

MEETING:	County Council
DATE:	
TITLE:	Annual Report of the Standards Committee
REPORT BY:	Standards Committee
PURPOSE OF REPORT:	<p>To inform Members of new duties imposed on the standards committee and leaders of political groups introduced in the Local Government and Elections(Wales) Act 2021</p> <p>To report on the Activities of the Standards Committee in 2021/22 and to secure Council Approval for the Committee's Work Programme for 2022/322</p>
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Introduction

This is the first annual report of the Standards Committee to the County Council. Previous reports have been considered by the Council but these have been reports by the Chair of the Committee.

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

2. **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.

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.

3. **Town and Community Councillors:**

The two Town and Community Council representatives were appointed in 2017 and their appointments ran for a period until the last Local Government election. A recruitment exercise is underway for two Town and Community Councillors to 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.

4. County Councillors:

The two County Council members are appointed annually by the Council.

The two current County Councillors are Councillor Trefor Lloyd Hughes and Councillor Dafydd Rhys Thomas.

5. Before the introduction of the Local Government and Elections (Wales) Act 2021, the Standards Committee had (amongst others) the following roles and functions in relation to County Council members and Town/Community Council members:-
- (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).

The Local Government and Elections (Wales) Act 2021 provides that the Standards Committee must make an annual report to the Council and the Council must consider this 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 the new duty to promote high standards of conduct, including the advice the Standards Committee has provided and the training it has suggested.

As this is the Committee's first report, there will necessarily be some information that is not available to put in the report at this stage but this will be included in further reports.

Background

The Local Government and Elections (Wales) Act 2021 ('the Act') has introduced new duties on the Committee and Council in relation to improving standards of conduct of

Councillors and Co-opted Councillors both in the Council and in respect of Town and Community Councillors.

This report outlines the duties introduced by the Act and the work the Committee has undertaken in preparation for the main provisions, which will be in the form of Regulations, and which have been subject to consultation by the Welsh Government.

The Standards Committee have responded to the consultation and the Committee's response is at **Appendix A**.

The report also outlines the work the Committee has undertaken in accordance with its responsibilities.

The new duties

Duty 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 Constitution is being amended to take into account the revised functions of the Committee and these can be found at **Appendix B**.

The new duties imposed by the Act came into force on 5th May 2022.

The Standards Committee's response.

Apart from responding to the Government consultation, before the local elections, the Chair and Vice-Chair of the Committee met with Leaders of the political groups within the Council to discuss the new roles and duties contained within the Act. These meetings took place on 8th March and 27th April 2021.

Discussions with the Leaders included the introduction of a local resolution protocol.

Work will continue in this respect following the local elections.

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

The Standards Committee's response

Apart from meeting the Group Leaders, members of the Standards Committee have also attended formal meetings of the Council including Overview and Scrutiny Committees to learn more about how they work and use this information when consideration is given to what training should be offered.

This will continue in the forthcoming year.

Members of the Committee have discussed informal resolution of complaints with Group Leaders. The Committee consider that this provision should be used where appropriate in order to deal with problems at an early stage and to monitor any trends relating to complaints so that these can be addressed early.

A new procedure to deal with this is being worked on and will be introduced this year.

The Standards Committee is also mindful of its responsibility to provide appropriate training and the Committee's work-plan for next year has been amended to provide for this. The work-plan of the Committee for next year can be found at **Appendix C**.

Town and Community Councils.

The Standards Committee also has 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 review of the register of interests of members of Town and Community Councils. The Committee asked the Councils if they were happy for it to undertake this review and a sample of councils was selected for review.

A report on the review has been produced and sent to all Community Councils.

The report was anonymised and the Councils have been asked to report on the conclusions, to a future meeting of their Councils. The report is at **Appendix D**

The Committee also issues regular newsletters to Town and Community Councils to inform them of the Committee's work.

Review of the Ethical Standards Framework and Model Code of Conduct

Apart from responding to the consultation on the Act, the Committee also responded to an independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. The response is at **Appendix E**

Reports from the PSOW

Reports from the PSOW in relation to complaints received in relation to alleged breaches of the code of conduct by members of the Council or Town and Community Councils are issued on a quarterly basis.

