

Public Document Pack



Cyngor Sir
CEREDIGION
County Council

Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
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18/05/2022

Dear Sir / Madam

I write to inform you that a hybrid MEETING of the ETHICS AND STANDARDS COMMITTEE will be held at the Council Chamber, Penmorfa and remotely via zoom on Wednesday, 25 May 2022 at 10.00 am for the transaction of the following business:

Due to COVID-19 and the health and safety of Councillors and staff, members of the public and the press cannot attend the meeting in person. Please email democracy@ceredigion.gov.uk to request a link to view the meeting.

1. **Apologies**
2. **Personal Matters**
3. **Disclosures of Personal / Prejudicial interest**
4. **To confirm as a true record the minutes of the meeting of the Ethics & Standards Committee held on 17 January 2022 (Pages 3 - 14)**
5. **To confirm as a true record the minutes of the meeting of the Ethics & Standards Committee held on 07 February 2022 (Pages 15 - 16)**
6. **Matters arising**
7. **Annual Report from the Chair of the Ethics and Standards Committee 2021/22 (Pages 17 - 76)**
8. **Succession planning-lay member (Pages 77 - 84)**
9. **Town/Community Council Councillor recruitment-update (Pages 85 - 92)**
10. **Code of Conduct decisions by the Ombudsman (Pages 93 - 112)**
11. **Update on Code of Conduct matters-Update on recent press articles**
12. **Councillor Complaint Trends - 2021/22 (Pages 113 - 114)**
13. **ESC Hearings Procedures (Pages 115 - 130)**

14. **Update on Adjudication Panel for Wales matters**
15. **Update on the Public Services Ombudsman matters**
16. **Training**
17. **Forward Work Programme (Pages 131 - 134)**
18. **To consider any other applications for dispensation received since the agenda was published**
19. **Any other matter which the Chairman decides is for the urgent attention of the Committee**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: Chairman and Members of Ethics and Standards Committee
The remaining Members of the Council for information only.

Agenda Item 4

Minutes of the Meeting of **ETHICS AND STANDARDS COMMITTEE**
held remotely via video-conference on Monday, 17 January 2022

PRESENT:

Mrs Caroline White (Chair) , Mr Alan Davies, Mrs Caryl Davies and Ms Carol Edwards (Independent Members);
Councillor Odwyn Davies and Councillor Dai Mason (Elected Members)
Councillor Julian Evans and Gill Hopley (Town and Community Council representatives)

ALSO IN ATTENDANCE: Councillor Ellen ap Gwyn, Ceredig Davies, Ray Quant, Dan Potter and Rowland Rees-Evans

IN ATTENDANCE:

Ms Elin Prysor (Monitoring Officer)
Mrs Lisa Evans (Scrutiny and Standards Officer)
Mrs Dana Jones (Democratic and Standards Officer)

(10:00am-12:20pm)

1 Apologies

Mr John Weston apologised for his inability to attend the meeting.
Councillor Dafydd Edwards apologised for his inability to attend the meeting relating to item 5).

2 Personal Matters

None.

3 Disclosure of Personal / Prejudicial Interests

Mrs Dana Jones, Democratic and Standards Officer declared a personal and prejudicial interest in 7 (a), (b) and (c) and left the meeting during consideration of these applications. Mrs Lisa Evans, Scrutiny and Standards Officer took the minutes during consideration of those applications.

Councillor Gill Hopley declared a personal and prejudicial interest in 7 (a), (b) and (c) and left the meeting during consideration of these applications.

Councillor Julian Evans declared a personal and prejudicial interest in 7 (a), (b) and (c) and left the meeting during consideration of these applications.

Councillor Dai Mason declared a personal and prejudicial interest in 7 (d) and (e) and left the meeting during consideration of these applications.

Councillor Odwyn Davies declared a personal and prejudicial interest in 7 (d) and (e) and left the meeting during consideration of these applications.

