

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	12.09.2018
REPORT TITLE:	Report on North Wales Standards Committee Forum on 29th June 2018
PURPOSE OF THE REPORT:	To update Members of the Standards Committee
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwycs@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk Tel: 01248 752586

A NORTH WALES STANDARDS COMMITTEE FORUM

1. BACKGROUND

- 1.1 The North Wales (now including Powys and Ceredigion) Standards Committee Forum met on the 29th June 2018. **Enclosure 1** is a copy of the Agenda.
- 1.2 The meeting followed the published Agenda. Minutes will be published in readiness for the next Forum meeting; the date is to be confirmed.

2. MEETING OF THE FORUM ON 29TH JUNE 2018

- 2.1 A presentation was given by an officer from Gwynedd County Council on the use of social media.

WLGA has produced a draft guidance on Social Media Guide for Members; this was circulated to the members and contributions were invited during this consultation stage.

Since the Forum, confirmation has been received from the WLGA that the Social Media Guide for Members has now been formally published on its website. The link to the Guide has been shared with Members (elected and co-opted) of this Council and with the Clerks of the Town and Community Councils on 21st August 2018.

- 2.2 The Chairman of this Standards Committee had raised four matters for discussion.
- 2.2.1 In relation to item 5(B) on the Agenda, it was interesting to note a different procedure followed in other Authorities rather than just a poll. Once names had been nominated, the candidates would then be invited to interview and a decision made based on this. This may be less time-consuming than the process followed at IOACC in 2017 which entailed requesting nominations, then once short-list drawn all Town and Community Councils were invited to vote for one name.
- 2.2.2 In relation to items 5(C) on the Agenda, it was interesting to note that the Monitoring Officer, and not members of the Standards Committee, conduct the Local Resolution Protocol in a number of the other Authorities.
- 2.2.3 As regards 5(Ch) on the Agenda, Forum members considered that it would be useful if IOACC's Monitoring Officer could share learning material (presentation slides) from the course she attended with David Richards to the other Monitoring Officers before a decision is made in relation to whether Forum members wants training to be arranged or not.
- 2.3 Any Other Business – draft Guidance had been received from the Public Services Ombudsman for Wales, shortly before the meeting. Copies were shared with members in attendance at the Forum. It was considered that this Guidance by the Ombudsman's office was its response to the concerns raised following the last meeting of the Forum in November 2017 in relation to procedures for dealing with claims against members.
- 2.4 It was determined that each Standards Committee should consider items for inclusion on the next Forum meeting's Agenda.

3. DRAFT LETTER

- 3.1 **Enclosure 2** is a draft letter to the Public Services Ombudsman for Wales which was prepared following the Forum meeting on 24th November 2017.

B 2018 STANDARDS COMMITTEE CONFERENCE

1. The Standards Committee Conference will be held on 14th September 2018 in Aberystwyth, Ceredigion. The Chair, Vice-Chair and the Solicitor – Corporate Governance will attend on behalf of the Isle of Anglesey County Council. Details of the speakers is enclosed in **Enclosure 3**.
2. A formal update from the Conference will be provided to the Standards Committee at its meeting on 13th March 2019.

C RECOMMENDATION

1. For members of the Standards Committee:

- 1.1 To note the contents of the discussions held at the Forum meeting on 29th June 2018;
- 1.2 To put forward items to the Chair for inclusion on the Agenda at the next Forum meeting;
- 1.3 To note the date for the Standards Committee Conference on 14th September 2018, and for members to share any question they would like the Chair / Vice-Chair to raise on their behalf with the Public Services Ombudsman for Wales in his open session by the end of the Standards Committee Meeting on 12th September 2018; and
- 1.4 To decide if it would be useful for an informal development/training session to be arranged as soon as possible following the Standards Committee Conference, and before Christmas 2018, so as to allow the Chair and Vice-Chair to lead on providing feedback from the Conference to the other members of the Standards Committee.

Complete Agenda



North Wales Standards Committees Forum

Friday, 29th June, 2018 at 10.00 am

Siambwr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

To the Chair, Vice-Chair and Monitoring Officer of:-

Isle of Anglesey Standards Committee

Ceredigion Standards Committee

Conwy Standards Committee

Denbighshire Standards Committee

Flintshire Standards Committee

Gwynedd Standards Committee

Powys Standards Committee

Wrexham Standards Committee

North Wales Fire and Rescue Authority Standards Committee

Mid and West Wales Fire and Rescue Authority Standards Committee

Snowdonia National Park Standards Committee



A G E N D A

1. **APPOINTMENT OF CHAIR FOR THE MEETING**

To appoint a Chair for the meeting.

