, usually upon contact having been made by third parties including members of the Councils themselves or County Councillors.

The process followed for all of these involvements has been to write to the Chair and Clerk of the particular Council with details of the concerns that have been brought to the attention of the Standards Committee's Chair and that two members of the Standards Committee are intending on attending the next meeting of their Town/Community Council as observers.

Following that meeting, correspondence is sent to the Clerk and Chair to inform them of the SC members' conclusions.

Four Community Councils have been subjected to such observations during the term of this report / the current term; details included are general and names are removed so as to avoid Councils being identified:

Community Council A:

In one Community Council, a second meeting was observed before the SC members offered a Review of the Register of Interests and Code of Conduct related matters to the Council. A Review meeting was conducted and comprehensive correspondence was sent to the Clerk and Chair, with a request for it to be shared with all Council members, detailing the SC members' recommendations. No further action is envisaged in this Council.

Community Council B:

In another Community Council, following the first observation meeting, it was deemed that the best course of action would be to offer a Review of the Register of Interests and Code of Conduct related matters to the Council. The Clerk, on behalf of the Council, agreed but suggested a delay in the timetable due to other commitments. The Standards Committee wishes to carry out this Review in Summer 2023 and it is included on the Committee's work programme for 2023/2024.

Community Council C:

Similarly, in Community Council C, following the first observation meeting, it was deemed that the best course of action would be to offer a Review of the Register of Interests and Code of Conduct related matters to the Council. The Clerk, on behalf of the Council, rejected this offer in the first instance. The Chair has again written to the Council to ask for it to reconsider and to explain that the purpose of the Review is to assist Councils. The Standards Committee hopes that the Council will agree to this offer (which is a completely voluntary process) and that it will be able to carry out this Review in Summer 2023. In the hope the Council agrees, this Review is included on the Committee's work programme for 2023/2024.

Community Council Ch:

Two members of the SC attended a first observation meeting at Community Council Ch. The Clerk was advised that they could contact the Standards Committee should they deem a Review to be useful in the future. The matter is included on the Committee's work programme for 2023/2024.

The pattern seen above is part of the appetite for developing a Local Resolution Protocol for Town and Community Councils as this type of work is in high demand and is effecting heavily on the Committee's capacity and resource.

The Chair and Vice Chair of the Standards Committee have attended the Town and Community Council Forum meetings on 08.09.2022 [with details following from the Committee's formal meeting in June 2022] and on 27.02.2023 [again, with details following from the Committee's formal meeting in December 2022, and to discuss the draft Newsletter that was being developed].

4.3 Newsletters:

For some time, the Committee issues Newsletters following their bi-annual formal meetings. This is considered a more effective and user-friendly method of communicating with Councillors, by providing snippets of information, and sign-posting them to where they may obtain more details.

The Committee issued Newsletters in September 2022 and March 2023, following the Chair and Vice Chair attending meetings of the Group Leaders and the Town and Community Council Forum to discuss the topics that would be covered.

The newsletters sent to the Town and Community Councils can be found at **Enclosure 3 and 4.**

The similar, but slightly different, Newsletters sent to Members of the County Council (elected and co-opted) are included in **Enclosure 5 and 6**.

An additional document was sent with the March 2023 Newsletters – “Meet the Members of the Isle of Anglesey County Council’s Standards Committee”. A copy is included in **Enclosure 7**.

4.4 Group Leader Duty and reporting to the Standards Committee:

As detailed in Section 3 above, a new duty has been placed on Leaders of Political groups to take reasonable steps to promote and maintain high standards of conduct by members of the group. Political group Leaders are also required to co-operate with the Council’s Standards Committee in the exercise of the Committee’s functions.

Similarly, the Standards Committee has a new duty that it must monitor how Group Leaders are complying with their new responsibility and consider how it is ensuring it satisfies the requirement to provide advice and training to Group Leaders under the umbrella of this duty.

To this end, work has been done during the period of this report, and continues on the Standards Committee’s work programme for 2023/2024, on how Group Leaders are reporting to the Standards Committee in this regard.

A pro-forma report has been developed and shared with Group Leaders. A draft of the paperwork presented to Group Leaders on 27 April 2023 is included in **Enclosure 8**.

More information to be included here when details are received from the Group Leaders.

4.5 Review of the Ethical Standards Framework and Model Code of Conduct (‘Penn Report’):

In July 2021, Richard Penn presented the Independent Review of the Ethical Standards Framework in Wales. The Committee has been involved in considering the outcome of that report.

More recently, the Committee has been involved in considering a Consultation by Welsh Government arising from the Penn Review.

The work on this matter is included in the Committee’s Work Programme for 2023-2024 as responses to the Consultation are needed by 23 June 2023.

It is likely that work will be required following the outcome of the Welsh Government’s Consultation and the Committee be taking any relevant action accordingly.

4.6 Reports from the Public Services Ombudsman for Wales (PSOW):

Reports from the PSOW in relation to complaints received for alleged breaches of the code of conduct by members of the County Council or Town and Community Councils are issued on a quarterly basis. They are also included on the Agenda for the bi-annual Standards Committee meetings.

- Over the past year, three complaints have been received by the PSOW. These complaints were reported in quarter 1.
One complaint was in relation to a County Councillor and two in relation to Town and Community Councillors.
In respect of the complaint against the County Councillor, the PSOW decided not to investigate.
In relation to the Town and Community councillors, in one case, the PSOW decided not to investigate and in the other matter (a case which was reported as having started in the previous financial year) the PSOW's investigation was terminated.
- It is encouraging to note that no complaints were received in quarters 2, 3 and 4, the most recent periods for which reports have been received.

The Standards Committee has considered undertaking an analysis of complaints and any emerging patterns and mitigating measures. However, there are currently so few complaints that it is not possible to determine any patterns.

4.7 Dispensations:

Dispensations may be granted by the Standards Committee, in certain circumstances defined by statute, where the member would otherwise be unable to participate in a debate or decision owing to a significant (prejudicial) personal interest. The Standards Committee may sometimes be in a position to overreach that prejudicial interest if certain conditions are met. The Dispensations Regulations apply to County Council members and Town and Community Council Members.

No applications for dispensations have been received during the last financial year.

All County Council members and Town and Community Council members are advised to consider whether an application for dispensation may be appropriate for them in some circumstances and are encouraged to contact the Monitoring Officer for advice. Links to Briefing Notes on Dispensations are shared with members in their respective Newsletters too (see **Enclosures 3-6**).

4.8 Code of Conduct: Setting the level of registering gifts and hospitality

The Code of Conduct places a duty on members to register gifts and hospitality above a level which is set by each authority.

The current threshold in this Council is £20. The level has been set at this amount for a number of years.

The first Recommendation made in the Richard Penn report is that the threshold for declarations of any gift, hospitality, material benefit or advantage should be specified in the Code to ensure consistency across Wales.

It is noted in the Welsh Government Consultation document that there is no intention to amend the Model Code but Welsh Government has included a recommendation in its statutory and non-statutory guidance arising from the Local Government and Elections (Wales) Act 2021 that the approach to the setting of the level of this amount is reviewed and agreed within individual councils and that such regular reviews of the

threshold are included in the Standards Committee's annual report. The guidance also suggests that this matter be routinely discussed by monitoring officer and chairs of standards committees' group.

Indeed, there has been some discussion at national level (in both Monitoring Officer meetings and the National Standards Committee Forum) about harmonising the amount and for all Welsh authorities to set the same threshold voluntarily, without requiring a legislative change. The proposed threshold discussed by the National Standards Committee Forum is £25.

The Standards Committee agrees to this change in an effort to be consistent with other Authorities in Wales and on the basis the level is very similar to what is currently required in this Authority, it is unlikely to cause any great difficulties.

If Council agrees to this proposal i.e. to raise the registration level for gifts and hospitality received by members to £25, the Standards Committee proposes that it will include such recommendation in the next relevant / appropriate report on constitutional matters presented to the Executive and full Council.

4.9 Training

The Human Resources Development Manager presents a report to each Standards Committee formal meeting which includes considering the content of and the actions taken in relation to the Council Members' Development Programme. The Committee is given an opportunity to provide its input on the Programme as it is developed and consider how Members comply.

Following a review of the Council and some of its Committees' meetings, the Standards Committee made a recommendation that training for Council and Committee Chairs and Vice-Chairs should be mandatory, both on election and every two years if re-elected. This proposal was presented before a meeting of the Group Leaders who agreed with this recommendation.

Training for the Standards Committee members is part of each year's Work Programme for the Committee. The Training for the members conducted during the period of this report includes training on the Code of Conduct for Members on 20 May 2022 (following the Local Government election) and subsequently in February 2023 (following the appointment of two Town and Community Council representatives on the Committee). Work is also ongoing with the Human Resources department to ensure compliance with completing mandatory training modules, including the Chaining of meetings for both Chair and Vice Chair of the Committee.

The Standards Committee has also arranged training on the Code of Conduct for members of the Town and Community Councils in October 2022. Four sessions were arranged but only three were held, due to a lack of interest from the Town and Community Councils. The low attendance records was subject to a discussion at the Standards Committee in December 2022 and was given attention in both the Newsletter and at the Town and Community Council Forum. As a Committee, we strongly feel that ensuring all Councillors are trained on the Code of Conduct is essential and was disappointed as a Committee that one of the recommendations from the Penn report (recommendation 7) for training on the Code to become

mandatory for all members has been rejected by the Welsh Government. It is something that is included in the Committee's response to WG in its Consultation on the Penn report.

Training for Group Leaders is another area that the Standards Committee has been and will continue to discuss. This includes looking at how training for Group Leaders in their new duty (detailed above) can be developed collectively via the National Standards Committee Forum.

5. Achievements against the current term's work programme

The Standards Committee's Work Programme for 2022/2023 was approved by full Council in September 2022.

In accordance with an evolving responsibility, the proposed work programme is subject to change, as priorities alter and thus some matters which were not envisaged when the draft work programme was presented to full Council have been given the Committee's attention.

