

RHYBUDD O GYFARFOD / NOTICE OF MEETING



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Cyfarfod:	<i>Pwyllgor Safonau</i>
Dyddiad:	<i>Dydd Gwener 16 Hydref 2020</i>
Amser:	<i>10.00 y.b.</i>
<i>Anfonir cyfarwyddiadau ymuno at yr Aelodau ar wahân</i>	

Meeting:	<i>Standards Committee</i>
Date:	<i>Friday 16 October 2020</i>
Time:	<i>10.00 a.m.</i>
<i>Joining instructions will be sent to Members separately</i>	

Y Cynghorwyr /Councillors :
Alwyn Gruffydd, Philip Capper,

Swydd Wag / Vacancy

Aelodau Annibynnol / Independent Members
*Mrs. Rachael Leah Jane Davies, Mr. Martin James Hughes,
Mrs. Sharon Warnes.*

A G E N D A

1. **Apologies for absence and Chairman's Announcements**
2. **Declarations of Interest**
To receive any disclosure of interest by members or officers in respect of any item of business.
3. **Minutes**
The Chairman shall propose that the minutes of the Standards Committee held on the 6th September 2019 be signed as a true record (copy herewith) and receive matters arising, for information.
4. **Nomination of Members for the Single Status Grading Appeals Panel**
To submit a report by the Director of Corporate Services. (Copy herewith)
5. **Public Services Ombudsman for Wales**
To submit a report by the Director of Corporate Services. (Copy herewith)
6. **Complaints Monitoring Report**
To submit a report by the Head of Administration and Customer Care, for information. (Copy herewith)
7. **Grant of Dispensations**
To submit a report by the Director of Corporate Services. (Copy herewith)
8. **North Wales Standards Committees Forum**
To receive the minutes of the North Wales Standards Committee meeting held on 24th June 2019 together with an oral report by the Chair of the Standards Committee, for information.

**STANDARDS COMMITTEE
FRIDAY 6th SEPTEMBER 2019**

PRESENT:

Member appointed by Gwynedd Council

Councillor Alwyn Gruffydd;

Member appointed by Conwy County Borough Council

Councillor Philip Capper;

Independent Members

Mrs Rachael L.J. Davies, Mrs. Sharon Warnes (Chair);

Officers

Mr. G. Iwan Jones, Mrs. Sarah Roberts.

Apologies

Mr. Martin J. Hughes, Mr. Neil Martinson.

1. Chairman's Announcements

Members and Officers introduced themselves to the meeting and the Director of Corporate Services advised that Mr. Ceri Stradling, Welsh Government Member, had resigned as a member of the Authority. The Chair, on behalf of Members and Officers acknowledged Mr Stradling's valuable contribution to the Authority's work.

Arising thereon, the Director of Corporate Services advised that Mr. Neil Martinson had been appointed as a Member of the Standards Committee but had agreed not to attend in order to balance the membership and ensure a quorum.

2. Declaration of Interest

Cllr. Alwyn Gruffydd and Cllr. Philip Capper declared a personal interest in item 7 on the Agenda, under paragraph 10 (2) (a) (ix) (aa) of the Code of Conduct for Members.

3. Minutes

The minutes of the meeting of the Standards Committee held on the 7th September 2018 were accepted and the Chair signed them as a true record.

Arising thereon,

Item 7 – Grant of Dispensations

The Director of Corporate Services advised that a Planning Training session for Members was arranged for the 8th November 2019. The Director of Corporate Services agreed that Members of the Standards Committee would be provided with a copy of the presentations in due course.

Item 8 – North Wales Standards Committees Forum

The Director of Corporate Services advised that a meeting of the above Forum had not taken place this year.

4. Nomination of members for the Single Status Grading Appeals Panel

Submitted – A report by the Director of Corporate Services to appoint three Members and two substitute members to the Single Status Grading Appeals Panel.

Reported – The Director of Corporate Services presented the report and background.