Over the past year, two complaints have been received by the PSOW. These complaints were received in quarter 2.

One was in relation to a County Councillor and one in relation to a Town and Community Councillor.

In respect of the complaint against the County Councillor, the PSOW decided not to investigate further. In relation to the Town and Community councillor, the PSOW's investigation is continuing.

It is encouraging to note that no complaints were received in quarters 3 and 4, the most recent periods for which reports have been received.

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.

On 12th November 2021 the Standards Committee granted 7 dispensations to Members of the Council.

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

that no fewer than half of the members of the relevant authority or of a committee of the authority, by which the business is to be considered has an interest which relates to that business

that no fewer than half of the members of a leader and cabinet executive, by which the business is to be considered has an interest which relates to that business

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.

Draft Statutory Guidance – Standards of conduct

Question 1: Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?

If not, why not?

The Isle of Anglesey Council Standards Committee consider that the draft guidance is clear. However they consider that the guidance could be made stronger. For example the use of the word 'may' in Chapter 2 of the guidance 'Reasonable steps the group leader may undertake include' could be changed to 'should' or 'could'. The guidance does not address the behaviour of members who are not in a group which, on many occasions, can be the source of some problems.

The Committee considers that the Leaders of Political groups should be subject to the same requirements to report as the Standards Committee.

They consider that the political leaders should be required to produce an annual report (at least) outlining what steps they have taken to maintain and improve high standards of conduct within their group.

The report should be produced two months after the beginning of the municipal year so that it could be considered before the Standards Committee compose their report. This would have several benefits:

1. There would be consistency of approach across Wales.
2. It would publicise the raising of standards across the council and Wales.
3. The report by the Standards Committee could address any issues raised in the Leader's reports.
4. The Leader's report could identify any concerning trends of behaviour that could be addressed by the Committee and provide support.

The Committee also feel that there should be an obligation on Leaders to report any serious concerns to the Standards Committee immediately perhaps in an anonymised form so the Committee can provide support and advice.

Suggestions for what the Leaders report could include are details of minor complaints, any training provided by or on behalf of the Leaders and any efforts made by the Leaders to raise standards of conduct within their group.

Question 2: Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees? If not, why not?

The Standards Committee consider that the guidance is clear on this issue. However they consider that their role could be strengthened by the introduction of mandatory training for all members. This should include more than the register of interests but the whole standards regime including the Nolan principals and local resolution of issues.

Members of the Standards Committee should also help to provide the training. They consider that the guidance relating to exercising other functions for example maladministration complaint procedures could be confusing as these areas may well be the preserve of other committees within the Council e.g. Governance and Audit Committees.

Question 3: We would like to know your views on the effects that the guidance 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? How could positive effects be increased, or negative effects be mitigated?

The committee do not consider that the guidance would have a significant effect on the Welsh language. The Committee also felt that the Welsh language is barely mentioned in the guidance and so wonder why this question has been posed.

Question 4: Please also explain how you believe the guidance 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 have 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.

The Committee consider that all councils must be encouraged to comply with the legislation in relation to the use of the Welsh language. Translation services should always be available. In Anglesey all meetings are held in the Welsh language and an English translation is provided. Consideration should be given to encouraging the use of the Welsh in Councils on a Wales - wide basis.

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

The Committee consider that it is important that the committee has a good relationship with Leaders of political parties. Therefore, it is important that the guidance does not 'talk down' or patronise leaders.

The local resolution procedure is an important element of the Standards regime and consideration should be given to codify this in Law.

The Leaders of political parties do meet together informally at Anglesey on a regular basis. However, it is accepted that this may not be the case in other authorities. Informal meetings between Leaders and the Standards Committee should also be encouraged so any problems can be picked up and any worrying trends identified. The Standards Committee were mindful that local resolution may formalise issues

rather than more informal mediation and consider that care should be taken to differentiate between the two solutions.