The document in **Enclosure 1** includes the Committee's approved Work Programme for 2022-2023 with additional matters included, and details of the actions completed in relation to each matter.

6. The Committee's Work Programme for 2023/2024

A proposed Work Programme for the Committee for the forthcoming year is included in **Enclosure 2**.

7. Recommendation

- 7.1 This Annual Report is presented to the Council for its approval within three months of its receipt.
- 7.2 Council approves the Committee's Work Programme for 2023/2024 (Enclosure 2) whilst accepting that some additional matters may be included, in accordance with demand.

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

Work Programme for Standards Committee 2022/23 – with annotations for the Committee's Annual Report for 2022/2023

No	Items	Action	Actions undertaken during the period of the report
1	The Standards Committee's Annual Report to full Council	The Committee to begin consideration of and work on the next Annual Report ahead of their formal meeting in June, 2022. Share the annual report (once considered by the Council) with the PSOW?	2021/2022 report presented to full Council in September 2022. 2022/2023 report (in draft) discussed at an informal meeting on 26/5/2023 and at the SC meeting in June 2023 and to be presented to full Council in September 2023.
2	Review of Local Resolution Protocol	An amendment was made in March 2022 – further review may be needed after discussions with group leaders. Report anonymised cases dealt with under local resolution processes to PSOW?	Revised LRP for IOACC members approved by SC, following discussion with GL in a meeting and a presentation to all Members in a Briefing session, in December 2022. Item included in the CC Newsletter in March 2023. Work on LRP for TCCs included in 2023/2024 work programme.
3	Offer and Provision of training to leaders of political groups. Need to decide: <ul style="list-style-type: none"> Who will deliver training Involvement of standards committee members. Involve senior officers? 	Need discussion with political group leaders and democratic services. These arrangements must be made at the start of each administration and training take place within 6 months of the election and be reviewed at least annually	Discussed with HR. Enquiries made of WLGA for any 'bespoke' training available. To continue on 2023/2024 work programme. Next National Standards Committee Forum meeting in June 2023.
4	Communication with political group leaders	Formal reporting process by leaders or more informal? What frequency of reports from group leaders? Arrange meetings periodically to review behaviour?	Chair or Chair and Vice Chair attended GL Meetings as follows: 29.09.2022 – to present amended LRP; 08.12.2022 – to present observations made following observation exercise at Council meetings; 16.03.2023 – to discuss items from December formal meeting

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

			<p>and the Newsletter to follow;</p> <p>27.04.2023 – to discuss the Group Leaders' Report Template (new duty under the 2021 Act);</p> <p>08.06.2023 – to present the SC's draft response to the WG consultation on the Penn report's recommendations;</p>
5	Intervention/notification of low – level complaints some within groups not reported to PSOW.	Need to see response from Penn report by Wales Government. Any reports to be anonymised.	<p>Met previously 8/3/21 and 27/5/21.</p> <p>Penn report published. WG consultation open until end June 2023. This matter is to continue on 2023/2024 work programme.</p>
6	Meetings	<p>Last formal meeting 15/12/2021</p> <p>Informal meeting(s) to consider:</p> <ul style="list-style-type: none"> consultation on WG's draft statutory guidance on standards of conduct a draft for the Annual Report of the Committee to full Council. (8/3/22) Workplan for 22/23 (27/4/22) <p>Next formal meeting scheduled for 28/6/2022.</p>	<p>Formal meeting held on 28/6/22.</p> <p>Informal meeting on 14/11/22 (observation of Council/Committee meetings – discuss findings)</p> <p>Informal meeting on 07/12/22 (observation of Council/Committee meetings – discuss presentation to GL meeting)</p> <p>Formal meeting on 14/12/22</p> <p>Informal meeting on 13/1/23 (discuss various matters including items for Newsletters and observation of Committee meetings)</p> <p>Informal meeting 24/3/23 (Group Leaders' Report Template with their new duty under the LGE(W)Act 2021)</p> <p>Informal meeting 12/5/22 (WG's consultation on the Penn report)</p> <p>Informal meeting 26/5/22 (SC's annual report and work programme for 2023/2024)</p> <p>Next formal meeting scheduled for 14/6/2023.</p>
7	Newsletters following the 15.12.2021 formal meeting	Members to consider following-up responses to the	Newsletters sent August 2022 (incorporating information from the 12/2021 and 06/2022 formal SC

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

		Newsletter from a certain number of town and community councils after the discussion of the item at the Committee's formal meeting in December 2021.	meetings). Newsletters following the December 2022 formal meeting sent in March 2023 – following a presentation of each in the TCC Forum and GL meeting respectively. Newsletters to be sent following the June 2023 formal meeting.
8	Complaints reporting – Quarterly Update Reports	Work required on a procedure to allow Committee members to ascertain and be assured that reported PSOW cases do not show any particular trend in poor behaviour. This process to preserve and respect (any of) the PSOW's requirements of confidentiality relating to these matters.	Complaints for Q1 and Q2 2022/2023 presented to SC members in December 2022 meeting. Complaints for Q3 2022/2023 sent to SC members in January 2023. Complaints for Q4 2022/2023 sent to SC members in April 2023. Q3 and Q4 complaint reports will be presented at formal SC meeting in June 2023.
9	Standards Committee Observing work of Public Committees and full Council	Following a decision that members of the Committee would undertake the role of observing proceedings at formal, public meetings of certain Committees of the Council (Scrutiny and Planning) and full Council meetings, it was communicated to the Group Leaders that this was now effective. Members of the Committee who wish to participate in this observation role are requested to volunteer so that a schedule can be drawn-up and responsibilities allocated accordingly.	Pro-forma report to be developed to ensure all issues recorded. Observation exercise undertaken September-December 2022. Details of the process included in full report to SC (below link). Informal meeting on 14/11/22 (observation of Council/Committee meetings – discuss findings to date) Informal meeting on 07/12/22 (observation of Council/Committee meetings – discuss presentation to GL meeting) Findings discussed with GL at a meeting on 08/12/22 Formal meeting on 14/12/22. Full report available here Observations for Corporate Scrutiny Committee to continue. 4

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

			<p>members to attend meetings on 19/01/2023 (morning and afternoon).</p> <p>Informal meeting on 13/1/23 (discuss various matters including continuing with the observation of Corporate Scrutiny Committee meetings)</p> <p>Correspondence sent in relation to this issue including with GL.</p> <p>Decision made not to continue with any further observations in this exercise. To be reviewed in the future.</p>
10	Training for SC Members		<p>Discussions on-going with HR.</p> <p>Training to SC members on code of conduct 20/5/22.</p> <p>Agreed mandatory for members of SC to be</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ethics and Standards <input type="checkbox"/> GDPR <input type="checkbox"/> Cyber awareness <input type="checkbox"/> Introduction to Diversity and Equality <p>Available on Learning Pool.</p> <p>Also, Chairing meetings mandatory for Chairs and Vice Chairs of Committees. [SC suggestions and agreed by GLs].</p> <p>Code of Conduct training conducted for the two new TCC members of the SC (and extended invitation to other SC members too) on 15.02.2023.</p>
11	How to Complain	Consideration to be given as to how to publicise how to complain against elected members once it has been settled what the process will be for 'low-level complaints' following the Penn Review and WG's	<p>Penn report published. WG consultation open until end June 2023. This matter is to continue on 2023/2024 work programme.</p>

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

		response.	
--	--	-----------	--

MATTERS ADDED TO THE WORK PROGRAMME AFTER THE SAME WAS APPROVED BY FULL COUNCIL IN SEPTEMBER 2023:

No	Items	Action	Actions undertaken during the period of the report
12	Dispensations	As and when applications arise	No applications during the period of the report
13	Members annual reports	Standards committee to encourage practice of completing annual reports	<p>Democratic services business manager to attended formal meeting on 14/12/2022.</p> <p>New HDS appointed January 2023.</p> <p>Ch and V-Ch of SC have presented this matter to the GLs on 16/03/2023.</p> <p>This matter was included in the CC's Newsletter.</p> <p>HDS to attend June 2023 meeting and discuss current work being done with annual reports.</p>
14	In-house training	In-house training to be recorded and made available to members	Not something that is currently available.
15	Appointment of Town and community councillors to sit on Standards committee	Applications invited through correspondence and newsletters	<p>Will be raised at Town and Community Councils forum in September.</p> <p>Closing date 30/9/22</p> <p>4 applications received. Applications and + ballot paper sent to the T&CC clerks on 6/10/2022 to be returned by 5pm 19/11/2022.</p> <p>Report presented to full Council for a decision on 6/12/22.</p> <p>Report presented to SC at its formal meeting on 14/12/22. Available here.</p> <p>Councillor Margaret Ann Thomas of Llangefni Town Council and Councillor Iorwerth Roberts of Bryngwran Community Council appointed.</p>
16	Town and Community Council forum	Chair and vice-chair to attend next forum meeting	Chair and Vice Chair attended the Forum Meeting on 8/9/22 and then on 27/2/23.
17	Training for Town and community Councils	To be provided by One Voice Wales	Invites sent out 12/8/22. Four training dates arranged in October with applications requested by 16/9/22.

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

			<p>Final three dates (due to lack of interest at the registration stage by the TCCs): 4/10/2022 @ 2pm – Welsh 6/10/2022 @ 6.30pm – English 20/10/2022 @ 6.30pm – Welsh</p> <p>Report presented to SC at its formal meeting on 14/12/22. Available here.</p> <p>Matter given attention in the TCC's Newsletter. Ch and V-Ch attended a Forum meeting on 27/02/2023 so as to present the Newsletter / encourage TCC members to complete code of conduct training.</p>
18	Community Council A	Concerns of low level breaches of Code of Conduct received in relation to Council / Councillors at the Council.	Chair and Vice Chair attended two observation meetings and subsequently conducted a Review of the Register of Interests with the Clerk and Chair between October 2022 and March 2023.
19	Role description for Standards Committee Members	Welsh Local Government Association's Development Charter requires the adoption of role descriptions for elected and coopted members. Democratic Services Committee adopted new role descriptions.	Updated role descriptions online with links in each SC member's personal page on website.
20	National Standards Committee Forum	First meeting to be held on 8/12/2022. Chair to attend.	<p>First meeting took place on 27/01/2023. Chair attended and provided feedback to SC members via email/oral update following the Code of Conduct training in February 2023.</p> <p>Next Forum meeting in June 2023.</p> <p>To continue on the work programme for 2023/2024.</p>
21	Community Council B	Concerns of low level breaches of Code of Conduct received in relation to Council / Councillors at the Council.	<p>Observation meeting attended in February 2023 and an offer of Review of the Registers of Interests agreed for the Summer 2023.</p> <p>To continue on the work programme for 2023/2024.</p>
22	Community Council C	Concerns of low level breaches of Code of Conduct received in relation to Council /	Observation meeting attended in February 2023 and an offer of Review of the Registers of Interests offered, but not yet agreed, for the Summer 2023.