RESOLVED

- 1. to note the report.**
- 2. to appoint Cllr. Philip Capper, Mrs. Rachael L.J. Davies and Mr. Martin J. Hughes as Members of the Single Status Grading Appeals Panel with Councillor Alwyn Gruffydd and Mrs. Sharon Warnes appointed as substitute members.**

5. Public Services Ombudsman for Wales

Submitted – A report by the Director of Corporate Services to advise the Committee on the developments applicable to this Authority.

Reported – The Director of Corporate Services presented the report and provided Members with an update.

Members welcomed the report and congratulated the Authority on its excellent record. Members also discussed the proposed new powers for the Ombudsman with one member raising concerns. In response, the Director of Corporate Services indicated that he did not foresee a problem with the proposed new powers.

RESOLVED to note the report.

6. Complaints Monitoring Report

Submitted – A report by the Head of Administration and Customer Care on written complaints received by the Authority.

Reported – The Director of Corporate Services presented the report in the absence of the Head of Administration and Customer Care. The Director of Corporate Services outlined the main points. Members considered the report in detail and commended officers for the small number of complaints received when considering the overall work of the Authority.

Members were asked to note that paragraph 4 (Appendix 1) under Planning should read “was somewhat ambiguous”.

The Chair thanked the Head of Administration and Customer Care for the report.

RESOLVED to note the report.

7. Grant of Dispensations

Submitted – A report by the Director of Corporate Services recommending that the Standards Committee grant a general dispensation to the Members of Gwynedd Council and Conwy County Borough Council.

Reported – The Director of Corporate Services presented the report and confirmed that dispensations previously granted by the Standards Committee had worked well.

Members considered the report in detail and agreed to approve a general dispensation, in accordance with the terms outlined in the report, in order to ensure that the Authority can conduct its business effectively.

RESOLVED

- 1. to grant a dispensation for Members appointed by Gwynedd Council enabling them to take a full part in the determination of issues relating to Gwynedd Council up to 31st December 2020, unless further extended by resolution of this Committee prior to the 31st December 2020.**

2. **to grant a dispensation for Members appointed by Conwy County Borough Council enabling them to take a full part in the determination of issues relating to Conwy County Borough Council up to 31st December 2020, unless further extended by resolution of this Committee prior to the 31st December 2020.**

8. **Standards Conference 2018**
Submitted – The Standards Conference Wales 2018.

Received – An oral report by Mrs Rachael Davies, for information.

Mrs Rachael Davies advised that she had attended the Standards Conference Wales, held on 14th September 2018, at Aberystwyth University, Ceredigion. Mrs Davies felt that it had been an extremely useful conference, which had highlighted examples of social media bullying and the vulnerability of the user. Discussions also focussed on peer networking and networking websites e.g LinkedIn. Members noted that further useful information was available on the website.

Arising thereon, the Director of Corporate Services agreed that the Members Services Officer would forward the date of the next Standards Conference to Members of the Standards Conference once available.

RESOLVED

1. **to note the Conference Programme, for information.**
2. **the Members Services Officer to provide Members with the date of the next Standards Conference Wales in due course.**

The meeting ended at 15.15

MEETING	Standards Committee
DATE	16 October 2020
TITLE	NOMINATION OF MEMBERS FOR THE SINGLE STATUS GRADING APPEALS PANEL
REPORT BY	Director of Corporate Services
PURPOSE	To appoint three members and two substitute members to the Single Status Grading Appeals Panel

BACKGROUND

On 15th June 2011 the Authority adopted a revised Scheme of delegation that included changes to the terms of reference of the Single Status Grading Appeals Panel. The revised arrangements provide that membership should comprise of three members plus two substitute members, all to be drawn from and chosen by the members of the Standards Committee. The terms of reference also provide that in appointing members to the Panel the Standards Committee shall have regard to the need for appropriate gender representation.