Local resolution and mediation add more responsibilities to the Committee's workload and this will have a financial cost and the Committee ask that this is considered seriously.

There are two questions in the consultation document relating to the Welsh language although little mention of this is made in the text of the document. The Committee would like further guidance on what is sought from the Committee in this respect.

The final point is that care should be taken when translating documents as some of the translations in the document are not accurate.

Appendix 2

2.9.1 Standards Committee

The Council will establish a Standards Committee.

2.9.2 Composition

2.9.2.1 Membership

The Standards Committee will, in accordance with the provisions of the Local Government Act 2000, be composed of:

2 County Councillors

5 independent members

2 community council members (who are not deemed to be independent members for the purposes of this Constitution).

2.9.2.2 Term of office

2.9.2.2.1 The independent members are automatically appointed for a period of two consecutive ~~four~~five year terms.

2.9.2.2.2 Unless re-selected the community council members are appointed until the next election or until they cease to be community council members within the area of Isle of Anglesey County Council, whichever is the shorter. 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 a current community council member(s) as a nominee for the appointment.

2.9.2.2.3 County Councillors who are members of the Standards Committee will have a term of office of no more than ~~four~~five years or until the next ordinary local government election following their appointment whichever is the shorter.

2.9.2.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

2.9.2.3.1 at least three members, including the chairperson, are present, and

2.9.2.3.2 at least half the members present (including the chairperson) are independent members.

2.9.2.4 Voting

County Council members, independent members and the community council members will be entitled to vote at meetings.

2.9.2.5 Community Council Members

2.9.2.5.1 The community council members shall not take part in the proceedings of the Standards Committee when any matter relating to their Community Council is being considered.

2.9.2.5.2 The community council members shall only participate in hearings/applications before the Standards Committee when it is discharging those functions in relation to community councils and community council members.

2.9.2.6 Chairing the Committee

2.9.2.6.1 Only an independent member of the Standards Committee may be the chairperson.

2.9.2.6.2 The chairperson will be elected by the members of the Standards Committee for a period not exceeding, ~~four five~~ years or the period he/she remains a member of the Committee, whichever is the shorter period, but will be eligible for re-election as chairperson.

2.9.3 Role and Function

The Standards Committee will have the following roles and functions:

2.9.3.1 promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;

2.9.3.2 assisting the ~~C~~councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct (5.1);

2.9.3.3 advising the Council on the adoption or revision of the Members' Code of Conduct (5.1);

2.9.3.4 monitoring the operation of the Members' Code of Conduct (5.1);

2.9.3.5 advising, training or arranging to train ~~C~~councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct (5.1);

2.9.3.6 granting dispensations to ~~C~~councillors , co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct (5.1);

2.9.3.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

2.9.3.8 the exercise of 2.9.3.1 to 2.9.3.7 above in relation to the community councils in its area and the members of those community councils.

2.9.3.9 As soon as reasonably practicable after the end of each financial year, to submit an annual report to the Council. The report must describe how the committee functions have been exercised during the financial year.

The report must include a summary of what has been done to discharge the general and specific functions of the committee in relation to:

2.9.3.9.1 monitoring, compliance by the group leaders of their duty to promote and maintain high standards of conduct by councilors.

2.9.3.9.2 providing training to group leaders to enable them to fulfil their duty under paragraph 2.9.3.9.1.

2.9.3.9.3 reports and recommendations made or referred to the committee in relation to:

- Guidance issued by the Public Services Ombudsman for Wales (PSOW).
- Investigations by the PSOW
- Matters referred to the Monitoring Officer by the PSOW and action taken
- Decisions taken by the Adjudication Panel for Wales
- Decisions taken by the 1st tier tribunal
- Decisions by the Welsh case tribunal
- action taken by the committee following its consideration of such reports and recommendations.

2.9.3.9.4 The annual report of the standards committee may include recommendations to the authority about any matter in respect of which the committee has functions.

2.9.3.9.5 The council must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the council receives the report.

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NB A copy of the full Constitution of the Standards Committee is available from the Monitoring Officer.