Enclosure 1 – Annual Report of the Standards Committee 2022/2023

		Councillors at the Council.	To continue on the work programme for 2023/2024.
23	Community Council CH	Concerns of low level breaches of Code of Conduct received in relation to Council / Councillors at the Council.	Observation meeting attended in April 2023. To continue on the work programme for 2023/2024.

DRAFT

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

Proposed Work Programme for Standards Committee 2023/2024

No	Items	Action	Completed / Further Actions
1	The Standards Committee's Annual Report to full Council	<p>The Committee to begin consideration of and work on the next Annual Report ahead of their formal meeting in June 2023.</p> <p>The Committee to develop its annual report for 2023/2024 (and a proposed work plan for 2024/2025) at the end of the 2023/2024 term.</p>	<p>Draft 2023/2024 report considered at informal meeting on 26/05/2023.</p> <p>Work ongoing for presentation of the 2023/2024 report to Standards Committee meeting on 14/06/2023.</p> <p>Further work required in relation to the section dealing with Group Leaders in the 2023/2024 report and their new responsibilities. This will be subject to further discussion with the Standards Committee members prior to the report being presented to full Council.</p> <p>2023/2024 annual report to be presented to full Council in September 2023.</p>
2	Review of Local Resolution Protocol (LRP)	<p>Revised LRP for IOACC members accepted by the SC at its formal meeting on 14.12.22. Item included in the CC Newsletter.</p> <p>Work needed in relation to a LRP for the town and community councils, particularly in light of the number of cases where the Standards Committee has been asked to assist due to conduct/behavioural concerns.</p>	LRP for TCC members is an item on the Agenda for the next formal meeting of the SC in June 2023.
3	Offer and Provision of training to leaders of political groups. Need to decide:	Need discussion with political group leaders and democratic services.	Next National Standards Committees' Forum meeting in June 2023.

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
	<ul style="list-style-type: none"> Who will deliver training Involvement of standards committee members. Involve senior officers? 	<p>These arrangements must be made at the start of each administration and training take place within 6 months of the election and be reviewed at least annually.</p> <p>Training for Group Leaders discussed at the National Standards Committee Forum. Any progress being made?</p>	
4	Communication with political group leaders	<p>Chair and Vice Chair to report at Group Leaders' meeting following every formal meeting of the Standards Committee.</p> <p>Further reporting / communication to be made as required.</p>	
5	Group Leader reporting duties and the process being followed	<p>Arrangement agreed as follows:</p> <p>(to be interested when known – Summer 2023)</p>	
6	Meetings	<p>Formal meetings in June and December 2023, and as required.</p> <p>Informal meetings may also be arranged, as required.</p>	
7	Newsletters following the formal meeting	<p>To continue to send Newsletters to (a) elected and co-opted members of this Council, and (b) town and community councillors.</p> <p>Need to consider relevant topics to be</p>	

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
		included.	
8	Complaints reporting – Quarterly Update Reports	<p>Reports are sent to the Committee members quarterly. Reports are also included on the Committee's formal Agenda (bi-annual reporting).</p> <p>The report to the Committee discusses any particular trend in poor behaviour, though with the current level of complaints, no such pattern has been established. Need to continue to review this and ensure that the process preserves and respects (any of) the PSOW's requirements of confidentiality relating to these matters.</p>	
9	Training for SC Members	<p>Ensure all SC Members have completed all mandatory training.</p> <p>Arrange Mediation training.</p> <p>Arrange Dispensation training.</p> <p>Arrange any further training required, in consultation with the HR Training Manager.</p>	
10	How to Complain	Consideration to be given as to how to publicise how to complain against elected members once it has been settled what the process will be for	

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
		'low-level complaints' following the WG's consultation into the Penn Review.	
11	Dispensations	As and when applications arise	
12	Members annual reports	Standards committee to continue to encourage practice of completing annual reports and work with the Head of Democratic Services in this matter.	
13	Appointment of new independent member to sit on Standards Committee	Applications process conducted via the Standards Committee's Selection Panel.	First Selection Panel meeting scheduled on 6 June 2023.
14	Town and Community Council forum	Chair and vice-chair to attend regular Forum meetings to present matters of interest from the Standards Committee to the TCCs.	To attend a Forum meeting after the June 2023 meeting.
15	National Standards Committee Forum	For the SC Chair to attend Forum meetings and provide feedback to Committee members.	Next meeting in June 2023.
16	Case reporting by the PSOW and the APW. Provide a summary and key learning points for Committee members.	To provide reports at each formal Standards Committee meeting summarising the key points from the cases published by the PSOW and APW. To bring any points of learning to the attention of members of the County Council and/or the Town and Community Councils via the Newsletters.	Included on the Agenda for the June 2023 meeting.
17	Training Plans by the Town and Community Councils	A request was made by the SC in its Newsletter in March	Report to be presented to SC meeting in June 2023.

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
		<p>2023 for the TCCs to send a copy of their Training Plans to the attention of the SC by end May 2023.</p> <p>Encourage training offered by One Voice Wales.</p>	<p>How to proceed with this information?</p> <p>What about the TCCs that have not responded?</p> <p>Contact One Voice Wales for more information.</p>
18	Penn report / WG consultation on ethical matters	<p>Penn report published.</p> <p>WG's Consultation on the Penn report discussed at an informal meeting of the SC on 12.05.2023.</p> <p>Draft responses to the consultation presented to GLs by Chair on 08.06.2023.</p> <p>Item on the SC's formal meeting Agenda on 14.06.2023.</p> <p>Responses to consultation to be submitted by 23 June 2023.</p> <p>Further work needed when WG's response to the Consultation is published.</p>	
19	Appoint Chair and Vice Chair of Committee	Term of current Chair and Vice Chair ends on 05.02.2024	
20	Community Council B	Two members of the SC to conduct a Review of the Register of Interests and Code of Conduct related matters in the Council and provide feedback to the Council via the Chair.	
21	Community Council C	Two members of the	

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
		SC to conduct a Review of the Register of Interests and Code of Conduct related matters in the Council and provide feedback to the Council via the Chair (if the Council agrees).	
22	Community Council Ch	Action to be taken following observation meeting in April 2023.	
23	Annual Discussions for the Standards Committee members.	The Chair will meet with the members and report any outputs that need to be arranged to the Monitoring Officer. The Chair will have a discussion with the Monitoring Officer.	
24	A Review of a sample of the County Council Members' Registers of Interests.	A desktop review of a sample of the Registers of Interests will be conducted by the independent members of the Standards Committee.	
25	Observation of the Council and its Committee meetings from time to time.	The Standards Committee members will attend meetings of the County Council or its Committees for observation if required, and, if appropriate will also provide feedback to the relevant Chair.	
26	Work with the Democratic Services Committee as it works on customer experience / hybrid meetings (as the Standards Committee reported following its Observation exercise during 2022/2023).	Assist the Democratic Services Committee as it considers the recommendations put forward by the Standards Committee.	
27	Support the Democratic Services Committee's work	Assist the Democratic Services Committee	

Enclosure 2 – Annual Report of the Standards Committee 2022/2023

No	Items	Action	Completed / Further Actions
	as it encourages County Council members' wellbeing.	as it leads on this work.	
28	Access to information about the Standards Committee on the County Council's website.	Take steps to ensure there is easy access to information about the Standards Committee on the Council's website.	

DRAFT

STANDARDS COMMITTEE NEWSLETTER TOWN AND COMMUNITY COUNCILLORS

2nd of September 2022 - Issue 4

INTRODUCTION

The Standards Committee would like to congratulate you all on your election or re-election as town / community councillors. The Standards Committee is here to support you in observing the code of conduct adopted by your council.

As you know, maintaining the highest levels of ethical behaviour is an essential part of your role in representing the public.

DECLARATIONS OF INTEREST

Local guidance has been issued to Councillors on declarations of interest and has been provided to your clerks*. In some circumstances it is possible to get special permission from the Standards Committee to take part in decisions, even if you have a prejudicial interest (as you know, this is a significant personal interest which means that you are not allowed to take part in discussion or voting). The special permission from the Standards Committee is called a dispensation and local guidance on how to apply for a dispensation has been provided to your clerks*. Please contact the Monitoring Officer for advice and support in submitting any application you may wish to make.

*The Monitoring Officer would be glad to provide further copies on request.

ADJUDICATION PANEL FOR WALES

- Serious breaches of your code of conduct are decided by the Adjudication Panel for Wales, which is a tribunal hearing its cases in public.
- These cases are reported in full on the Adjudication Panel's website and the link is [here](#)
- If you would prefer a summarised version of these cases they are reported to the Standards Committee and the link to the most recent summary considered by the Standards Committee is [here](#).

MEMBER DEVELOPMENT

- It is part of the role of the Committee to provide training for you on your code of conduct.
- So, we have written to all clerks to offer remote training sessions, of 1.5 hours duration, on the following alternative dates:

Tuesday 4th October @ 2pm - Welsh
Thursday 6th October @ 6.30pm - English
Tuesday 18th October @ 2pm - English
Thursday 20th October @ 6.30pm - Welsh

- Numbers are limited, so if you are able to attend one of the sessions then please let your clerk know as soon as possible.