4 To confirm as a true record the minutes of the meeting of the Ethics & Standards Committee held on 17 September 2021

It was RESOLVED to confirm as a true record of the minutes of the meeting of the Committee held on 17 September 2021 subject to:-

- (i) amending the name of the late Anne Winfield to Ann in minute 13(i) and
- (ii) amending Minute 20, that bilingual training would be provided between the members of the committee

5 Matters arising

Minute 14 – It was reported that the Review of Local Dispute Resolution protocol would be amended following discussion with PSOW Officers as the PSWO was no longer receiving repetitive or low level complaints. Once amended, One Voice Wales would be informing the Town and Community Councils accordingly.

Minute 16 –had been discussed at a workshop on the 17 November 2021.

Minute 20- feedback had not been received and was not forthcoming

Minute 20- The two new independent members had received training on the 27 September 2021

Minute 21- A proposal had been received from the All Wales Monitoring Officers group that the North Wales Standards Forum be extended to an All Wales Forum. Members agreed to this proposal and the response would be sent to the MO group accordingly.

6 To discuss with party leaders the methods of promoting and maintaining high standards by conduct by Members of Ceredigion County Council to include the duties required under S 62-63 of the Local Government and Elections (Wales) Act 2021

The Chair welcomed Councillor Ellen ap Gwynn (Leader of the Council and Leader of the Plaid Cymru Group), Councillor Ray Quant (Deputy Leader of the Council and Leader of the Independent Group) and Councillor Ceredig Davies (Leader of the Liberal Democrats and opposition party) for attending the meeting to exchange views on promoting and maintaining high standards of conduct in Ceredigion.

It was reported that the Local Government and Elections (Wales) Act 2021 placed new duties on leaders of political groups and standards committees and contains the relevant sections, namely s62 and s63.

With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties

It was reported that the political leaders of Ceredigion County Council were invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council. It was reported that it was now necessary for Group Leaders to consider the additional duties upon them to take reasonable steps to promote and maintain high standards of conduct by the members of the group; and how to co-operate with the council's standards committee, and how this can be evidenced. The political leaders stated that they welcomed this guidance, as it was a reference for them to confirm that the standards were being adhered to.

All the Leaders of the Council emphasised the importance of the Committee's work in promoting high standards of conduct and welcomed the training that would be held in May 2022, following the elections on the Code of Conduct.

The Leaders also highlighted the need to address the issues of conduct at meetings that were held virtually, especially with the etiquette of Members such as answering the phone while attending the meeting.

The Chair thanked the Leaders for attending the meeting.

7 To consider applications for dispensation from the following Councillors:-

a Councillor Dan Potter, Ceredigion County Council

An application for dispensation dated 12 November 2021 received from Councillor Dan Potter to speak only on issues discussed regarding the harbour at the Harbour Users Consultative Committee for New Quay which are held prior to the season and following (March and October). Councillor Potter owns New Quay marine a boating business which repairs boats in the harbour. He is also employed by Ceredigion County Council annually to undertake the swimming area as a Safe Swim area contractor. Councillor Potter also leases two mooring from Ceredigion County Council and owns a shed outside the lifeboat station and the old coast guard station in Paragon. He also receive £40 a week as a coxswain of New Quay Lifeboat /RNLI.

Councillor Potter was present at the meeting to present his application and answered questions regarding his application.

Councillor Potter was requested to leave the video conference for the Committee to consider his application.

It was RESOLVED to grant Councillor Potter with dispensation to speak only on the grounds that the nature of the members' 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; and the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of 12 months.

b Councillor Dan Potter, Ceredigion County Council

An application for dispensation dated 12 November 2021 was received from Councillor Dan Potter to speak and vote on issues discussed regarding the harbour and beach at New Quay. Councillor Potter owns New Quay marine a boating business which repairs boats in the harbour. He is also employed by Ceredigion County Council annually to undertake the swimming area as a Safe Swim area contractor. Councillor Potter also lease two mooring from Ceredigion County Council and owns a shed outside the lifeboat station and the old coast guard station in Paragon. He also receive £40 a week as a coxswain of New Quay Lifeboat /RNLI.