(N.B. The forum has previously agreed that its meetings will be chaired by the hosting authority.)

2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

3. **MINUTES OF THE MEETING HELD ON 24th NOVEMBER, 2017**

The Chair shall propose that the minutes of the previous meeting of the Forum held on 24th November, 2017 be signed as a true record (attached).
(Pages 4 - 7)

4. **PRACTICES / PROTOCOLS ON USE OF SOCIAL MEDIA AND THE REVIEW OF WLGA GUIDANCE**

(a) To receive a presentation on social media.

(b) To discuss practices / protocols on use of social media operated by the different authorities and to invite contributions to the review of WLGA guidance.

5. **QUESTIONS RAISED BY THE CHAIRMAN OF THE ISLE OF ANGLESEY COUNTY COUNCIL STANDARDS COMMITTEE**

(A) In view of Welsh Government's proposal for local authorities to merge, how does the Forum envisage Standards Committees working in the future, particularly in relation to Town and Community Councils? For example, should a merger occur between Anglesey and Gwynedd, as proposed, there would be over 100 Town and Community Councils for one Standards Committee – does the number of Town and Community Councils need to be reduced?

(B) The recent selection of Town and Community Council representatives to sit on the Isle of Anglesey Council Council's Standards Committee seemed a cumbersome process. How do other Standards Committees conduct their process?

(C) The Isle of Anglesey County Council has recently adopted an amended Local Resolution Protocol which is based on a voluntary process of mediation between the Councillors and members of the Standards

Committee. The Councillors, if they both agree to the process, are to find their own solutions and the Standards Committee representative will be in attendance as a mediator only. In order to be able to conduct this effectively, arrangements are being made for the Standards Committee members to receive mediation training. Have other Standards Committees arranged such training? Is there any good practice / points of learning to share among Forum members?

(CH) The Isle of Anglesey County Council would be willing to arrange for David Richards, WG Director, to attend a future meeting of this Forum to give a presentation on general governance matters. Is this something which would assist Forum members?

6. **ANY OTHER BUSINESS**

To consider any other business.

7. **DATE AND LOCATION OF NEXT MEETING**

To determine the date and location of the next meeting.

Agenda Item 3

**MINUTES OF A MEETING OF THE NORTH WALES STANDARDS COMMITTEE
FORUM HELD IN MEETING ROOM 1, GUILDHALL, WREXHAM ON
FRIDAY, 24 NOVEMBER 2017**

PRESENT

Wrexham County Borough Council – Michael Pugh, Neil Benson, Claire Blanchard and Councillor I David Bithell, MBE
Ceredigion County Council – Eddie Ffoulkes-Jones
Conwy County Borough Council – Iain Moore
Denbighshire County Council – Ian Trigger
Flintshire County Council – Robert Dewey
Isle of Anglesey County Council – Mike Wilson, Islwyn Jones and Anwen Jones
Powys County Council – Debby Jones
Snowdonia National Park Authority – Sharon Warnes

ALSO PRESENT

Wrexham County Borough Council, Deputy Monitoring Officer – Sioned Wyn Davies
Committee Officer – Jane Johnson

1 APPOINTMENT OF CHAIR FOR THE MEETING

Michael Pugh, Chair of Wrexham County Borough Council's Standards Committee was appointed Chair, in accordance with the decision of the Forum in October, 2016 that the hosting authority chair the meeting.

The Chair welcomed everyone to the meeting.

2 APOLOGIES FOR ABSENCE

Apologies were received from Iwan Jones (Snowdonia National Park), Helen Rhydderch Roberts (Powys) and Steve Cripps (Ceredigion).

3 MINUTES OF THE MEETING HELD ON 10 APRIL 2017

The minutes of the North Wales Standards Committee Forum held in Ruthin on 10 April 2017 were presented.

Corrections –

Amend the spelling of John Roberts and Sharon Warnes.

Apologies – add Robert Dewey

RESOLVED – That, subject to the above corrections, the minutes of the meeting held on 10 April 2017 be accepted as a true record.