The role of the Single Status Grading Appeals Panel is to consider appeals from the decision of the job evaluation panel which is usually conducted internally at officer level. The calling of a meeting of the Single Status Grading Appeals Panel is a very infrequent occurrence. Historically, whilst the Authority was undertaking the job evaluation process, it is true to say that this Panel was at that time active. However, there is still a need for such a panel as an appeal could be lodged at any time by a member of staff who disagrees with the decision of the job evaluation panel.

When the Standards Committee last considered this matter on 6th September 2019 it resolved to appoint Councillor Philip Capper, Mrs Rachael L J Davies and Mr Martin J Hughes as members of the Single Status Grading Appeals Panel with Councillor Alwyn Gruffydd and Mrs Sharon Warnes appointed as substitute members. The Standards Committee needs to consider the membership of the Single Status Grading Appeals Panel annually following the AGM of the Authority.

RESOURCE IMPLICATIONS

None

RECOMMENDATION

To appoint three members and two substitute members from the membership of the Standards Committee to sit as members of the Single Status Grading Appeals Panel.

BACKGROUND PAPERS

MEETING	Standards Committee
DATE	16 October 2020
TITLE	PUBLIC SERVICES OMBUDSMAN FOR WALES
REPORT BY	Director of Corporate Services
PURPOSE	To advise the Committee on developments applicable to this Authority

BACKGROUND

The Public Services Ombudsman for Wales publishes an Annual Report and Accounts.

The full reports can be found on the Ombudsman's website (www.obudsman.wales) under Publications and then Annual Report and Accounts.

Normally, only a very small minority of the total complaints received by the Ombudsman relates to the National Parks and I am pleased to report that the situation remains unchanged for 2019/20.

During this time, no complaints were in fact referred to the Ombudsman for investigation as confirmed in the Complaints Monitoring Report, also to be considered today by the Standards Committee.

RESOURCE IMPLICATIONS

None

RECOMMENDATION

1. To note the contents of the report.

BACKGROUND PAPERS

MEETING	Standards Committee
DATE	16 October 2020
TITLE	COMPLAINTS MONITORING REPORT
REPORT BY	Head of Administration and Customer Care
PURPOSE	To report on the written complaints received by the Authority

1.0. BACKGROUND

- 1.1. Ordinarily, the Complaints Monitoring Report is first presented to the Members of the Authority at the Performance and Resources Committee in July every year, before been presented to the Members of the Standards Committee in the following September. This year, due to the Covid-19 lockdown, it was not possible to follow this timetable, and accordingly Members of the Performance and Resources Committee have not yet seen this report.
- 1.2. All formal complaints are registered and monitored centrally, as part of our ongoing commitment to ensuring excellent customer care in our service provision. The Authority received 6 formal complaints directly relating to the Authority during the 2019/20 financial year.
- 1.3. Of the 6 complaints received, 2 related to the planning service, 2 related to the property service, 1 complaint was received about 2 members of staff, and 1 complaint was received about agendas and associated documents for various Authority committees, boards and meetings not being available in paper form and only being available electronically.
- 1.4. All complaints were thoroughly investigated, and all but one received a response within the target of 15 working days. The one complaint that did not receive a response within the requisite timescale was given a holding response, until such time as a full response was able to be provided.
- 1.5. Of the complaints investigated, 4 were upheld or partially upheld. No complaints were referred to the Public Service Ombudsman for Wales for investigation.
- 1.6. Where the Authority's standard of service has fallen short, we have duly apologised and taken steps to address the problems immediately.

2.0. RECOMMENDATION

- 2.1. **That the Committee note the content of the report**

Summary of Complaints Upheld or Partially Upheld**PLANNING****Non-determination of planning application (August 2019)**

A complaint was received regarding the length of time that had elapsed since an application for listed building consent had been submitted and remained undetermined, which was 8 months. The applicant received the listed building consent a day after the complaint was submitted, but wanted to pursue the complaint as he felt the time taken had been unreasonable.

The applicant's complaint was clearly justified and an apology was given. It was acknowledged that the situation was clearly unacceptable and confirmation was given that the matter was being addressed.