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- Guidance issued by the Public Services Ombudsman for Wales (PSOW).
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- Decisions taken by the Adjudication Panel for Wales
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- Decisions by the Welsh case tribunal
- action taken by the committee following its consideration of such reports and recommendations.

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Draft Work Programme for Standards Committee 2022/23

No	Items	Action	Completed / Further Actions
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?	Draft report considered at informal meeting on 28/3/2022. Work ongoing for presentation to meeting on 28/6/2022
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?	Amendment made March 2022 – further work needed. PSOW has issued 'model' protocol for TCCs.
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
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?	Met previously 8/3/21 and 27/5/21
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.	Met previously 8/3/21 and 27/5/21
6	Meetings	Last formal meeting 15/12/2021	Informal meeting held on 28/3/2022 and 27/4/2022.

		<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. • Workplan for 22/23 <p>Next formal meeting scheduled for 28/6/2022.</p>	
7	Newsletters following the 15.12.2021 formal meeting	Members to consider following-up responses to the 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.	
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.	
9	Standards Committee Observing work of Public Committees and full Council	<p>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.</p> <p>Members of the Committee who wish to participate in</p>	Pro-forma report to be developed to ensure all issues recorded.

		this observation role are requested to volunteer so that a schedule can be drawn-up and responsibilities allocated accordingly.	
10	Training for SC Members		Discussions on-going with HR
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 response.	

The Standards Committee would like to take this opportunity to thank the clerks, and members, from the five Town and Community Councils that were reviewed for their time and co-operation.

The reviews are deemed to have been a productive exercise; the Standards Committee was generally pleased with the findings, as several good practices were noted. However, some common areas of concern have also been identified and these require attention. This Report aims to include both, so that it is a useful guidance to all Town and Community Councils on what needs to be done.

The documents requested:

At each Council the following documents, dating back to May 2017 (i.e. the date of the last election), were requested for the review:

- The Register of Personal Interests – namely the Declarations made at Meetings Register and the Gifts and Hospitality Register
- Copy of the declaration form used by members for declaring personal / prejudicial interests in meetings
- The Council's Code of Conduct
- A list of names of all Councillors [including details of any vacant seats] and confirmation that each current member has undertaken to comply with the Code of Conduct
- Members' Training Records
- Information on Clerk Training
- The Council's Local Resolution Protocol and information on its adoption
- Website address
- Copies of all Council and sub-committee Agenda and Minutes of meetings
- Details of any dispensation granted to Councillors.

Code of Conduct:

The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 1st April 2016. There was a requirement for all Town and Community Councils to adopt this amended Code and, once adopted, for an advertisement to be published in one or more newspapers circulating in the local area, and for a copy of the Code to be sent to the Public Services Ombudsman for Wales. **A copy of the statutory Code of Conduct can be seen [here](#) (Appendix 1).**

The Standards Committee was pleased to note that the majority of the Councils reviewed had adopted the same fully.

- All Councils are asked to ensure the updated Code is brought to the attention of its members and adopted if not already done so.

Agenda and Minutes:

There is no specific format for Agendas and Minutes; however the Standards Committee considers it good practice to include "Declarations of Interest" as a standing item on each Council Agenda, as a way of reminding members. This was done at all Councils reviewed.

It was felt that, generally, more information should be included in the Minutes under the 'Declaration of Interest' item i.e. (a) name of the member making the oral declaration, (b) to which agenda item the declaration relates, and (c) whether the declaration made was a personal or prejudicial interest. Furthermore, under the business item itself, it would be good practice for the Minutes to confirm (a) whether a declaration of interest has been made, and by whom, (b) whether the interest is personal or prejudicial, (c) details of the personal/prejudicial interest, and (d) when prejudicial, that the member left the meeting room. Including such information assists members of the public to ensure that decisions are made transparently and in the public interest. It may also be good practice, when an oral declaration relates to an interest which a Member has already registered (i.e. declared orally for the first time and then confirmed the same in writing) for the Minutes to confirm the details of when the interest was registered by the Member – this would ensure transparency for the public should they question the same.