4 NEW MEMBER INDUCTION AND TRAINING ON ETHICAL ISSUES

The Deputy Monitoring Officer explained that the item had been included on the Agenda to enable members in attendance to feedback on how training had been delivered within County Councils and also how the training had been rolled out to Community Councils.

During discussion the following points were made:

- Some based training on the material provided by WLGA whilst others produced their own material.
- The length of sessions varied but it was thought that shorter more focused interactive sessions held attendees interest.
- Separate sessions for new Councillors, more in depth, and refresher sessions for returned Councillors.
- Venues – some held in one location others at different locations.
- Community Councils – in some areas it had proved useful to take the training out to the Communities and in one authority the Standards Committee had scheduled visits to Community Councils.
- Difficulties experienced with online training in some areas due to poor broadband coverage.

5 WLGA - 5 YEARS TO MAKE A DIFFERENCE

Michael Wilson, Chair Isle of Anglesey Standards Committee, provided feedback on a recent regional event '5 Years to Make a Difference' held at the Conwy Business Centre for new Councillors.

Presentations on the day were as follows –

Mark Drakeford AM, Cabinet Secretary for Finance and Local Government - The shape of things to come: A message from the Welsh Government for new councillors

Sophie Howe, Future Generations Commissioner - 5 years in office but a lifetime's legacy.

Steve Thomas CBE, WLGA Chief Executive - State of the Nation: 5 Years of Challenge and Change for Councils?

Ian Bottrill, Former council leader, researcher and national trainer - Secrets of success: What works for councillors?

Mel Doel, former BBC Wales journalist, national trainer and National Park Authority chair 2016-17 - Social Media: Friend or Foe?

Michael Wilson said it was very disappointing that there had been very few new councillors in attendance at the event.

The Forum then discussed what each Council considered as essential/core training for Councillors and how Member attendance at training sessions was recorded/monitored.

In relation to Code of Conduct training there was an expectation that all Councillors should attend as the first question asked by the Ombudsman, in undertaking an investigation against a Member in relation to a breach of the Code, would be whether the Member had attended training and when had training been offered.

The need for all Councillors to have attended Social Media was emphasised.

6 PROCEDURES FOR DEALING WITH CLAIMS AGAINST MEMBERS

Michael Wilson, Chair Isle of Anglesey Standards Committee, had requested this item be included on the Agenda to discuss what Councils had in place by way of procedures to deal with Sexual Harassment claims against Members by officers and for information about the level of support provided for victims and perpetrators.

Reference was made to various Member/officer protocols and the Code of Conduct but it was felt that clarification/guidance should be sought from the Public Services Ombudsman for Wales in relation to the following should a complaint of a serious nature be made against a Member e.g of Sexual Harassment of an officer of the Council. This was based on the assumption that it was not a Police matter.

- What powers did the Ombudsman have to act should such a complaint be received?
- It was understood that a suspension could be imposed by the Adjudication Panel for Wales based on an interim report and recommendation from the Ombudsman. What were the anticipated timescales for such action to be taken?
- Could guidance be provided on practical arrangements for Members accused of such Conduct given their elected status in relation to:
 - i) preventing the Member from representing their electorate
 - ii) carrying out their normal Council duties
 - iii) attending Council premises.
 - iv) conflict which may arise with a Council's duty of care to officers.
 - v) whether pastoral care should be offered to the Member as they would for officers under a duty of care?
- guidance in relation to a complaint against an Executive Member rather than an ordinary Member and particularly the remit of the following to act or otherwise in this situation
 - Leader of the Council
 - Monitoring Officer
 - Standards Committee
 - Group Leaders

RESOLVED - That the Monitoring Officer, Isle of Anglesey County Council, be requested to draft a letter to the Public Services Ombudsman for Wales for circulation amongst Monitoring Officers for each authority to submit should

they so wish.

7 **ANY OTHER BUSINESS**

Ceredigion County Council would be hosting the Standards Conference Wales 2018 in Aberystwyth on a date, yet to be agreed, in September.

There was no further information available regarding the mediation training.

The matter of forming Joint Standards Committee was raised particularly as some authorities were experiencing problems recruiting independent members to Standards Committees and also appointing a lay member to the Appointments Committee. There did not appear to be a big appetite for Joint Committees and it was suggested that ex Chairs/retired independent members of Standards Committees could provide a pool of potential candidates to act as the lay member on an Appointments Committee.