It was explained to the complainant that since the departure of one member of staff within the built environment team due to the financial cuts required by the Authority, The Built Environment Officer's increased workload had resulted in him struggling to get his case load of applications determined within the requisite timescales.

The Planning service was already aware of the issues and confirmation was given that measures were already being put in place to address the problem.

No response received to a pre-application advice request (March 2020)

The complainant had submitted a pre-application advice request regarding a potential application for conservation and listed building consent some 10 months earlier and had not received a response.

The newly appointed Planning Manager responded to the complaint, and it was immediately acknowledged that the lack of service the applicant had received was clearly unacceptable and an apology was issued. The Planning Manager confirmed that she was aware that there were ongoing issues with dealing with conservation area and listed building cases since the planning service was reorganised, and staffing numbers were reduced 18 months previously. This situation has led to unacceptable delays, and this was clearly inexcusable.

The complainant was assured that the situation was being taken very seriously and additional actions had been implemented to urgently address the problems. The complainant also received the advice requested with the response to the complaint.

PROPERTY

Morfa Dyffryn Public Toilets Closed in Winter (December 2019)

A complaint was received about the Authority's decision to close the public toilets during the winter months at Morfa Dyffryn. The complainant asked why Radar keys were not in use on site, so as disabled people could still use the toilets. The complainant also suggested that if the Authority had better parking enforcement on site, more income would be generated towards the upkeep of the facilities.

The toilets at Morfa Dyffryn have been operating as seasonal toilets since at least 1st April 2006. Toilets in rural, isolated locations such as this, have historically suffered from antisocial behaviour / vandalism, with a significant increase in these incidents during periods of low use. Another common problem encountered over winter were burst pipes and resultant damage to the building from freezing conditions. As there is no electricity supply it was not practical to install frost protection measures in these sites. Accordingly, to protect these sites from frost damage the water supply is turned off and a full drain down is undertaken when the toilets are closed.

The complainants' comments regarding better enforcement of car parking charges to increase income were acknowledged, and it was confirmed that the Authority's Car Park supervisors do visit the site as part of their route around various sites, however there is not sufficient staff resources to have an increased presence at this time.

Whilst some of the Authority's accessible toilets are protected with a Radar Lock which a standard Radar key will operate, other sites such as Morfa Dyffryn do not. It is not practical or financially feasible to have Radar locks on remote toilet blocks to enable access out of season. As explained above, during the winter months the entire building is drained down so the toilets are not functional. In addition, the cost of having staff to attend the toilets to clean and check the site would be prohibitive.

The above information was explained to the complainant and an apology was given that a more positive response was not able to be given to the complaint.

STAFF

SNPA vehicle parked on narrow side street restricting access (March 2020)

A complaint was received regarding an SNPA vehicle with 2 members of staff which had parked down a narrow side street, which restricted access for complainant to exit his drive. The complainant was also concerned that the inconsiderate parking would restrict emergency vehicles going down the road. A photograph had been taken of the vehicle.

It was ascertained that the 2 staff members from the Wardens and Access service had parked the vehicle for approximately 10 minutes whilst buying lunch as there was no parking spaces on the high street. Whilst they had made an effort to park as close to the wall as possible so as not to hamper the flow of cars down the street, it could be seen that the parking position of the vehicle in conjunction with an adjacent car had made it difficult for the complainant to drive from his property. In addition, it was acknowledged that a large emergency vehicle would have had difficulties passing. The staff concerned acknowledged their error and were told to be more vigilant in future. The Head of Service apologised to the complainant, but was satisfied that this was an isolated incident.