Councillor Potter was present at the meeting to present his application and answered questions regarding his application.

Councillor Potter was requested to leave the video conference for the Committee to consider his application.

It was RESOLVED to grant Councillor Potter with dispensation to speak and vote on the grounds that the nature of the members' 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; and the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of 12 months.

c Councillor Dan Potter, New Quay Town Council

An application for dispensation dated 12 November 2021 was received from Councillor Dan Potter to speak and vote on issues discussed regarding the harbour and beach at New Quay. Councillor Potter owns New Quay marine a boating business which repairs boats in the harbour. He is also employed by Ceredigion County Council annually to undertake the swimming area as a Safe Swim area contractor. Councillor Potter also lease two mooring from Ceredigion County Council and owns a shed outside the lifeboat station and the old coast guard station in Paragon. He also receive £40 a week as a coxswain of New Quay Lifeboat /RNLI.

Councillor Potter was present at the meeting to present his application and to answer any questions regarding his application.

Councillor Potter was requested to leave the video conference for the Committee to consider his application.

It was RESOLVED to grant Councillor Potter with dispensation to speak only on the grounds that the nature of the members' 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; and the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of 12 months.

d Councillor Rowland Rees-Evans, Ceredigion County Council

An application for dispensation dated 18 December 2021 was received by Councillor Rowland Rees-Evans to speak only at the Governance and Audit Committee in relation to the Audit Wales report on Planning. Councillor Rees-Evans sat on both the Development Control Committee and was the Vice-Chairman of the Governance and Audit Committee. There were a number of issues within the AW report directed at the Development Control Committee.

Councillor Rees-Evans was present at the meeting to present his application and to answer any questions regarding his application.

Councillor Rees-Evans was requested to leave the video conference for the Committee to consider his application.

It was RESOLVED to grant Councillor Rees-Evans with dispensation to speak only on the grounds that the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (regulation 2 (f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for the meeting to be held on 17/1/22 only.

e Councillor Peter Davies MBE, Ceredigion County Council

An application for dispensation dated 10 January 2022 was received by Councillor Peter Davies MBE to speak and vote at the Governance and Audit Committee in relation to the Audit Wales report on Planning. Councillor Davies was a member of the Council's Development Control Committee.

It was RESOLVED to grant Councillor Peter Davies with dispensation to speak only on the grounds as the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (regulation

2 (f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for the meeting due to be held on 17/1/22 only.

8 **A Development Framework for Councillors in Wales 2021**

Consideration was given to the Report upon the Development Framework for Councillors in Wales 2021. It was reported that the framework had been developed by the WLGA, as a useful guide to identify priorities for continual personal and professional development and for providing support and training for members. It includes a range of generic competencies required by all Councillors as well as specialist competencies related to specific roles on the Council.

The generic competencies include: fundamental skills such as understanding the role of the Councillor, and the Local Authority, conduct, equalities and diversity, ICT skills and work-life balance etc; skills required by all councillors in their roles as community leaders such as consultation and engagement; casework on behalf of the public; partnership and representation; and working in a political environment. Specific role competencies include an understanding of the role of Scrutiny, policy development and review, holding the Executive to account, monitoring performance; Chairing skills; serving on statutory / regulator committees; Executive Members; and Council Leadership.

The framework would feed into the training / induction programme for Councillors.