8 **DATE OF NEXT MEETING**

That the next meeting be held in May/June 2018 – to be hosted by Gwynedd County Council

The meeting concluded at 11.20 a.m.

BUSNES Y CYNGOR / COUNCIL BUSINESS

LYNN BALL LL.B., (Hons.) Cyfreithiwr/Solicitor
 PENNAETH SWYDDOGAETH (BUSNES Y CYNGOR) /
 SWYDDOG MONITRO
 HEAD OF FUNCTION (COUNCIL BUSINESS) /
 MONITORING OFFICER

CYNGOR SIR YNYS MON /
 ISLE OF ANGLESEY COUNTY COUNCIL
 Swyddfa'r Sir / Council Offices
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Ein Cyf – Our Ref. MY/DH/CC-019486-MY
 Eich Cyf – Your Ref.

DYDDIAD

Annwyl Katrin

Anfonir y llythyr hwn atoch ar ran Fforwm Pwyllgorau Safonau Gogledd Cymru (sydd bellach yn cynnwys ardaloedd Ceredigion a Phowys).

Cawsom gyfarfod o'r Fforwm ar 27 Tachwedd yn Wrecsam ac un o'r pynciau a drafodwyd oedd yr hyn y gallai, neu y dylai Awdurdod Lleol ei wneud petaent yn derbyn cwynion o natur ddifrifol yn erbyn Aelod, e.e. aflonyddu'n rhywiol ar swyddog/aelod o staff yn y Cyngor – yn seiliedig ar y rhagdybiaeth nad yw'n fater i'r Heddlu.

Cytunodd y Fforwm y dylent anfon llythyr at SOGC yn mofyn esboniad ac arweiniad ar nifer o faterion, sef:-

1. Pa bwerau sydd gan yr Ombwdsmon i weithredu os derbynnir cwyn ddifrifol megis yr un uchod?

Dear Katrin,

This letter is sent to you on behalf of the North Wales Standards Committee Forum (which also now includes Ceredigion and Powys areas)

We had a meeting of the Forum on the 27th November in Wrexham and one of the Topics discussed was the issue of what Local Authorities could or should do in the event that a Complaint of a serious nature being made against a Member e.g. of Sexual Harassment of an Officer/ member of staff at the Council- based on the assumption that it is not a Police matter.

The Forum agreed that a letter should be sent by them to the PSOW's office to seek clarification and guidance on a number of matters, these being:-

1. What powers the Ombudsman has to act if a serious complaint such as the above is received?

- | | |
|---|--|
| <p>2. Rydym yn deall y gall Panel Dyfarnu Cymru wahardd aelod yn seiliedig ar adroddiad interim ac argymhelliad gan yr Ombwdsmon. Beth yw'r amserlen a ragwelir o ran cymryd camau o'r fath?</p> | <p>2. We understand that a suspension can be imposed by the Adjudication Panel for Wales based on an interim report and recommendation from the Ombudsman. What are the anticipated timescales for such action to be taken?</p> |
| <p>3. Pa ganllawiau fedr ef eu darparu ar drefniadau ymarferol yn achos Aelodau sydd wedi eu cyhuddo o ymddygiad o'r fath yn wyneb eu statws etholedig, e.e.</p> | <p>3. What guidance could he provide on practical arrangements for Members accused of such Conduct given their elected status e.g.</p> |
| <p>a) rydym yn tybio na fedrai'r Cyngor atal Aelod rhag cynrychioli eu hetholwyr</p> | <p>a) we presume that the Council could not prevent Members from representing their electorate</p> |
| <p>b) cyflawni eu dyletswyddau Cyngor arferol</p> | <p>b) carrying out their normal Council duties</p> |
| <p>c) o ran y gwrthdaro posibl a allai godi rhwng dyletswydd gofal yr Awdurdod Lleol tuag at swyddogion a thuag at unrhyw Aelodau y mae'r gŵyn yn ymwneud â nhw</p> | <p>c) as regards the potential conflict which may arise between the Local Authority's duties of care to officers and any to Members in relation to the complaint</p> |
| <p>d) dod i adeiladau'r Cyngor.</p> | <p>d) attending Council premises</p> |
| <p>e) a ddylai'r Cyngor fod yn cynnig rhyw fath o ofal bugeiliol i Aelodau, e.e. Cwnsela Cyfrinachol yr un modd ag y byddent yn ei wneud i swyddogion yn unol â'r ddyletswydd gofal?</p> | <p>e) should the Council be offering some sort of pastoral care for Members e.g. Confidential Counselling? As they would for officers under a duty of care?</p> |
| <p>4. Pa arweiniad fedr yr Ombwdsmon ei roddi ynghylch cwyn yn erbyn Aelod o'r Pwyllgor Gwaith yn hytrach nag Aelod cyffredin.</p> <p>A fedr roi rhyw arweiniad ar gyfer:-</p> <p>Arweinydd y Cyngor</p> <p>Swyddog Monitro</p> <p>Pwyllgor Safonau</p> | <p>4. What guidance could the Ombudsman provide on a complaint against an Executive Member rather than an ordinary Member.</p> <p>Would he be able provide some guidance to be taken by:-</p> <p>the Leader of the Council</p> <p>Monitoring Officer</p> |