MEETING	Standards Committee
DATE	16 th October 2020
TITLE	GRANT OF DISPENSATIONS
REPORT BY	Director of Corporate Services
PURPOSE	To grant dispensations to the Members of Gwynedd Council and Conwy County Borough Council

BACKGROUND

The Standards Committee has previously granted dispensations on a number of occasions. On 6th September 2019, the Standards Committee resolved to grant a dispensation for Members appointed by Gwynedd Council to enable them to take a full part in the determination of issues relating to Gwynedd Council for a period up to 31st December 2020 unless further extended by resolution of this Committee prior to 31st December 2020. The Standards Committee also resolved to grant a dispensation for Members appointed by Conwy County Borough Council to enable them to take a full part in the determination of issues relating to Conwy County Borough Council for a period up to 31st December 2020 unless further extended by resolution of this Committee prior to 31st December 2020. As this period is due to expire before the Standards Committee is next scheduled to meet it is time to consider the matter further.

Prior to the grant of the dispensations referred to above and preceding grants of dispensation the adoption of the new Code of Conduct caused difficulties both in relation to quorum on the Authority and Planning and Access Committee and also from a loss of local knowledge as members had to withdraw from the meeting. Under the previous Code of Conduct members had been allowed to take part in the discussion and had often been a valuable source of information on various aspects of such applications.

When the Standards committee last considered this matter it had regard to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 as amended by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 which allowed the Standards Committee of this Authority to grant a dispensation where:

“2 (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;*
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;*
- (e) the interest is common to the member and a significant proportion of the general public;*
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;*
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;*
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or*
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.*
- (j) it appears to the committee to be otherwise appropriate to grant a dispensation.*

3 (1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect."

It was satisfied that that both paragraph (a) and (d) above provide sufficient justification for the granting of a dispensation to members appointed by Gwynedd Council to take a full part in the determination of issues relating to Gwynedd Council.

In relation to those members appointed by Conwy County Borough Council, it found that they are in a slightly different position as there are generally no issues relating to quorum. It found however that paragraph (d) above was equally applicable to both members appointed by Gwynedd Council and Conwy County Borough Council appointed members and on that basis granted a dispensation to members appointed by Conwy County Borough Council to take a full part in the determination of issues relating to Conwy County Borough Council.

It can be confirmed that the dispensations previously granted by the Standards Committee have worked well in practise with the Authority and Planning and Access Committee in particular benefitting from the same both in relation to ensuring a quorum and no loss of local knowledge in the determining of applications. During the operation of a previous dispensation between 2010 and 2012 there have been planning applications that were particularly contentious. One example involved an application for sheltered housing in the Llan Ffestiniog area on land in the ownership of Gwynedd Council. Members of Gwynedd Council took a full part in proceedings. Officer recommendation was for approval. There were strong local objections to the proposed scheme and I received correspondence from members of the public voicing concern that members of Gwynedd Council were allowed to

take part in the matter. However, on that occasion, following a site visit, the Planning and Access committee's decision was to refuse the application. This decision was the subject of an appeal which did not succeed and so members' views were exonerated.

Another contentious planning application involved an application by Gwynedd Council for a new area school. Once again officer recommendation was for approval and once again there was strong local opposition to the scheme. Part of that opposition centred on the fact that members of Gwynedd Council would be allowed to take part in the decision making process. Concerns were raised that some of those members had voted on the issue as part of Gwynedd Council's approval of its strategy. I took the view that no decision had been taken by Gwynedd Council on the actual planning application as this Authority is the Planning Authority for the area. The application was to decide on the planning merits of the application and the discussion at committee broadly followed the planning merits or otherwise of the application with the exception of a public speaker on behalf of the Applicant who referred to non-planning matters. On this occasion members decided to follow officer recommendation and planning permission was granted. The majority of members of Gwynedd Council voted in favour of the application but there were also abstentions and some also voted against the application. Even if all members of Gwynedd Council had declared and withdrawn from the meeting, on the assumption that the voting members remaining would not have voted differently, the application would still have been successful albeit on a reduced majority down from a majority of 9 in favour with 4 against to 5 in favour with 2 against.

Whilst there was undoubted concern in connection with this application I saw no evidence of irregularity by members of Gwynedd Council. Such applications are by their very nature generally contentious applications with a wide range of views but the final decision was one of approval in accordance with officer recommendation.