Relevant sections to the Ethics and Standards Committee

The table below refers to the fundamentals: A range of general skills required by all Members.

| Ref | Requirement | Knowledge and Skills | Effective behaviours |
|------------|--------------------|---|---|
| A3 | Conduct | The ethical framework that Councillors must work to. The Code of Conduct. The role of the Monitoring Officer, Standards Committee, Local Resolution Protocol. the role of and guidance from the Public Services Ombudsman for Wales. | Always abides by the Code of Conduct. Always declares and defines interests when necessary. Seeks advice from the monitoring officer when necessary. |

| | | | |
|-----------------|--------------------------------------|---|---|
| A1 7 | Working with Officers | The role of officers generally and the ‘rules’ they need to abide by including a deeper understanding of the role of senior officers such as the Chief Executive, Senior Management Team, Monitoring Officer and Heads of Finance, Legal and Democratic Services. Skills in acting as a corporate employer. Understanding of the appointments process and interviewing skills. | Maintains professional relationships with officers, recognising boundaries and abiding by the Member Officer Protocol. Acts as an effective member of an appointment panel, applying sound HR and equality and diversity principles to make appointments. |
| A3 8 | Group Discipline | Understanding of the behaviours and conduct required of a group member | Works according to the standards of behaviour required by the Group Leader. |
| B8 | Committee Leadership | An in depth understanding of the role of the committee and its scope. Ability to liaise with relevant officers, members, and agencies. Commitment to enabling all committee members to develop skills and participate effectively in meetings. | Promotes the work and value of the committee in the Council and to the public. Works with the committee outside of meetings to make it work more effectively. Communicates with members and officers with an interest in committee proceedings. Builds relationships with the relevant Heads of Service/ Directors to ensure that the work of the committee is relevant, well informed and provides the outcomes needed. |
| B1 6 | Standards | The law and constitution in relation to conduct. Local resolution protocols. Needs of both County Council and Town and Community Councils for Training in relation to the Code of Conduct. | Demonstrates objectivity by taking independent decisions based on evidence and the legal responsibility placed on committees acting in a semi- judicial role. Transparently adheres to |

| | | | |
|--|--|---|--|
| | | Member behaviour, dealing with reports from Group Leaders and annual reporting | the Code of Conduct. Seeks appropriate professional officer advice, personal development or briefing before taking decisions. |
|--|--|---|--|

It was AGREED to note the Development Framework for Councillors and how it relates to the Ethics and Standards Committee

9 Update on Code of Conduct matters-Update on recent press articles

It was AGREED to note the recent press articles presented.

10 The Public Services Ombudsman Code of Conduct Casebook issue 25

It was AGREED to note the Public Services Ombudsman Code of Conduct Casebook issue 25 as presented.

11 Appointing Town & Community Councillors to the Ethics and Standards Committee -Succession Planning

Consideration was given to the report presented upon Appointing Town & Community Councillors to the Ethics and Standards Committee -Succession Planning.

It was AGREED to accept the proposed process for selection of the Town & Community Councillors to the Ethics and Standards Committee for the administration period May 2022-May 2027.

12 Dealing with complaints referred to the Ethics & Etandards committee & Hearings procedures

Consideration was given to the report upon Dealing with complaints referred to the Ethics & Standards Committee & Hearings procedures

It was reported that the Independent Review of the Ethical Standards Framework in Wales report (para 1.6) recommended that training be undertaken by Standards Committees on how to hold hearings, to ensure openness and fairness to the member complained of, to the complainant and to any witnesses. The report points out that the PSOW accepts the needed for more reference back to Standards Committees when he declines to investigate complaints.

A review of the document had been undertaken to take account of changes in the Regulations (in 2016) and also a comparison of the procedures in place in other authorities to ensure the Council's current procedures were current, fit for purpose.

The revised document Proposed changes were presented for consideration.

Following questions from the floor, it was AGREED to

(i) accept the amendments;

(ii) recommend the document for approval by Council subject to any recommendation or amendments to the document following consideration at a workshop of the committee to be held prior to the May Elections

13 Update on Adjudication Panel for Wales matters

It was AGREED to note the Adjudication Panel for Wales matters for information.