Undertaking to comply with the Code of Conduct:

It is a requirement for each member to sign a new undertaking to abide by the council's adopted Code of Conduct at the commencement of each term of office. It was therefore expected that there would be a form for each Councillor following the local elections in May 2017, irrespective of whether the member had been re-elected or not and, whether or not an election took place for that Council; or when that member had been co-opted. Whilst this was done for the vast majority of members in the Councils reviewed, some were missing and other pre-dated May 2017.

The Standards Committee was pleased that, where there are completed Undertaking forms, these have been signed before a witness (the status of whom is detailed in section 83(3) of the Local Government Act 1972); [the clerk, as proper officer of the Council, is usually the witness used and this is compliant].

- Members should check they have signed an undertaking to conform to the Code of Conduct, in the presence of the Clerk, since May 2017.
- Councils are reminded that undertakings must be signed by new and returning Councillors following the May 2022 election.

Clerk Forum:

Several Clerks have suggested they would welcome a "peer support group" as a means for Clerks to share ideas and support each other. This is something which the Committee supports in principle and it has included the idea in a consultation exercise on the "Ethical Framework" by Welsh Government.

Register of Personal Interests (declared in meetings):

→Format of the Register:

- When the previous review was conducted, the majority of the Councils had Registers consisting of (a) the Minutes for the relevant meeting (which confirm the oral declaration of interest made) and (b) the Declaration of Interest forms, completed by each member following an oral declaration of personal and/or prejudicial interest for the first time at a meeting. This was considered a satisfactory format.
- During this review, the majority of the Councils had Registers consisting of a Table format, where the Clerk will input certain information as received from the Councillor.
- There is no specific format for the Register, but if a Table is to be relied upon, all relevant information must be included in the summary Table.
- It was noted that many Councils go beyond the requirement in the Code to confirm an oral declaration when it is made for the first time by confirming every oral declaration made with written confirmation (hence, there could be several declaration forms by the same member in relation to the same issue at several different meetings). This appears to be good practice and an easier format for the public to be able to review, albeit, this is not a requirement under the Code of Conduct.
- There were no examples of written confirmation by Members that the details of those interests which are disclosed in their Register have changed. Members are reminded of their obligation to confirm any changes to personal/prejudicial interests which have been registered within 28 days of the change having occurred.
- Members are also reminded that a personal/prejudicial interest will only be deemed to have been previously disclosed if written notification has been provided since the last date on which the individual was elected, appointed or nominated as a member of the Council. Members should bear this in mind particularly following the May 2022 election.

→Publication:

The Register of Interests must be published on yourCouncil's website. The Standards Committee was pleased to note that this was done in all reviewed Councils; this is an improvement since both the 2016 and 2018 Reviews.

→Confirmation of declarations of interests made at meetings Form:

There is no single format for the Declaration of Interests Form to be used to confirm a declaration of personal and/or prejudicial interest made orally at a meeting. The majority of the 'Declaration Forms' reviewed by the Standards Committee followed the IOACC standard document and were satisfactory in terms of the information requested by Members. A copy of the IOACC Form can be seen [here](#).

The Standards Committee was not provided with copies of completed forms in several of the reviewed Councils. The Committee therefore had to rely on the information included in the Table register, and this did not always provide a full picture.

It is on this basis that the Committee would suggest publishing the Declaration Forms so that they form part of the Register by sitting behind the Table.

Members are reminded to fully answer all relevant questions on the Declaration Form.

Personal and Prejudicial Interests:

Members do not always appear to understand the requirement to declare personal and/or prejudicial interests when they arise, or which applies when. Members are reminded that:-

- A personal interest is one of those contained within the definitive list in the Code of Conduct;
- A prejudicial interest is a personal interest which an objective observer would consider so significant that it is likely to compromise a member's ability to make a decision in the public interest;
- The distinction is important because members are allowed to participate when they have a personal interest, but not when they have a personal interest which is also prejudicial. If an interest is prejudicial, members must also physically/virtually leave the meeting while the item is under discussion.