In September 2018 the Planning and Access Committee dealt with another contentious issue namely the application for planning permission for the Llanbedr relief road. In this matter members of Gwynedd Council declared an interest but relied on the dispensation granted by the Standards Committee and took a full part in deciding the application.

A complaint was subsequently received alleging a breach of the Members Code of Conduct by members appointed by Gwynedd Council in their consideration of the planning application.

The complainant raised concerns that members appointed by Gwynedd Council who were present at the meeting, despite having signed declarations of interest, were allowed to fully participate in the decision making process which culminated in the application being granted planning permission.

The complaint was not upheld as the Standards Committee, in their meeting of the 7th of July 2017 had granted a general dispensation to Members appointed by Gwynedd Council and Conwy County Borough Council in such circumstances, to enable the Authority to continue to conduct its business effectively. A full explanation was given to the complainant.

The complainant referred the matter to the Public Service Ombudsman for Wales, and also referred to the fact that only 10 members out of the possible 18 were present in the Planning and Access Committee on the day.

The Ombudsman explained to the complainant how the law regarding the granting of dispensations worked, as well as the quorate numbers required by law for a planning committee to proceed. Both had complied with legal requirements in this instance. The ombudsman therefore declined to investigate the matter further on the grounds that it was a properly made decision that a public body is entitled to make.

The Planning and Access Committee once more considered the Llanbedr Relief Road but on this occasion there were no complaints regarding the use of the grant of dispensation by members of Gwynedd Council.

There have been no further contentious planning applications during the operation of the dispensation during the last few years and so no more recent examples can be provided.

If the Standards committee is minded to grant a further dispensation it must be stressed that, as before, the granting of dispensations in such terms would not preclude the operation of any other part of the Code of Conduct so, for example, if a member appointed by Gwynedd Council was also the owner of land adjacent to the application land owned by Gwynedd Council then notwithstanding the fact that he/she had the benefit of a dispensation on his/her membership with Gwynedd he/she would of course still have to declare a prejudicial interest. The reason for this is that the decision would affect land in the Authority's area in which he/she has a beneficial interest and a member of the public with knowledge of the relevant facts would reasonably regard the personal interest as so significant that it is likely to prejudice his/her judgement of the public interest.

Having considered the issues, I consider that it would be in the interests of the Authority to grant dispensations to both members appointed by Gwynedd Council (Grounds 2 (a) and (d)) and Conwy County Borough Council (Ground 2 (d)) for a set period so that the Standards Committee can then revisit the matter and assess the situation once more.

RESOURCE IMPLICATIONS

None

RECOMMENDATION

- 1. To grant a dispensation for Members appointed by Gwynedd Council to enable them to take a full part in the determination of issues relating to Gwynedd Council for a period up to 31st December 2021 unless further extended by resolution of this Committee prior to 31st December 2021.**
- 2. To grant a dispensation for Members appointed by Conwy County Borough Council to enable them to take a full part in the determination of issues relating to Conwy County Borough Council for a period up to 31st December 2021 unless further extended by resolution of this Committee prior to 31st December 2021.**

BACKGROUND PAPERS

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

MINUTES OF THE NORTH WALES STANDARDS COMMITTEES FORUM MEETING HELD IN THE DELYN COMMITTEE ROOM, COUNCIL OFFICES, MOLD ON MONDAY, 24 JUNE, 2019

PRESENT

Ceredigion County Council – Hywel Jones (Chair)
Conwy County Borough Council – John Roberts (Chair) and Iain Moore (Vice Chair)
Denbighshire Council - Julia Hughes (Vice-chair) and Anne Mellor (Independent Member)
Flintshire Council – Gareth Owens (Monitoring Officer), Matthew Georgiou (Deputy Monitoring Officer), Robert Dewey (Chair), Julia Hughes (Vice Chair), Ken Molyneux (Independent Member), Phillipa Earlam (Independent Member)
Gwynedd Council - Einir Young (Chair) and Margaret E. Jones (Vice-chair)
North Wales Fire and Rescue Authority – Julia Hughes (Vice-Chair)
Powys – Stephan Hays (Chair)
Wrexham County Borough Council - Neil Benson (Vice-chair) Sandra Hunt (Independent Member)
Isle of Anglesey County Council - Mike Wilson (Chair) and Islwyn Jones (Vice-chair)
Public Ombudsman for Wales – Nick Bennett

1. ELECTION OF CHAIR FOR THE MEETING

Robert Dewey, Chair Flintshire County Council Standards Committee, was elected chair of the meeting.