14 Ethics and Standards Committee: Member Role Descriptions and Person Specifications

The Welsh Local Government Association (WLGA) produced a revised set of Member Role Descriptions in association with Member and Local Authority Officers. The generic role descriptors which set out the responsibilities and functions of the role of the elected member are available as a suggestion rather than prescription. Elected and lay Members have specific roles and responsibilities which they are expected to undertake, and the role descriptions aim to provide a framework and guidance upon these responsibilities and a range of activities that Members undertake.

The Political Group Leader Supplementary Guidance set out examples of “reasonable steps” which Political Group Leaders might take.

The WLGA Framework Member Role Descriptions and Person Specifications includes the model role descriptions for various roles including:

Chair of Standards Committee

Member of Standards Committee

Political Group Leader-Role Description and Supplementary Guidance

It was reported that consideration was given to the document in association with Member and Local Authority Officers at the Democratic Services Committee on the 12 October 2021. The link is shown here:

<https://council.ceredigion.gov.uk/documents/s2103/report%20-%20Members%20role%20description.pdf?LLL=0>

It was reported that the document would also be considered by the Council and that the

Committee had previously considered the document at its Workshop on 17/11/21.

Following consideration of the contents that relates to the Ethics and Standards Committee, it was AGREED to note the report.

15 The Wales Standards Conference held remotely on 9/2/22

It was reported that the Wales Standards Conference was to be held remotely on the 09 February 2022 and details of the event and agenda had been circulated to Members of the Committee, Councillors and Clerks to Town and Community Council accordingly. As the Conference was held remotely there was not a limit to the number of delegates attending per authority.

Members were to inform the Scrutiny and Standards Officer or Democratic and Standards Officer by 28th January if Members wished to attend the conference, together with language preference.

16 Training

- Members were informed of the following induction course following the election:-

| | | | |
|-----------------------------|---------------------|------------------------|---|
| Mon 9 May | 10:00a m | Elin Prysor | TRAINING - Code of Conduct for <u>new</u> Members (2 ½ hours) (mandatory) |
| | 2:00pm | Elin Prysor | TRAINING - Code of Conduct for <u>returning</u> Members (1 ½ hour) (mandatory) |
| Tue s 24 May | | | |
| | 2:00pm | Elin Prysor | TRAINING – Role and responsibilities of the Ethics and Standards Committee (mandatory for all Committee members) |

- Members were also informed that they were welcome to attend any other training sessions that would be provided following the new administration in May 2022 such as Development Control Committee or Governance and Audit Training. Also; training on the conduct of Members during virtual meeting would also be provided as there was a current protocol on this issue.

- Mandatory training for Group Leaders would also be held on the 06 June 2022
- It was also reported that Hearing training would be held in September 2022.

17 Any Other Business

(i) Councillors that would be retiring from the committee were thanked for their work during the term.

(ii) The Monitoring Officer reported that at the Workshop held on the 21 November, it was agreed on the following:-

- that it would be useful that the link to the Ombudsman website be placed on Ceredigion County Council Ethics and Standards web page,
- Effectiveness Questionnaire for the Committee
- The Monitoring Officer to provide a quarterly report on the trends of complaints, and their level as a standard item on the agenda. It was agreed that this would be placed on the agenda as from the new administration term.

(iii) composition of the Corporate Joint Committee for Mid Wales Joint Standards Committee was required to be discussed. It had been agreed in principle that the Monitoring Officer for Powys would be the MO for the Mid Wales CJC.

Powys County Council had suggested that Members of the Joint Standards Committee of the Mid Wales CJC might from Powys. Members were of the opinion that as this was a joint Committee that its Members should be from both Counties. An email from MO would be circulated to Members following the meeting to ascertain their opinion on the membership.