THE NOLAN PRINCIPLES

When you signed your acceptance of office to become a Councillor you also agreed to uphold the principles of conduct in public life. These are also commonly known as the Nolan Principles and, in Wales, consist of the following:

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

AND FINALLY.....

The Standards Committee needs 2 representatives from town / community councils to sit on the Committee. Requests have been sent to the town and community council clerks with a deadline for response by the end of September 2022. If your council has yet to discuss this request, we ask that you please do so, and consider submitting a nomination. The relevant application form has been provided to every clerk.

If more than two candidates are nominated, a postal ballot process will follow.

Also, please advise your clerks if you wish to attend any of the training sessions mentioned above.

A reminder that the local Town and Community Councils' Forum is due to take place on the 8th September 2022.

Please ensure that your council is represented.

The Standards Committee's Annual Report will be considered by the County Council on 29th September and will be available to you on the County Council's Website.

INFORMAL GOVERNANCE REVIEWS

The Committee carries out governance reviews of some town/community councils, looking at undertakings, declarations of interest, minutes and training records. When the committee intends to conduct reviews of this kind we shall contact the relevant clerks in advance. We are most grateful to your clerks for the assistance they have provided to us in the past.

- Each council which is reviewed will receive written feedback and any recommendations, to be considered by all members of the council, but on an informal basis
- General and anonymised feedback will also be provided to all councils, including any recommendations and the sharing of good practice. We shall ask that this feedback be shared at a formal meeting of every council

MONITORING CONDUCT

The Committee also intends, from time to time, to send two of its members to monitor conduct at some public meetings of town/community councils. We hope to accomplish this remotely and we shall contact the relevant clerks in order to make the arrangements. The Committee members will provide early feedback to the chair and the clerk; and may produce general findings to be circulated to all councils. These monitoring arrangements will begin to take place in 2023.

NEW LEGAL DUTIES ON TOWN/COMMUNITY COUNCILS

Under the Local Governance and Elections (Wales) Act 2021 town and community councils must now:

- Produce an annual training plan for its councillors and staff, with the first plan being required within 6 months of the last local government election on the 5th May 2022. The annual training plan is a document that will be requested by the Committee when it carries out its reviews.
- Publish an annual report, as soon as reasonably practicable, after the end of each financial year.
- [One Voice Wales](#) is supporting its members to comply with the new legislation.



STANDARDS COMMITTEE NEWSLETTER TOWN AND COMMUNITY COUNCILLORS

March 2023 - Issue 4

INTRODUCTION

The Standards Committee is here to support you in observing the Code of Conduct adopted by your Council.

As you know, maintaining the highest level of ethical behaviour is an essential part of your role in representing the public.

YOUR REPRESENTATIVES ON THE STANDARDS COMMITTEE

Following a postal ballot process, Councillor Iorwerth Roberts from Bryngwran Community Council and Councillor Margaret Thomas from Llangefni Town Council have been selected to represent the town and community councils on the Standards Committee. Congratulations to both and thanks to all councils that took part in the process.

LOCAL COMPLAINTS

The Standards Committee is pleased with the low numbers of complaints being sent to the Ombudsman in relation to allegations of breaches of the Code of Conduct by both county and community councillors in Anglesey.

PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) AND ADJUDICATION PANEL FOR WALES (APW) CASES

Allegations of breaches of the Code of Conduct are investigated by the PSOW. The PSOW publishes limited information of the cases that are referred to her office on the website. The PSOW will, in the most serious matters, refer cases to be decided by the APW.

These cases are reported in full on the PSOW's website and are available here and on the APW's website and available here.

Summarised versions of these cases are reported to the Standards Committee (SC) and the link to the PSOW summary considered by the SC is here and the APW summary considered by the SC is here.

Key themes that arise include:

- The newly appointed PSOW (in the role since 1.4.22) continues to use the two stage test when considering allegations of breaches of the Code of Conduct (1.) Is there evidence of a breach of the Code? and (2.) Is it in the public interest for the matter to be investigated?
- The importance of completing training on the Code of Conduct, for both members and clerks in the town and community councils.

TRAINING

- Producing an annual training plan for both councillors and staff is now a requirement under the Local Government and Elections (Wales) Act 2021; the first plan was required within 6 months of the local government election on 5 May 2022.
- The Standards Committee would like to see your training plan. Please send to medwenjones@ynysmon.llyw.cymru by 31 May 2023. The matter will be discussed by the Standards Committee at its June meeting.
- The Standards Committee considered that the number of attendees at the recent Code of Conduct training in October 2022 was disappointing. Of the 90 spaces available, only 37 completed the training on the Code. There were no clerks or members from 29 of the 40 town and community councils on Anglesey present.
- The PSOW and the APW encourage members and clerks to undertake Code of Conduct training.
- Should you breach the Code, failure to have undertaken training on the Code would be considered an aggravating factor when the issue of sanction was considered by the Standards Committee or the APW.

THE NOLAN PRINCIPLES

The last edition of the Newsletter provided some detail about the principles of conduct in public life. Should you wish to review these again, please follow this link.

DISPENSATIONS

It is possible for members to get special permission from the Standards Committee to take part in decisions when that member has a prejudicial interest under the Code of Conduct. A local guidance on how to apply for a dispensation has been provided to your clerks*. Please contact the Monitoring Officer for advice and support in relation to any application you may wish to make.

* The Monitoring Officer would be glad to provide a further copy on request.

WALES NATIONAL STANDARDS COMMITTEE FORUM

An All-Wales Forum for standards committee chairs has been created. This will be an opportunity for sharing good practice and problem solving amongst the 28 authorities required to have a Standards Committee in Wales. Any key messages from the Forum will be shared with you.

AND FINALLY:

The Standards Committee held a formal meeting on 14/12/2022 and should you wish to look at the items/reports considered at that meeting, please follow this link.

If you require assistance, or further information, please contact the Monitoring Officer on lynnball@ynysmon.llyw.cymru



STANDARDS COMMITTEE NEWSLETTER

ISLE OF ANGLESEY COUNTY COUNCIL

INTRODUCTION

The [Standards Committee](#) would like to congratulate you all on your election or re-election to the County Council. The Standards Committee is here to support you in observing your [Code of Conduct](#). As you know, maintaining the highest levels of ethical behaviour is an essential part of your role in representing the public.

DECLARATIONS OF INTEREST

Local guidance has been issued to Councillors on declarations of interest and the link is [here](#). In some circumstances it is possible to get special permission from the Standards Committee to take part in decisions, even if you have a prejudicial interest (as you know, this is a significant personal interest which means that you are not allowed to take part in discussion or voting). The special permission from the Standards Committee is called a dispensation and local guidance on how to apply for a dispensation is available [here](#). Please contact the Monitoring Officer for advice and support in submitting any application you may wish to make.

ADJUDICATION PANEL FOR WALES

- Serious breaches of your Code of Conduct are decided by the Adjudication Panel for Wales, which is a tribunal hearing its cases in public.
 - These cases are reported in full on the Adjudication Panel's website and the link is [here](#)
- If you would prefer a summarised version of these cases they are reported to the Standards Committee and the link to the most recent summary considered by the Standards Committee is [here](#)

LOCAL RESOLUTION

The Standards Committee believes in early intervention, and mediation, to resolve issues whenever possible. To this end the Committee is developing a new Local Resolution Protocol, to involve the Group Leaders, and this will be circulated to all Councillors in due course.

THE NOLAN PRINCIPLES

When you signed your acceptance of office to become a Councillor you also agreed to uphold the principles of conduct in public life. These are also commonly known as the Nolan Principles and, in Wales, consist of the following:

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

MONITORING CONDUCT

- Members of the Standards Committee will attend occasional meetings of the Council / its Committees to assess compliance with standards of conduct
- Early feedback will be provided to Committee Chairs
- Quarterly feedback will be provided to Group Leaders

MEMBER DEVELOPMENT

- It is mandatory for Councillors to undertake training on the Code of Conduct.
- A session took place on 20th May 2022 and the training materials were circulated to all Councillors
- However, any Councillors who were unable to attend are advised to undertake the "Ethics and Standards" module on the Council's Learning Pool. This link is [here](#)

NEW LEGAL DUTIES ON THE STANDARDS COMMITTEE

- The Standards Committee is now required to monitor the Group Leaders in carrying out their statutory duty to promote and maintain high standards of conduct by Councillors in their groups.
- To ensure training for Group Leaders on the exercise of their ethical standards duty
- The Standards Committee is required to submit an annual report to Council. The first statutory report from the Standards Committee will go to Council on 29 September 2022 and will be available on the Council's website

AND FINALLY.....

The Standards Committee needs 2 representatives from Town/ Community Councils to sit on the Committee. Requests have been sent to the Town and Community Council Clerks with a deadline for response by the end of September 2022. So far, only one nomination has been received so we would ask that you please remind the Community Councils of which you are members / which you regularly attend, to consider submitting a maximum of one nomination each. If more than two candidates are nominated, a postal ballot process will follow.



STANDARDS COMMITTEE NEWSLETTER

COUNTY COUNCILLORS

INTRODUCTION

The Standards Committee is here to support you in observing the Code of Conduct for members. As you know, maintaining the highest level of ethical behaviour is an essential part of your role in representing the public.

ANNUAL REPORTS

The Standards Committee encourages all elected members to complete an Annual Report, detailing the work and training you have undertaken during your year as a member of this Council from 01.04.22-31.03.23. There is a template for your use and it is available [here](#).

DISPENSATIONS

It is possible for members to get special permission from the Standards Committee to take part in decisions when that member has a prejudicial interest under the Code of Conduct. A local guidance on how to apply for a dispensation is available [here](#). Please contact the Monitoring Officer for advice and support in relation to any application you may wish to make.

MONITORING CONDUCT

As part of its work programme, members of the Standards Committee have attended meetings of (a) the Council, (b) the Planning and Orders Committee, (c) the Corporate Scrutiny Committee and (d) the Partnership and Regeneration Scrutiny Committee to monitor standards of conduct. The Standards Committee takes this opportunity to thank you for your welcome. Verbal feedback has been provided to committee chairs, Group Leaders' meeting and the Scrutiny Committees' Chair and Vice-Chair Forum. A link to the full list of recommendations made by the Standards Committee can be seen [here](#).