2. APOLOGIES

Apologies were received from:-

Ceredigion County Council - Caroline White (Vice-Chair)
Denbighshire Council - Ian Trigger (Chair)
Powys – Claire Jackson (Vice Chair) Debby Jones (Monitoring Officer)
Wrexham County Borough Council - Michael Pugh (Chair)

3. MINUTES OF THE MEETING HELD ON 29 JUNE, 2018

Submitted - the minutes of the North Wales Standards Committees Forum meeting held on 29 June 2018.

RESOLVED to accept the minutes of the meeting held on 29 June 2018 as an accurate record.

4. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES – NICK BENNETT

PSOW Code – the Ombudsman explained his new powers to

- i. Consider oral complaints
- ii. Complaints about Private Health Care

iii. Own initiative

There have been an increasing number of service complaints especially in health, but there has been a similar increase in code complaints. There is a small office in North Wales which may grow over time. Of the large number of code complaints, the vast majority are found to be meritless. There are a relatively a small number of serious issues – 8 out of 288 referred for a hearing, which demonstrates the high standards in Wales.

Two out of three complaints were about Town and Community Councils - previously more. This was more balanced with an equal number coming from County Councils. The Ombudsman believes this shows that LRP is working but still more work is still needed in Town and Community Councils.

The 2 stage test is important, it allows more time for more serious cases and fewer vexatious complaints.

In North Wales, 32% of complaints but only 22% of the population. Only 17% were referred for hearings. There is work to do on lower level complaints.

Mr Bennett gave some examples of absurd complaints received by his office.

There has been a reduction in Member vs Member complaints at County level. This needs to be extended to Town and Community Council level.

What can the PSOW do to support local leadership? Ynys Môn, Monmouth and Swansea have done some good work to promote training and would have no problem coming to speak.

Powys raised questions about how to enforce promises made by Members as part of an Ethical process. They want more power to require compliance. Flintshire's Monitoring Officer said he had asked Welsh Government for more flexible sanction powers but this was refused.

Mike Wilson, Ynys Môn, said that the problem with Town and Community Councils is that County has no jurisdiction over them. They are trying to get the message across in order to help with local resolution. We have no investigative powers so have to accept what we're told. The PSOW agreed that soft power and influence was equally important. He said his help was not going to resolve every problem.

Einir Young, Gwynedd, said she would like the power to require an apology. Mr Bennett would like to explore this more with Welsh Government but said legislation takes a long time. Cheap solutions could be enshrined in legislation. The costs of appeals could be published – the PSOW thought this might reduce vexatious behaviour.

Conwy suggested attendance at training can be low - was there any scope for toughening obligation to attend training? Mr Bennett thinks that it is interest to attend. In Monmouthshire they have had presentations on –

1. The role of the MO
2. WLGA on future role of Town and Community Councils
3. How OVW can help
4. Role of Standards Committees
5. Introduction to WAO
6. Work of the PSOW

Flintshire asked whether there could be clarity or guidance on what amounts to bullying, which is the biggest single type of complaint. Gwynedd suggested seeking advice from

HR.

Ceredigion give high profile to importance training. They had held a series of sessions where Independent Members attend. They had also had 4 area meetings to do the training. Not everyone attended but this is helping set a tone. The PSOW agreed culture is important. The Monitoring Officer at Gwynedd also does a lot of training but those who least need training are the ones who attend. There can be a flip side of over cautious behaviour and unnecessary declarations of interest.