Members should ensure they understand their obligations under the Code of Conduct, and if they do not, arrange appropriate training.

A Briefing Note on the declaration of personal and prejudicial interests by Members of Town and Community Councils can be seen [here](#).

If Members have any specific questions, they should be seeking advice from their clerk or contacting the Monitoring Officer at the IOACC on lbックス@ynysmon.gov.uk

Gifts and Hospitality Register:

Whilst there is no requirement for Town and Community Councils to have a Standing Register (i.e. pre-registration of certain interests), your Councils are obliged to maintain the other two Registers required under the Code. There is therefore a requirement for Members to register any gifts and hospitality received by them in their role as Councillors, above a financial threshold which is to be agreed by each Council.

This area requires attention as the majority of the Councils reviewed did not have a Register and were unaware of this requirement.

- Councils should have a Register even if it confirms that no declarations have been made.
- Members must appreciate the requirement to register such receipts, and each Council needs to agree on a limit above which all gifts and hospitality must be registered.

Training:

→Clerk Training:

A properly trained and resourced clerk will assist the Council collectively, being better equipped to advise members, both inside and outside meetings. Members are reminded that clerks are the proper officers within the Councils and that their advice should be given due consideration.

→ Member Training:

Clerks appear to be advising members of training, but members seem to be generally unable/unwilling to attend training. Attending training will assist members with matters such as personal / prejudicial matters and the Standards Committee would encourage Members to consider their training needs.

Councils are advised that, as of May 2022, Town and Community Councils will be required to produce a Training Plan setting out their proposals in relation to the provision of training for Councillors and staff ([section 67 of the Local Government and Elections \(Wales\) Act 2021](#)).

Councils are reminded that an element for training (for Clerk/staff and Members) could be included when the Council sets its precept amount.

The Councils reviewed as part of this exercise did have a training budget available but it appeared it was not always being utilised; the Standards Committee would encourage Councils to make use of the money available for any identified training needs.

Virtual meetings:

All reviewed Councils were praised for their approach in ensuring Council meetings have been held virtually during the past year, with several Councils allowing the public to access the virtual meetings too.

Councils have also been praised for their adaptations to ensure the requirement under the Code of Conduct for a member who declares a prejudicial interest to leave a meeting is being observed. Councils reported that they have (a) moved Agenda items so that the item is considered last [and the Councillor with the prejudicial interest can leave the meeting] or (b) made use of the “Zoom waiting room” [and Clerks have placed the Councillor with a prejudicial interest in this virtual room until the item has closed].

With [section 47 of the Local Government and Elections \(Wales\) Act 2021](#) detailing that Community Councils must continue with allowing remote access to meetings in the future, the Standards Committee encourages all Councils to adopt similar arrangements for dealing with Code of Conduct requirements.

Local Resolution Protocol:

Of the five Councils reviewed, four had adopted a Local Resolution Protocol (with three using the model prepared by One Voice Wales). The Standards Committee welcomes the adoption of such Protocol in the Councils, as it is good practice, although not mandatory. The Standards Committee also welcomed the fact that none of the Councils where the Protocol had been adopted had reason to use it since its adoption.

➤ Where Clerks are required to act as mediators under this process, the Standards Committee encourages Clerks to complete relevant training.

GOOD PRACTICE IDENTIFIED IN THE REVIEWS:

- (1) An improvement on the amount of information, including the Register of Personal Interests, published on the Council websites since the last review;
- (2) Councils' willingness to adopt a Local Resolution Protocol;
- (3) Councils have adapted well with ensuring compliance with the Code when conducting virtual meetings;
- (4) The inclusion of “Declarations of Interest” as a standing item on each Council Agenda;
- (5) The format of the ‘Declaration Forms’ used for declaring personal/prejudicial interests at formal meetings.