WALES NATIONAL STANDARDS COMMITTEE FORUM

Following a recommendation made in the Penn report, an all-Wales Forum for standards committee chairs has been created. This will be an opportunity for sharing good practice. Any key messages from the Forum will be shared with you.

TRAINING FOR MEMBERS

You are encouraged to complete any training which assists you in your role as members of the IOACC. Training is intended to empower and to make you as effective as possible in your role. Chairs and vice chairs of the Council and its committees are strongly encouraged to complete the Chairing Skills module.

If you have not yet undertaken recent Code of Conduct training, the Standards Committee urges you to do so.

All modules are available on Learning Pool, the link is [here](#). For instructions on how to access Learning Pool follow this [link](#).

When you have completed any training in your role as member, remember to include details of that training on your profile page on the website. For details on how to do this follow this [link](#).

If you need details of your corporately completed training, please contact CefnogaethAelodauEtholedig@ynysmon.llyw.cymru

LOCAL COMPLAINTS

The Standards Committee is pleased with the low numbers of complaints being sent to the Ombudsman in relation to allegations of breaches of the Code of Conduct.

PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) AND ADJUDICATION PANEL FOR WALES (APW) CASES

Allegations of breaches of the Code of Conduct are investigated by the PSOW. The PSOW publishes limited information of the cases that are referred to her office on the website. The PSOW will, in the most serious matters, refer cases to be decided by the APW.

These cases are reported in full on the PSOW's website and are available [here](#) and on the APW's website and available [here](#).

Summarised versions of these cases are reported to the Standards Committee (SC) and the link to the PSOW summary considered by the SC is [here](#) and the APW summary considered by the SC is [here](#). Key themes that arise include:

- The newly appointed PSOW (in the role since 1.4.22) continues to use the two stage test when considering allegations of breaches of the Code of Conduct by members: (1.) Is there evidence of a breach of the Code? and (2.) Is it in the public interest for the matter to be investigated?
- The importance of completing training on the Code of Conduct.

AND FINALLY

The Standards Committee held a formal meeting on 14/12/2022 and should you wish to look at the items/reports considered at that meeting, please follow this [link](#).

If you require any assistance, or further information, please contact the Monitoring Officer on lynnball@ynysmon.llyw.cymru

THE NOLAN PRINCIPLES

The last edition of the Newsletter provided some detail about the principles of conduct in public life. Should you wish to review these again, please follow this [link](#).

LOCAL RESOLUTION PROTOCOL

An amended local resolution protocol has been adopted following consultation with members. A copy is available [here](#).

MEET THE MEMBERS OF THE ISLE OF ANGLESEY COUNTY COUNCIL'S STANDARDS COMMITTEE



CYNGOR SIR
YNYN Môn
ISLE OF ANGLESEY
COUNTY COUNCIL

Two new members have recently been appointed to the Standards Committee; whilst introducing them, it also seems an appropriate time to provide you with information on all the members that collectively form the Isle of Anglesey County Council's Standards Committee – so that you may put faces to those behind the bi-annual Standards Committee Newsletters.

There are 9 members on the Standards Committee: five are independent members who have been co-opted following a statutory process; two are elected by the local town and community councillors as the town and community council representatives; and two are selected from amongst the elected members on the county council.

JOHN ROBERT JONES Independent Member Chair



John was co-opted to the SC in 2017, a year after his retirement as Chief Officer at Medrwn Môn, the independent agency which provides advice and support to voluntary organisations and community groups.

A Welsh-speaker, John was born and brought up on Anglesey and continues to live on the island with his family.

"I was elected Chair of the SC in 2020 and the Standards Committee continues to work proactively with County Council elected members and co-opted members as well as the town and community councillors in maintaining the highest possible standards of behaviour".

You may contact the Chair on
John.Jones@ynysmon.llyw.cymru



RHYS DAVIES Independent Member Vice-Chair

Rhys was elected Vice-Chair shortly after his appointment to the SC in 2019.

Having studied dentistry in Cardiff, he returned to his native Anglesey to work as a dentist for over 30 years, until his retirement in 2015.

"I've enjoyed the experiences I've had since becoming an SC member. I am happy to contribute to assisting members to conform with their Code of Conduct duties so as to ensure decisions are made with transparency and members act with integrity".



CELYN MENAI EDWARDS Independent Member

A qualified barrister, Celyn currently works as the Chief Executive of the Isle of Anglesey Charitable Association, having worked previously for the Welsh Parliament. Her appointment on the SC in 2019 followed her return from Cardiff to Anglesey with her family.

SHARON WARNES Independent Member



Having begun her career as a secondary school teacher, Sharon then worked in further education before working for over 30 years in local government.

In addition to her role on the SC since 2019, she is a lay member of Gwynedd Council's Audit Committee and Chair of Snowdonia National Park's Standards Committee.



GILL MURGATROYD Independent Member

Gill is a Fellow of the Chartered Institute of Personnel and Development and is currently the director of her own HR and organisation development consultancy business in North Wales, based at her Llandudno home.



MARGARET THOMAS Town and Community Council Representative

Margaret has been a member of Llangefni Town Council for 23 years and has been Town Mayor five times during that time. She represents the Town Council at Regional Meetings of One Voice Wales and the area committee.

She has lived on Anglesey all her life and continues to reside on the family farm, following on from her parents.

for several years.

Margaret was appointed to the SC in December 2022.

"I'm looking forward to using my experience as a Town Councillor to assist the Standards Committee with its role in maintaining high levels of conduct by elected and co-opted members in Anglesey".



IORWERTH ROBERTS Town and Community Council Representative

Iorwerth has been a member of Brynrgwan Community Council since 1997 and, for the last 22 years, has been the Chair of the Community Council.

He worked more than 30 years in the construction industry, including as an accredited tutor and assessor.

Iorwerth was first appointed to the SC in 2017 and has recently been appointed for a second term.

"I hope my experience as a community councillor can assist the committee when it discusses behavioural matters, particularly when they involve community councillors. If I can stress one thing to current councillors, it is that training is vital, particularly on the Code of Conduct."

TREFOR LLOYD HUGHES County Council Representative



Trefor is a member of Plaid Cymru – The Party of Wales and represents Ynys Gybi on the County Council. He was appointed to the SC following the election in May 2022; this will be his second term on the Committee.

DAFYDD RHYS THOMAS County Council Representative



Dafydd is a member of Y Grŵp Annibynnol - The Independent Group. He was appointed on the SC following the election in May 2022; this will be his second term on the Committee and represents Ynys Gybi on the County Council.

The Standards Committee is here to support you in observing the Code of Conduct adopted by your Council.

As you know, maintaining the highest level of ethical behaviour is an essential part of your role in representing the public.

For more information about the Committee's work for the year, please review the Work Programme for 2022/2023 in the SC's annual report.

The Standards Committee's Annual Report and the new Group Leaders' duty



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

1. Under the Local Government and Elections (Wales) Act 2021, political Group Leaders now have duties in relation to standards of conduct. A leader of a political group must (a) take reasonable steps to promote and maintain high standards of conduct by the members of the group and (b) cooperate with the Council's Standards Committee in the exercise of its functions.
2. Group Leaders who fail to comply with the duty maybe regarded as bringing their office into disrepute, in breach of the Code of Conduct for Members.
3. In addition, the 2021 Act places a duty on Standards Committees to make an annual report to their council as soon as reasonably practicable after the end of each financial year (1 April-31 March). The report must be considered by the relevant council before the end of 3 months beginning with the day on which the council receives it.
4. The Standards Committee's annual report must include an assessment of the extent to which Group Leaders have complied with their duties (paragraph 1 above). The Standards Committee requires information from the Group Leaders in order to do this.
5. Having regard to the requirements in the 2021 Act, a template report has been drafted to assist Group Leaders and remind them of the matters to be covered in their reports to the Standards Committee. This template is included in **Appendix 1**.
6. The template does not ask, and should not include, details of individual cases. The report focuses on the type of action which has been taken in relation to each matter.
7. Group Leaders are asked to produce these reports once a year; however, if issues of importance arise during the year, Group Leaders should consult with the Monitoring Officer, who will inform the Chair of the Standards Committee.
8. Completed forms are to be forwarded by Group Leaders to the Monitoring Officer **by 30 April** in each year. The Monitoring Officer will report to the Standards Committee.
9. The Standards Committee will arrange to meet with each Group Leader in private to discuss their reports **during May**.
10. The Standards Committee will use appropriate information from the Group Leaders' reports to inform its annual report to Council. The Committee's annual report will contain a short summary of the steps taken to fulfil the duty, its opinion on whether what has been done is sufficient and any future pieces of work that might be undertaken etc.
11. The Standards Committee will discuss its draft annual report to Council at its formal committee meeting in June. During this meeting the Standards Committee will agree on its findings arising from the Group Leaders' reports and will also confirm in that public forum the identity of any Group Leader who has failed to submit a completed report.
12. The Committee's annual report will be presented to full Council at the next available full Council meeting after the Standards Committee's June meeting.
13. Unaffiliated members (sitting outside a group) will also need to be briefed in the same way as Group Leaders so as to ensure high standard of conduct are maintained by all members, though they would not be expected to produce a report in this way.

Training on the Code of Conduct during the Period:

Number of members that have received training on the Code of Conduct:

See list of Mandatory Training in **Appendix 2**

Number of members in the Group that have completed all required mandatory training modules:

Number of Group meetings held for all Group members:Number of members who have been offered an annual discussion with the GL:

Number of members who accept the above offer with the GL:

Number of members who have attended an annual discussion meeting with the GL:

Number of members who have submitted a completed annual report:

Number of members who have reviewed their Standing Register of Interests:

Complaint received from:

(insert numbers)

Stage which the complaint reached:

Informal

Local Resolution Protocol

PSOW

member of the public

officer

member of the same political group

member of a different political group /
not in a political group

Number of members who have been offered support meetings by the GL:

Number of members who have accepted the offer of a support meeting by the GL:

This section is to be completed in your own words. Please see **Appendix 3** for more information.