Arweinyddion Grwpiau

O ran eu cylch gorchwyl i weithredu neu beidio yn y sefyllfa hon.

Ar ôl cyfarfod y Fforwm, rydym yn deall y cynhaliwyd cyfarfod wedyn ar gyfer Cyfreithwyr Llywodraeth Leol yn Llandrindod ar 1 Rhagfyr a'ch bod chi, Swyddogion Monitro o Awdurdodau Lleol ar draws Cymru a chynrychiolydd o Gymdeithas Llywodraeth Leol Cymru wedi mynychu'r cyfarfod hwnnw.

Un o'r pynciau ar y Rhaglen oedd y senario uchod.

Rydym ar ddeall eich bod wedi cytuno i fynd â'r mater yn ôl a'i drafod gyda'r Ombudsmon ac o bosib, i baratoi rhyw fath o ganllawiau ar y mater hwn.

Os bydd canllawiau'n cael eu drafftio, a fyddai modd i eraill wneud sylwadau ar y drafft cyn iddo gael ei gyhoeddi'n derfynol?

Hefyd, beth ydych chi'n dybio fydd yr amserlen ar gyfer paratoi'r canllawiau hyn?

Edrychwn ymlaen at glywed gennych.

Yn gywir

Standards Committee

Group Leaders

As to their remit to act or otherwise in this situation.

After the Forum meeting we understand that there was a subsequent Lawyers in Local Government meeting in Llandrindod Wells on the 1st December which was attended by yourself, Monitoring Officers from Local Authorities across Wales and a representative from the WLGA.

One of the topics on the Agenda was the above scenario.

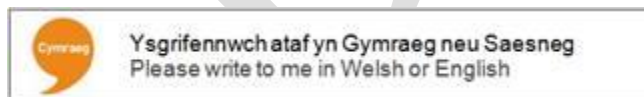
We understand that you agreed to take the matter back and discuss it with the Ombudsman and to possibly prepare some guidance regarding this matter.

If guidance is to be drafted would it be possible for others to comment on the draft before it is finalised?

Also what do you estimate the timescale for preparing this guidance?

We look forward to hearing from you

Yours sincerely



Nodwch y bydd yr Uned Gyfreithiol a Chwiliadau Tir ond ar gael i dderbyn galwadau ffôn rhwng 10 y bore a hanner dydd a dau a pedwar yn y pŵn o hyn ymlaen. Os oes mater gwirioneddol frys y tu allan i'r oriau yma dylwch anfon e-bost i'r unigolyn gan gynnwys "BRYN" yn y llinell destun.

Note that the Legal and Land Charges Section will only answer phone calls between 10am and noon and 2 and 4 pm from now on. If a matter is truly urgent outside of these hours

then send an email to the individual containing the word “URGENT” in the subject line.

DRAFT

Standards Conference Wales 2018

Keynote Speaker:

Nick Bennett,

Public Services Ombudsman for Wales

Claire Sharp,

President, Adjudication Panel for Wales

Eifion Evans,

Chief Executive, Ceredigion County Council

Medrus Conference Suite,
Aberystwyth University, Ceredigion,
SY23 3BY

Friday, 14 September, 2018

Registration at 9:15 a.m.



Cyngor Sir
CEREDIGION
County Council

£70 + VAT

Contact:

StandardsConferenceWales2018@ceredigion.gov.uk

01545 574177

Powys