Confirmed at the Meeting of the Ethics and Standards Committee held on

Chairman:_____

Date:_____

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Agenda Item 5

Minutes of the Meeting of **ETHICS AND STANDARDS COMMITTEE**
held remotely via video-conference on Monday, 07 February 2022

PRESENT:

Mrs Caroline White (Chair) , Mr Alan Davies (Independent Members);
Councillor Julian Evans and Gill Hopley (Town and Community Council representatives)

IN ATTENDANCE:

Ms Elin Prysor (Monitoring Officer)
Mrs Lisa Evans (Scrutiny and Standards Officer)
Mrs Dana Jones (Democratic and Standards Officer)

(3:00pm-4:00pm)

1 Apologies

Councillor Odwyn Davies, Dai Mason together with Mrs Caryl Davies, Ms Carol Edwards and Mr John Weston apologised for his inability to attend the meeting.

2 Personal Matters

None.

3 Disclosure of Personal / Prejudicial Interests

None.

4 Councillor Ruth Davies, Llangoedmor Community Council

An application for dispensation dated 31 January 2022 received from Councillor Ruth Davies to speak and vote on a planning application from her neighbour to change the use of their property to a glamping business, planning application A211044, for 6 Glamping pods, toilet and showers and associate parking at The Gardener's Cottage, The Walled Gardens Llangoedmor Cardigan SA43 2LQ.

Councillor Davies was present at the meeting to present her application

The applicant had a private access over her land for their dwelling but not a change of access use for the proposed new development. The access track was already in poor repair due to the illegal use of their garage as an Airbnb up to Christmas 2021 and now as an additional dwelling. The neighbours do not have additional easements for the additional access or mains water supply to this 'dwelling' or to the current application for the Glamping units and toilet and shower provision. The neighbours had their water supplied to their property via a sub meter from her farm. The mains water supply terminates over 900 meters at Cwrcoed Farm. The water pressure was already low, and the volume of water current used from December 2020 to June 2021 had already increased by 25% with no increase in farm usage or increased livestock numbers and no water leaks. The current users of the lane did not shut the field gate at the top of the lane / onto the public highway. There was regularly livestock straying out of the field due to this. During the last few months, the gate had been regularly left open despite speaking with the applicant and a sign on the gate requesting the gate be kept always shut. Visitor dogs had also been seen chasing the livestock and this

would only increase with the increase of households from the current permitted 2 households to another 6 households.

Cllr Davies stated that the reason for the application was that potentially the Council were not aware of the points above.

Councillor Davies answered questions regarding her application.

Cllr Davies stated that:

- there were private water billing arrangements in place
- there were 11 members on the Llangoedmor Community Council.

Councillor Davies was requested to leave the video conference for the Committee to consider her application.

It was **RESOLVED to REFUSE** the application for dispensation to speak and vote at Llangoedmor Community Council meeting 7/2/22 regarding planning application A211044 for 6 Glamping pods, toilet and showers and associate parking at The Gardener's Cottage, The Walled Gardens Llangoedmor Cardigan

The Committee discussed the application for dispensation at length.

The reasons for refusal included:

(i)the Committee was not satisfied that any of the statutory grounds for dispensation were made out;

(ii)the Committee noted that Llangoedmor Community Council had a protocol which allows for members of the public to make representations as a member of the public at a community council meeting in relation to matters on the agenda or of concern to the Community;

(iii) the Committee was concerned that the presence of a councillor might influence the Community Council's decision;

(iv)the Committee did not feel that refusal of the application would result in a democratic deficit; and

(v) that paragraph 14(2) of the Code of Conduct for Members applies

Confirmed at the Meeting of the Ethics and Standards Committee held on

Chairman:_____

Date:_____

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 25 May 2022

Title: Ethics and Standards Committee Annual Report, 2021/22

Purpose of the report: To present the draft Ethics and Standards Committee Annual Report for consideration, prior to presenting to Council

Introduction

A draft of Ethics and Standards Committee Annual Report, 2021/22 has been prepared and is attached(Appendix A)

Committee is requested to consider the draft report and make such changes as it considers appropriate, prior to the presentation of the report at full Council. (date to be agreed)

Recommendation(s): The Committee approves the draft Ethics and Standards Committee Annual Report, 2021/22 (appendix A), prior to presentation to Council.