Signed by GL:

Date:

Generally (excluding Code of Conduct – dealt with under separate heading):

- **Cyber Security**
- **Safeguarding**
- **Data processing (GDPR)**
- **Equalities**

In addition to:

- **For all Chairs and Vice-Chairs of Council and its Committees:**
 - **Chairing Meetings**
Required on being elected as Chair / Vice-Chair and every two years if re-elected.
- **The relevant training required for a member of a particular Committee including:**
 - **Planning Committee**
 - **Licensing Committee**
 - **Governance and Audit Committee**
 - **Appointments Committee**

Members must complete and repeat the required mandatory training in accordance with details published by the Council.

This section of the report is to be completed in your own words.

There is ***no need to include all the information listed below***. The matters which follow are included as examples of the type of information that you may wish to consider including as part of your response.

Personal commitment:

- demonstrated personal commitment by attending relevant development or training around equalities and standards;
- setting an example by demonstrating the principles of conduct in public life (see **Appendix 4**);
- used your influence to promote a positive culture;
- promoted a culture within the group which supports high standards of conduct and integrity;
- addressed issues as soon as they arose;
- promoted civility and respect within group communications and meetings and in formal meetings of the Council;
- worked to implement any recommendations from the Standards Committee about improving standards;

Encouraging group members:

- encouraged group members to attend relevant development or training, particularly around equalities and standards;
- ensured nominees to a committee had received the recommended training for that committee;

Co-operation with others:

- promoted informal resolution procedures, and worked with the Standards Committee and Monitoring Officer to achieve local resolution;
- attended a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;
- attended meetings with the Monitoring Officer and/or other Group Leaders as necessary to discuss matters of conduct;
- worked together with other Group Leaders to collectively support high standards of conduct within the Council;

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

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Welsh Government's Consultation on the Penn Report
PURPOSE OF THE REPORT:	For the Standards Committee to agree its responses to the above consultation
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. BACKGROUND

- 1.1 In March 2021, the then Minister for Housing and Local Government commissioned an independent review of the ethical standards framework for local government in Wales established by the Local Government Act 2000. The Framework includes county and county borough councils, corporate joint committees, national park authorities, fire and rescue authorities and town and community councils.
- 1.2 The timing was appropriate as it could also consider the changes that were being introduced, and that affected the Framework, under the Local Government and Elections (Wales) Act 2021.
- 1.3 The independent review was undertaken by Richard Penn, a former local authority chief executive and former chair of the Independent Remuneration Panel for Wales.
- 1.4 The review, published some four months later, in July 2021, concluded that the current Framework is 'fit for purpose' and works well in practice. It made several recommendations. A copy of the full "Independent Review of the Ethical Standards Framework in Wales" by Richard Penn (independent Consultant) can be seen [here](#).

2. CURRENT CONSULTATION

- 2.1 A copy of the Consultation document by Welsh Government, including the questions asked, can be seen [here](#).
- 2.2 In its Consultation, Welsh Government states that since the publication of the Penn Review, it has engaged with third parties and explains that the current consultation paper "builds on the Review's recommendations taking these discussions and other communications into account".

- 2.3 Of the 12 Recommendations identified in the Penn Review, 3 are subject to specific questions within the Consultation document. 9 of the recommendations made in the Penn Review are not being subjected to further discussion/consideration.
- 2.4 The Consultation document includes 21 questions in total.
- 2.5 Responses to the Consultation must be submitted to Welsh Government by 23 June 2023.

3. THE PROCESS UNDERTAKEN IN IOACC

- 3.1 The Standards Committee met informally on 12 May 2023 to discuss the Consultation document.
- 3.2 Owing to the incoherent nature of the Consultation document, an additional document was also shared with the Standards Committee, setting out each Consultation question accompanied by the relevant narrative from various parts of the Consultation document. A copy of this is attached at **Enclosure 1**.
- 3.3 The Committee's response to the Consultation questions was recorded and incorporated into a draft Response. This is attached at **Enclosure 2**.
- 3.4 The Chair of the Standards Committee will meet with the Group Leaders on 8th June to discuss the Standards Committee's Response to the Consultation. The Standards Committee's Chair will provide a verbal update on that meeting to the Standards Committee on 14th June 2023, before the final draft is agreed and submitted to Welsh Government.

4. PROPOSED ACTION

- 4.1 The Standards Committee's approval is sought on the draft Response in **Enclosure 2**, subject to any changes agreed following the meeting with the Group Leaders.
- 4.2 The Response form will be sent by the Chair of the Standards Committee, on behalf of the Isle of Anglesey County Council, to the Welsh Government before the 23 June 2023 deadline.
- 4.3 The Monitoring Officer will keep the Standards Committee informed of any documentation or information received from the Welsh Government's Consultation on the Penn Review.

5. RECOMMENDATION

- 5.1 For the Standards Committee to agree to the Proposed Action detailed under section 4 above.

Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report)

Question 1

Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001?

Relevant Narrative

Recommendation 4 (Penn)

Paragraph 4a of the Code which requires that a member must: 'carry out your 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' does not include all protected characteristics.

The provision in the Code should be extended to include all nine protected characteristics under the Equality Act 2010

Consideration of recommendation 4 (WG)

Section 4 of the Equality Act 2010 ('the 2010 Act') provides for the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The drafting of the Model Code pre-dates these provisions and, whilst the principles set out in the Model Code are in the spirit of the 2010 Act, discussions with stakeholders confirmed an alignment of the Model Code with the protected characteristics in the 2010 Act would not only provide clarity but also importantly send a strong message that councillors are expected to promote and maintain the highest standards of conduct.

We therefore propose to amend the definition in paragraph 4a of the Model Code of Conduct (the Local Authorities (Model Code of Conduct) (Wales) Order 2008 to align with the definition of protected characteristics in section 4 of the Equality Act 2010.

We will also amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001

Question 2

Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

<p>Relevant Narrative</p> <p>Restricted reporting orders</p> <p>The APW cannot control the reporting by the press about any case. The APW President considers that the powers such as those available to an Employment Tribunal, to impose a restricted reporting order either until the end of proceedings or an extended restricted reporting order, would be appropriate for all APW Tribunals where the fairness of the tribunal or the safety of witnesses, panel members or staff are potentially compromised.</p> <p>We are therefore seeking your views on whether we should make legislative provision to enable the APW to issue restricted reporting orders.</p>
<p>Question 3</p> <p>Should there be express legal provision to enable the APW to protect the anonymity of witnesses?</p>
<p>Relevant Narrative</p> <p>Anonymity of witnesses</p> <p>The President can issue guidance to ensure consistency and transparency, but the APW believes an express power to anonymise, used proportionately to ensure witness safety, would be appropriate for both case and appeal tribunals.</p> <p>We are therefore seeking your views as to whether there should be express legal provision for the APW to protect the anonymity of witnesses.</p>
<p>Question 4</p> <p>Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?</p>
<p>Question 7</p> <p>Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?</p>
<p>Question 8</p> <p>Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?</p>
<p>Relevant Narrative</p> <p>The APW President considers that the regulations are outdated and has proposed a number of amendments to make the case tribunal procedure more efficient and fairer to witnesses.</p> <p>These proposals relate to:</p> <ul style="list-style-type: none"> • providing express provision for part public and part private hearings • whether the requirement to provide 7 days' notice of postponement of a hearing to the accused member should be reconsidered • the process for seeking permission to appeal <p>The current process for seeking permission to appeal is set out in the Local Government</p>

Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended by The Local Government (Standards Committee, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, is being sought.

It requires the President, or their nominee, to make a decision within 21 days of receipt of a request to appeal. If the President requests further information the applicant has 14 days to respond, and then the President has 14 days from the receipt of the further information to make a decision. However, there is potential for different interpretations of the impact of a request for additional information on the timetable as it is potentially unclear whether the 'clock' on the 21 days stops while the additional information is being sought.

In addition, the regulations do not give the PSOW any opportunity to make submissions and a preliminary hearing to decide whether to grant permission to appeal is possible if there are 'special circumstances', but there is no extension of time provided for in the regulations to allow for this.

The President has therefore proposed an alternative approach as follows:

- Councillor sends in appeal; no deadline is set for an APW decision
- President/Registrar checks the appeal has attached the decision of the standards committee and if not, gives the councillor 7 days to provide it (and has the power to ask the monitoring officer if they so wish for the decision and any other information)
- the appeal is sent to the PSOW who is given 14 days to comment
- the appeal, decision of the standards committee and any comments from the PSOW are put before the President (or their nominee) for a decision on the papers; again, no deadline would be set for a decision
- the President or their nominee can direct a preliminary hearing takes place if they consider it is in the 'interests of justice' to do so as opposed to 'special circumstances'

We would welcome your views on these proposed changes to the permission to appeal procedure. Similarly, on whether there should be an express provision to enable part or all of a hearing to be held in private, and also whether the requirement to provide not less than 7 days' notice of the postponement of a hearing should be retained.

Question 5

Should there be an express power for the APW to summon witnesses to appeal tribunals?

Question 6

Should there be any changes in the procedure for referring appeals decisions back to standards committees?

Relevant Narrative

Appeal Tribunal procedure

The APW President believes there should be amendments to the Appeal Tribunal procedure to include an express power to summon witnesses to an Appeal Tribunal.

Also, regulation 9(2) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the 2001 Regulations")

requires the standards committee to consider a recommendation from the APW decision that a different penalty should be imposed to the original decision. Some stakeholders do not support this process whilst the APW President does support it as the standards committee remains responsible and can reflect its response to the Panel decision in the sanction it decides to impose.

The current arrangements in relation to appeals are set out in the 2001 Regulations and in Presidential Guidance. There is also a APW Practice Direction which sets out relevant information about the APW's procedures in response to a reference from the PSOW. The Guidance and Practice Directions are available on the APW website. Also see the APW's Presidential Guidance and Practice Directions.