AREAS FOR IMPROVEMENT:

- (1) Need to ensure adequate records showing that members sign an undertaking to abide by the Code of Conduct (2016 version) at the commencement of their new term of office;
- (2) The format for the Register of Members’ Personal Interests so as to ensure it includes adequate information and is clear for the public;
- (3) Some members’ apparent lack of understanding of the distinction between personal and/or prejudicial interests needs to be addressed;
- (4) For councils to maintain a Register of Gifts and Hospitality and that members are aware of the financial limit agreed by their council;
- (5) Attendance at, and the recording of, training by members and officers, particularly in light of the requirement to develop Training Plans as of 2022;
- (6) More details of the interests declared to be included on the Agendas/Minutes for all Council meetings.

Dispensations:

Not many Council members seem to be applying for dispensations.

Dispensations are available for Members when they have a prejudicial interest, but, because of one of the statutory grounds, the member should be able to participate in the discussion, despite the prejudicial interest (e.g. because of the Member’s expertise, or more than half the members of the Council has a prejudicial interest). A Briefing Note on Dispensations, which incorporates the Application Form itself, is available [here](#).

Websites:

As of May 2015, Town and Community Councils have a statutory requirement to have websites and to publish specified information on these websites. Statutory Guidance has been issued to assist Councils in fulfilling this obligation and a further copy of this Guidance can be seen [here](#).

The Standards Committee welcomes the work done in relation to the creation and publication of information on websites, and notes this is an improvement since the last Review in 2018.

➤ Councils are reminded of the minimum requirements noted in the statutory guidance and are encouraged to comply so as to be visible for the public.



Mr Richard Penn
penn.richard@yahoo.com

2/07/2021

BUSNES Y CYNGOR / COUNCIL BUSINESS

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 DIRECTOR OF FUNCTION (COUNCIL BUSINESS) /
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Ein Cyf – Our Ref. MY/MWJ/CC-022335-MY
 Eich Cyf – Your Ref.

Annwyl Mr Penn

Adolygiad o'r Fframwaith Moesegol

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

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

1. Trefniadau amgen:

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

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

CC-022335-MY/651169

Dear Mr Penn

Review of the Ethical Framework

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

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

1. Alternative arrangements:

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

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

hanfon ymlaen at yr Ombwdsmon.

2. Cyflwyno cwynion:

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

3. Dyletswydd Arweinyddion Grwpiau:

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

4. Cydraddoldeb:

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

5. Hyfforddiant mandadol:

(a) Prif gynghorau:

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

merit for complaints to be forwarded to the Ombudsman.

2. Presenting complaints:

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

3. Duty by Group Leaders:

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

4. Equality:

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

5. Mandatory training:

(a) Principal councils:

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

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

(b) Cyngorau cymuned:

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

6. Cyfryngau cymdeithasol:

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

7. Parch a bwlio:

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

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

(b) Community councils:

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

6. Social media:

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

7. Respect and bullying:

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

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

8. Datrysiaid lleol:

(a) Prif gynghorau:

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

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

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

(b) Cynghorau cymuned:

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

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

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

8. Local Resolution:

(a) Principal councils:

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

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

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

(b) Community councils:

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

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

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

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

9. Clercod Cynghorau Cymuned:

(a) Rhwydwaith:

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

(b) Pecyn cymorth:

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

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

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

9. Community Council Clerks:

(a) Network:

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

(b) Toolbox:

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

efo cynnwys y pecyn cymorth hwn.

10. Swyddogion Monitro:

(a) Llawlyfr:

Mae angen diweddaru llawlyfr y Swyddogion Monitro.

(b) Hyfforddiant:

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

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

11. Pwerau Cosbi Panel Difarnu Cymru:

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

10. Monitoring Officers:

(a) Handbook:

The Monitoring Officer's handbook needs updating.

(b) Training:

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

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

11. Adjudication Panel for Wales' Sanction Powers:

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

haelod wedi cael ei wahardd dros dro.

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

Llawer o ddiolch

Yn gywir

representation when their member is suspended.

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

Many thanks

Yours sincerely,

John R Jones

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



Ysgrifennwch ataf yn Gymraeg neu Saesneg
Please write to me in Welsh or English