Appendices: Appendix A – Draft Ethics and Standards Annual Report, 2021/22

Statutory background: Local Government Act 2000

Background documents: None

Reporting Officer: Dana Jones, Democratic Services and Standards Officer

Date: 27 April 2022

Ethics and Standards Committee



Cyngor Sir
CEREDIGION
County Council

Annual Report 2021/22

The Ten General Principles of Public Life

| | |
|--|---|
| <p>Selflessness – Members should serve only the public interest and should never Improperly confer an advantage or disadvantage on any person.</p> | <p>Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.</p> |
| <p>Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.</p> | <p>Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p> |
| <p>Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p> | <p>Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.</p> |
| <p>Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.</p> | <p>Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.</p> |
| <p>Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p> | <p>Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p> |

“Nolan Committee on Standards in Public Life”

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Foreword by the Chair of the Committee

I am pleased to present the annual report of the Ceredigion Ethics and Standards Committee providing an overview of its work during the period 1st April 2021 to 31st March 2022.

There have been Ethics and Standards Committee Meetings for the consideration of Councillors' applications for dispensation to engage in discussions where they have a prejudicial interest, and of other matters relating to standards. We have welcomed the contributions of the Group Leaders to discussions on how standards are promoted within the Groups. The Committee has engaged in discussions at national level regarding the Ethical Framework, the application of Local Resolution Protocols and the Statutory Guidance for Standards of Conduct.

I would like to reiterate the Committee's thanks to Hywel Wyn Jones, our previous Chair, and Rif Winfield for the ten years that they have contributed to our work. Also, thank you to the County and Community Councillors who have been on the Committee over the electoral term ending May 2022. We welcome Caryl Davies and Alan Davies as Independent Members.

As ever, the Committee's work relies heavily on the support it receives from officers, particularly the Monitoring Officer and supporting staff. I wish to record our thanks to them. I also wish to thank my fellow Committee Members for their contributions.

Caroline White
2021/22 Chair of the Ethics and Standards Committee, Ceredigion County Council

2

Terms of Reference of the Ethics & Standards Committee & Vision Statement

The Council has established an Ethics and Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001 (2001/2283) (as amended (2006/1849), 2007/951).

COMPOSITION

Membership

The Ethics and Standards Committee is composed of nine members. Its membership comprises of:

- Five 'independent' members, who are not Councillors or Officers or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Regulations, appointed in accordance with the procedure set out in the Regulations;
- Two County Councillors [other than the Leader of the Council and any member of the Cabinet];
- Two members of Town and Community Councils wholly or mainly in the Council's area ('Community Committee members')

Term of Office

- Independent members are appointed for a term of not less than four nor more than six years. They may be re-appointed for one further consecutive term not exceeding four years. Two Independent Members were appointed and took up office in 2021/22.

Members of the Council who are members of the Ethics and Standards Committee have a term of office until the start of the next local government election following their appointment.

- A Community Committee member would have a term of office until the next ordinary local government election following their appointment.

Quorum - A meeting of the Ethics and Standards Committee shall only be quorate when:

- at least three members are present, and;
- at least half the members present (including the Chairperson) are Independent Members.

Community Committee Members - A Town/Community Committee member shall not take part in the proceedings of the Ethics and Standards Committee when any matter relating to their Community Council is being considered;

Chairing the Committee

- An Independent Member must chair the Ethics and Standards Committee.
- The Chair and Vice-Chair are elected by the Members of the Ethics and Standards Committee for whichever is the shorter of the following periods:-
 - a period of not less than four nor more than six years, or
 - until the term of office of that person as an Independent member of the Ethics and Standards Committee comes to an end

If the Chair is absent from a meeting of the Ethics and Standards Committee then the Vice Chair of the Committee, if present, shall preside.