Question 9

Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Relevant Narrative

Sentencing powers

The powers available to the APW are limited and some stakeholders felt there should be an option to impose more varied sanctions as was the case with the former Adjudication Panel for England.

Where a case tribunal decides that a member has failed to comply with the code of conduct the sanctions it may impose are set out in section 79 of the 2000 Act.

The tribunal may suspend a member for a period of up to 12 months or disqualify them for a period of up to 5 years.

We are interested in your views as to whether there should be a wider range of sanctions available to the APW and if so, what should these be?

Question 10a

Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Question 10b

If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e. by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001? If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Relevant Narrative

Interim Case Tribunals

The PSOW has the power to make interim referrals to the APW if it is in the public interest and where there is prima facie evidence that the person has failed to comply with the code of conduct, the nature of which is likely to lead to disqualification.

The threshold for meeting the legislative requirements for an interim referral is considered

by stakeholders to be too high, but any change to these powers would require primary legislation by the Welsh Government.

The proposal is that the whole process should be simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal. This would be a relatively minor amendment to the current public interest test but would make the approach to be adopted and the definition of public interest much clearer. It would require new legislation by the Welsh Government.

To date there have been no interim tribunals. Stakeholders have suggested that this is largely because the process is the same as for a full case tribunal. The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 are therefore perceived to be a barrier to their intended purpose.

Sections 76, 77 and 78 of the 2000 Act set out the membership of interim tribunals, the ability of the person who is the subject of the adjudication to have appropriate representation and the sanction which an interim tribunal can issue (a maximum of a one-off, 6 month suspension or partial suspension).

The process as currently set out therefore seems not to be fit for the purpose of balancing, and not prejudicing, an elected member's access to justice at a case tribunal with the public interest.

It has therefore been suggested the process is simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal Service ("MPTS"). The interim case tribunal would proceed with a legal member sitting alone, and considering the application on the papers only, but with the ability to invite oral submission from the parties if the member considered that to be in the interests of justice.

As now, the process would also enable the PSOW to submit a reference to the President of the APW with a report setting out the background and why an interim suspension was sought.

At the most, only 6 months suspension (partial or full) would be possible and could be renewed up to 3 times in total (18 months in total). The accused member would be given an opportunity to submit why the interim suspension should not be made, but there would be no evidence called and the PSOW's report would be taken at face value, in the same way as the GMC's at the MPTS.

A possible approach to the public interest test is as follows. It would be appropriate to suspend or partially suspend a member where it appears to the interim case tribunal that:

- a case tribunal at a final hearing would be likely to make a finding that there has been a failure to comply with the code of conduct of the relevant authority concerned
- and the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b) of the 2000 Act
- and that it is in the public interest to suspend or partially suspend the accused member immediately for the protection of members of the public, to maintain public

confidence in local government, to uphold proper standards of conduct and behaviour, or to enable the completion of the PSOW's investigation

To fully achieve this change would require amendment to the 2000 Act and The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001

We are therefore seeking your views on this proposal and a possible intermediate step of amending the regulations only to simplify the process for interim case tribunals until such time, if the proposal is supported, a change can be made to the primary legislation. Amendment to the regulations could include a new schedule specifically for a shorter, more streamlined process for interim tribunals.

Question 11

Do you have any further views on the recommendations made in relation to the operation of the APW?

Relevant Narrative

See the narrative above in relation to all questions except question 1

Question 12

Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Relevant Narrative

Recommendation 12 (Penn)

Accessibility of the ethical standards Framework. Make the framework process more accessible for the public.

Consideration of recommendation 12 (WG)

We agree with the review that public confidence in the Framework is essential to our local democracy. One of the steps in ensuring confidence is that the process is accessible and consistently applied across Wales. We will therefore work with the PSOW, the WLGA, One Voice Wales and monitoring officers to raise public awareness of the Framework and what the public can expect if they engage with it.

We would welcome any views on how awareness raising might be taken forward so as to be inclusive of everyone across Wales.

Question 13

Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Relevant Narrative

Advertising for independent members of standards committees

The regulations require advertisements for vacancies for independent members of standards committees to be placed in local newspapers. Some stakeholders have told us that this does not generate a field of candidates and is costly and time consuming. They

have suggested that other methods of advertising and reaching out through council networks generates a larger field and reaches candidates from more diverse backgrounds. (See regulation 13 the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed.

Question 14a

Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Question 14b

If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

Relevant Narrative

Former council employees sitting as independent members on standards committees

After a 12 month period of grace, former council employees can sit as independent members on standards committees of councils where that council was not 1 of their previous employers but not on the standards committee of the council which employed them, even if the council was not their most recent employer.

This means all former employees including those who may have worked part time for the council, perhaps when they were students or early on in their careers cannot sit as independent members on the same council's standards committee.

Stakeholders have suggested this is disproportionate and excludes a large number of potentially high-quality candidates from putting themselves forward as independent members or chairs. (See regulation 7 of the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed.

If so, what would be a suitable length for a period of grace between employment and appointment to a standards committee and should this be the same for all council employees, or longer for those who previously held statutory or politically restricted posts, as defined in the Local Government and Housing Act 1989, for example the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Service?

Question 15

Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes,

what do you think would be a suitable period of grace?

Relevant Narrative

Former councillors sitting as independent members on Standards Committees

Also, after a 12 month grace period, former councillors may sit as independent members on standards committees of councils to which they were not elected.

However, there is a lifelong ban on them serving as independent members on the standards committee of the council to which they were elected. (See regulation 6 of the Standards Committees (Wales) Regulations 2001).

There is no longer a period of grace for councillors being employed by the council to which they were formally elected and so we are also seeking views on whether the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed.

If you think it should, what do you think would be a suitable period of grace?

Question 16

Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Question 17

Do you agree that the sanctions a standards committee can impose should be changed or added to? If yes, what sanctions would you suggest?

Relevant Narrative

Standards committees' summoning witnesses and sanctions

The standards committee's role is to consider a report and recommendations from a monitoring officer or a report from the PSOW and, having heard representations from or on behalf of the person being investigated, determine whether there has been a breach of the authority's code of conduct or not and, if so, to decide the sanction. The standards committee may also request the monitoring officer or PSOW attend before it to, amongst other things explain their report. This is provided for in Regulation 8(3A) of the Local Government Investigations Regulations.

However, standards committees do not have the power under either the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 or the Standards Committees (Wales) Regulations 2001 to summon witnesses. There is a view that if the standards committee were to have the power to summon witnesses, it could be seen to be encroaching on the role of the investigators i.e., the monitoring officer and the PSOW and blurring its role of decision maker.

Some stakeholders have also suggested that the current sanctions available to standards committees in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are too inflexible and/or not a sufficiently strong disincentive. The current sanctions enable a standards committee to censure, suspend or partially suspend a member for a period of up to 6 months.

<p>Question 18</p> <p>We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?</p> <p>Question 19</p> <p>How could positive effects be increased, or negative effects be mitigated?</p> <p>Question 20</p> <p>Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.</p>
<p>Relevant Narrative</p> <p>None</p>
<p>Question 21</p> <p>Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?</p>
<p>Relevant Narrative</p> <p>None</p>

Consultation response form: WG47012

Your name: John R Jones, Chair of the Standards Committee

Organisation (if applicable): Cyngor Sir Ynys Môn / Isle of Anglesey County Council

email/telephone number: JohnJones@ynysmon.llyw.cymru

Your address: Council Offices, Llangefni, Ynys Môn LL77 7TW

Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

Recommendation 4

Q1. Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 (legislation.gov.uk)?

Yes

Comment: This appears logical and reasonable; it also ensures a consistency of approach across Wales.

Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Yes

Comment: We agree that the APW be able to issue Restricted Reporting Orders during a hearing, and its associated proceedings.

However, following the announcement / publication of the APW's decision in a case, we would suggest that Restricted Reporting Orders only be made in specific and exceptional circumstances.

We distinguish APW hearings from those of Employment Tribunals (as referred to in the Consultation). In employment matters, the issue is usually between specified parties while, in APW cases, there is a strong public interest element as the cases relate to those who are holding public office in a representative capacity.

The APW's right to issue Restricted Reporting Orders must work within the principle that cases involving councillors (which could result in the disqualification of a councillor from holding public office) require the highest possible level of transparency.

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Yes

Comment: No further comment.

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Yes

Comment: We support the changes but:-

(A) Clarity is needed as to the definition of "days". Is this working days?

(B) 7 days (whether it be working days or not) is not sufficient time for an Appellant to provide the requisite documentation/information. Most Appellants will be acting in person and will be unfamiliar with such proceedings. The implications of the appeal could be significant for them and therefore a reasonable timeframe would need to be adopted; and

(C) We are concerned about the proposal not to place any deadline on the APW, particularly as all other parties will have deadlines to meet (eg Appellant 7 days, PSOW 14 days). It is only fair that the APW is also held to account by having to follow a timetable. This would assist parties to manage their expectations as this would be a matter of significance to the Appellant, the Complainant, and other witnesses. The timescale should not be indefinite. Long delays are not in the public interest and would bring the process into disrepute.

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes

Comment: Whilst we would agree with the principle of the APW having an express power to summon witnesses to appeal tribunals, we do question how effective such a power would be unless there were consequential sanctions for a breach. We would wish to know what the sanctions might be.

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees?

No

Comment: We would not support such a change as the current arrangement works effectively and it is useful for the Standards Committee to receive the APW's recommendation, even if it decides not to follow it. To refer a matter back to the primary decision maker for reconsideration, with recommendations and even instructions, is an established judicial practice.

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Yes

Comment: We consider that there should be a presumption that all hearings be held in public, but that in certain prescribed circumstances, it would be fair and reasonable for parts/all of a tribunal hearing to be held in private. The Standards Committee, like the Council, is able to exclude the press and public in limited circumstances e.g. where personal information or commercially sensitive information is disclosed and it is appropriate that the APW have the power to conduct part/all of a hearing in private where circumstances require.