Flintshire are developing an increasingly detailed list of expected behaviours.

Julia Hughes, Vice Chair of Flintshire and Denbighshire, described the process of visits to Town and Community Councils to better understand how meetings are working and pick up areas of good/bad practice. She explained that feedback was then given to all the clerks.

Hywel Jones, Ceredigion, asked about a report on reform of Town and Community Councils and whether there was any progress. Mr Bennett thinks that proposals for reform can give rise to a lack of clarity and accountability. However, there is potential to develop Town and Community Councils but there would need to be an improvement in behaviours.

Islwyn Jones, Ynys Môn, made the point that the Commissioner remains responsible for any service delivered (Mr Bennett agreed but stated this was not always the case). Ynys Môn have reviewed five or six of their biggest – looked at websites, minutes and Declarations of Interest with them and given specific feedback as well as a generic letter.

Flintshire asked whether the PSOW keeps records of low level complaints in order to see a pattern in the event of subsequent complaints. Mr Bennett suggested all complainants should keep a log.

Conwy raised a question regarding Social Media – Members were not attending training so were not finding out about the help that is available. Independent Members have been asked to leave some Councils as outsiders because they are a challenge to longstanding Councillors. Mr Bennett said it was important for that elections are important as a means of ensuring that there is accountability.

Powys raised a question about when matters are made public. Mr Bennett stated you cannot gag Members who choose to confirm the existence of a complaint. His office will confirm existence of an investigation. If nothing is confirmed, this leads to speculation. Rather than report matters publicly, Council could e mail Standards Committee members so that they are confidentially made aware of complaints.

5. LESSONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REVIEW OF THE CODE OF CONDUCT IN ENGLAND

<https://www.gov.uk/government/collections/local-government-ethical-standards>

Flintshire confirmed patchy practice on displaying the Code of Conduct – promotion of easy access is required.

Gwynedd asked to what extent there are matters which should be but have not been reported.

Ynys Môn asked whether standards might slip if there was more joint working.

6. NAME OF THE FORUM

Standards Forum for North and Mid Wales.

7. JOINT STANDARDS COMMITTEE

Ynys Môn meet informally to undertake tasks in between meetings.

Conwy have reduced their meetings so they can meet informally within the budget.

Ynys Môn has a sub-committee to consider dispensation requests. There is a 30 minute training session prior to each meeting – JH suggests sharing members across Committees.

Welsh translation would be essential.

There was a discussion considering dispensations and how to handle them with Infrequent meetings of the Standards Committee.

The potential disadvantage would be cost and travel.

Training – a lay member from each of the Counties plus an elected representative From each Council.

We might want to consider different models e.g. 1, 2 or 3 options.

Gwynedd thinks the same things are common to everyone and could be shared e.g. training based around geography.

Mike Wilson, Ynys Môn, saw potential advantages (e.g. cost savings). Issues such as how Independent Members are appointed could then be considered. Ynys Môn will have an almost completely new Committee in November.

A local connection/link might be important to build confidence.

It would be interesting to see the pros and cons and whether it would then improve standards.

Robert Dewey of Flintshire wants to keep the opportunity to grant dispensations quickly.

A SWOT analysis was requested with answers to be fed back to Flintshire
Either – Yes, No or Maybe

8. WELSH AUDIT OFFICE REPORTS HAVE RECENTLY BEEN PUBLISHED IN RELATION TO TWO COMMUNITY COUNCILS WITHIN THE ISLE OF ANGLESEY

Welsh Audit Office have reported publicly on contrived audit failings dating back to 2013/14 and 2014/15. Is this a recurring pattern (of late reports) or is it a one off? In Flintshire there has been a recent public interest report where there was a history of discussion with the Town Council and that the issue was 'taken to the next level' because of a lack of resolution.

9. ANY OTHER BUSINESS

10. DATE AND LOCATION OF NEXT MEETING

It was suggested that Powys host in November at a venue in Machynlleth.

DRAFT