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Yes

Comment: We suggest that the maximum possible notice of postponement of a hearing should be given and that seven days' notice (we would again ask for clarity on whether this definition included only working days) is noted as a minimum.

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Yes

Comment: We would support the APW having a varied and flexible approach to the sanctions available to it and believe that options such as restricting a member's access to resources of the authority, restricting a member's access to premises of the authority (in their elected capacity) or placing conditions such that a suspension will be shorter if the member apologises in writing / receives training / takes part in conciliation, would be useful.

We also consider that a partial suspension would be useful e.g. for failing to disclose a personal interest in a planning matter, allowing the member to continue with their local duties but they would be suspended from sitting on the Planning Committee for three months etc. In those circumstances, their electorate would not be disenfranchised. A similar approach could be taken to senior salaried roles, where local member duties continue but a member is suspended from undertaking a leadership role and receiving that element of their allowance.

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Yes

Comment This would be helpful in avoiding councils, in some circumstances, in having to apply for injunctions to exclude members in certain circumstances.

It is also assumed that an interim suspension order would follow the same logic as that for employees when suspended from their employment and thus remuneration/allowances would continue in full.

Q10b. If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e., by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001?

If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

No

Comment: Putting resource into developing an interim arrangement now could distract from the efforts to ensure a long-term change, and we believe that limited resources would be put to better use by concentrating efforts on that long-term strategy.

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

No

Recommendation 12

Q12. Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Comment: Co-ordinated central action would be useful in delivering this aim. To that end, it is suggested that this may be something which the National Forum of Standards Committee Chairs could discuss and agree a consistent approach.

However, while raising awareness of the ethical framework is generally positive, we are concerned about managing public expectations. While there is often evidence of breach, the PSOW applies a high public interest threshold and local resolution arrangements only apply to elected members and not complaints from the public. So, to “advertise” or “promote” the framework could result in many more complaints which will ultimately be rejected. We wonder whether this is wise?

Other related matters outside of the Review Report

Q13. Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Yes

Comment: We consider that where such vacancies are advertised should be a matter of local choice and not a legislative requirement.

In our previous experience, newspaper advertising has proved beneficial. However, we have also used other advertising too including website and social media.

We would support a practice that ensures the greatest possible pool of candidates are reached, of varying demographics, where inclusivity is of paramount consideration.

Our Standards Committee Selection Panel is about to fill a casual vacancy. The recommendation will be to include newspaper advertising because of the older demographic of the area served by the Council and to avoid any possibility of digital exclusion.

Q14a. Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Yes

Q14b. If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

We consider that most former Council employees might sit as an independent member after 12 months of their employment ending.

However, for an individual who held a politically restricted post, they must wait 2 years following the termination of their employment before sitting as an independent member.

Q15. Former councillors sitting as independent members on standards committees:

Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

Yes

Comment: We consider that a former Councillor might sit as an independent member after 2 years of leaving elected office.

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

No

Comment: We do not consider that summoning an unwilling witness would assist a case; we would seek to hear from witnesses who are willing to contribute to the proceedings and will offer information of their own accord. In any such event, providing such a power, but without any means of enforcement, would merely bring the exercise of the power into disrepute.

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to?

Yes

If yes, what sanctions would you suggest?

Much as with the provision to extend the APW's sanctions [discussed under question 9 above], we would welcome added flexibility to the type of sanctions available to the Standards Committee.

As a pro-active Standards Committee, we believe that education is key. This also applies to those who have breached the Code of Conduct. We would like to have a more refined set of sanctions available that would support this overall aim. Wherever it

is reasonable to do so, in the public interest, we would seek to support and encourage good practice rather than “punish”.

We would support the APW having a varied and flexible approach to the sanctions available to it and believe that options such as restricting a member’s access to resources of the authority, restricting a member’s access to premises of the authority (in their elected capacity) or placing conditions such that a suspension will be shorter if the member apologises in writing / receives training / takes part in conciliation, would be useful.

We also consider that a partial suspension would be useful e.g. for failing to disclose a personal interest in a planning matter, allowing the member to continue with their local duties but they would be suspended from sitting on the Planning Committee for three months etc. In those circumstances, their electorate would not be disenfranchised. A similar approach could be taken to senior salaried roles, where local member duties continue but a member is suspended from undertaking a leadership role and receiving that element of their allowance.

Welsh language

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q18. What effects do you think there would be?

Q19. How could positive effects be increased, or negative effects be mitigated?

Q20. Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We note that the Penn report states that it is “essential the Framework reflects significant legislation made since its establishment, in particular the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Local Government and Elections (Wales) Act 2021”. It does not refer to the legal regime of the Welsh Language (Wales) Measure 2011, which gives official status to the language and places a duty on public bodies to ensure that:

- Welsh is not treated less favourably than English; and
- that persons in Wales should be able to live their lives in Welsh if they wish.

Any changes should comply with Welsh language standards, be mindful of local authorities' Welsh language policies and respect the freedom of elected members and others to use the language if they wish.

Q21. Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

Yes

Comment: Training on the Code of Conduct is essential. Whilst the Code of Conduct for this Council includes a provision that members will complete training on the Code within 6 months of taking up office, there is no requirement in the Model Code, and no such requirement on town and community councillors. We are of the view that the Model Code should include this provision.

Training for community council clerks is also something that should be considered. A well-informed clerk, who understands both the Code of Conduct and the rules of procedure, is essential in a high functioning community council. The PSOW's office has repeatedly reported that the majority of cases received relate to town and community councillors. Perhaps compulsory training might assist in reducing that number. We have arranged four training sessions for town and community councillors, and their clerks, but the uptake has been very low. Perhaps, national, digital training materials which town and community councils might view in their own meetings/view remotely, might be useful.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick

here: ☐

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.

This page is intentionally left blank

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 June 2023
REPORT TITLE:	Town and Community Councils' Training Plans
PURPOSE OF THE REPORT:	To present to the Standards Committee the responses received from the Town and Community Councils to its request for copies of their Training Plans
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwycs@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxc@ynysmon.llyw.cymru 01248 752586

1. BACKGROUND

1.1 Under the provisions of the Local Government and Elections (Wales) Act 2021, every Town and Community Council is now required to produce an annual training plan for both councillors and its staff. Under this new legislative provision, the first Training Plan was required to be published by each Town and Community Council within 6 months of the local government election on 5 May 2022.

1.2 As part of its work in ensuring high levels of behaviour and conduct by members of the Town and Community Councils, the Standards Committee is interested in the training being offered and the uptake of such training by those members.

2. REQUEST MADE BY THE STANDARDS COMMITTEE

2.1 In its Newsletter to the Town and Community Councils in March 2023, the Standards Committee requested that the Town and Community Councils provide a copy of their current Training Plans to the Committee.

2.2 Copies of the Training Plan were requested by 31 May 2023.

2.3 **Enclosure 1** details the responses received from the Town and Community Councils. Only five of the forty Town and Community Councils have responded.

2.4 The Newsletter explained that the responses from the Town and Community Councils would be discussed at the Standards Committee's meeting in June 2023.

3. RECOMMENDATION

3.1 The Standards Committee is asked to:

3.1.1 note the information detailed with regard to the Town and Community Councils in Enclosure 1; and

3.1.2 decide what action should be taken, if any, with regard to those Town/Community Councils who have not responded.

ENCLOSURE 1

	Cyngor Tref a Chymuned / Town and Community Council	Dyddiad derbyn yr ymateb gan y CTCT/ Date response received from TCC
1	Cyngor Cymdeithas Aberffraw Community Council	
2	Cyngor Tref Amlwch Town Council	
3	Cyngor Tref Biwmares / Beaumaris Town Council	
4	Cyngor Cymdeithas Bodedern Community Council	
5	Cyngor Cymdeithas Bodffordd Community Council	
6	Cyngor Cymdeithas Bodorgan Community Council	
7	Cyngor Cymdeithas Bryngwran Community Council	23.05.2023
8	Cyngor Tref Caergybi / Holyhead Town Council	
9	Cyngor Bro Cwm Cadnant Community Council	
10	Cyngor Bro Cylch y Garn Community Council	
11	Cyngor Cymuned Llanbadrig Community Council	
12	Cyngor Cymdeithas Llanddaniel-Fab Community Council	
13	Cyngor Cymdeithas Llanddona Community Council	
14	Cyngor Cymdeithas Llanddyfnan Community Council	23.05.2023
15	Cyngor Cymdeithas Llaneilian Community Council	
16	Cyngor Cymuned Llanerchymedd Community Council	
17	Cyngor Cymuned Llaneugrad Community Council	
18	Cyngor Cymdeithas Llanfachraeth Community Council	
19	Cyngor Cymdeithas Llanfaelog Community Council	
20	Cyngor Cymdeithas Llanfaethlu Community Council	
21	Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	
22	Cyngor Cymdeithas Llanfair yn Neubwll Community Council	
23	Cyngor Cymuned Llanfairpwll Community Council	
24	Cyngor Cymdeithas Llanfihangellesceifiog Community Council	
25	Cyngor Tref Llangefni Town Council	
26	Cyngor Cymdeithas Llangoed a Phenmon Community Council	
27	Cyngor Cymdeithas Llangristiolus Community Council	23.05.2023
28	Cyngor Cymdeithas Llanidan Community Council	
29	Cyngor Cymdeithas Mechell Community Council	
30	Cyngor Cymuned Moelfre Community Council	
31	Cyngor Cymuned Penmynydd a Star Community Council	
32	Cyngor Cymdeithas Pentraeth Community Council	04.04.2023
33	Cyngor Tref Porthaethwy / Menai Bridge Town Council	
34	Cyngor Cymdeithas Rhoscolyn Community Council	
35	Cyngor Cymuned Rhosybol Community Council	
36	Cyngor Rhosyr Council	
37	Cyngor Bro Trearddur Community Council	
38	Cyngor Cymdeithas Tref Alaw Community Council	
39	Cyngor Bro Trewalchmai Community Council	23.05.2023
40	Cyngor Cymuned Y Fali / Valley Community Council	

This page is intentionally left blank