If both the Chair and the Vice-Chair of the Ethics and Standards Committee are absent from a meeting of that Committee, such Independent member of the Ethics and Standards Committee as the members of the Committee present shall choose shall preside.

VISION STATEMENT

“Our Vision is that the people of Ceredigion will have trust and confidence that all those elected to office in Local Government in our county will work to the highest ethical and moral standards in serving their community”

3

Roles and Functions of the Ethics and Standards Committee

The Ethics and Standards Committee had the following roles and functions:

- promoting and maintaining high standards of conduct by Councillors,
- assisting the Councillors, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors, Co-opted Members and church and parent governor representatives from requirements relating to interests, as set out in the **Members' Code of Conduct 2016 edition; Section (81(4) & (5) of the Local Government Act 2000 and the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 (2001/2279).**
- 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; as set out in (section 73(1) **Local Government Act 2000, Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001)) (2001/2281) (as amended; 2009/2578), and the Local Government (Standards Committee, Investigations,**

**Dispensations and Referral) (Wales) (Amendment)
Regulations 2016 (2016/85).**

- the exercise of the above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;(Section 56(1) Local Government Act 2000) to appoint an appeals panel of three, with a majority of independent members, one of whom would act as Chairperson, with regard to complaints made by members of the public under the Council's complaints procedure

Examples of the type of work carried out by the Ethics and Standards Committee may include:

- involvement in developing training materials on the Code, including a flowchart summarising the main provision of the code
- attendance at and participation in training sessions on the Code for both the County Council and Community Councils
- attendance at Council and Committee meetings to observe proceedings
- the introduction of procedures which allow Councillors to attend Committee meetings to present an application for dispensation in person

4

Membership of the Committee

Membership of the Ethics and Standards Committee 2020/21

1st April 2021– 26th September 2021

| Committee Member | Term of Office | Term as Chair & Vice Chair |
|---|--|---|
| Mr Hywel Wyn Jones (Chair) Independent Member | 2/09/17-26/09/21 | Chair:22/02/19- 19/05/21 Member 19/05/21- 26/09/21 |
| Mrs Caroline White (Vice- Chair) Independent Member | 01/08/13-30/07/23 | Vice-Chair 22/02/18-19/05/21 Chair 19/05/21 |
| Mr Rif Winfield Independent Member | 27/09/17-26/09/21 | |
| Ms Carol Edwards Independent Member | 22/02/18-21/02/24 | |
| Mr John Weston Independent Member | 22/02/18-21/02/24 | |
| Councillor Dai Mason Ceredigion County Council | 05/05/17- Local Government elections May 2022 | |
| Councillor Odwyn Davies Ceredigion County Council | 05/05/17- | |

| | | |
|---|---|--|
| | Local Government elections May 2022. | |
| Councillor Julian Evans (Community Council Representative) | 05/05/17- Local Government elections May 2022 | |
| Councillor Gill Hopley (Community Council Representative) | 05/05/17- Local Government elections May 2022 | |

26th September 2021- 31st March 2022

| Committee Member | Term of Office | Term as Chair & Vice Chair |
|--|---|---------------------------------|
| Mrs Caroline White Chair Independent Member | 01/08/13-30/7/23 | Chair 19/05/21-30/07/23 |
| Mr John Weston Independent Member | 22/02/18-21/02/24 | Vice Chair 19/05/21-30/07/23 |
| Ms Carol Edwards Independent Member | 22/02/18-21/02/24 | |
| Mr Alan Davies Independent Member | 26/09/21-26/09/27 | |
| Mrs Caryl Davies Independent Member | 26/09/21-26/09/27 | |
| Councillor Dai Mason Ceredigion County Council | 05/05/17- Local Government elections May 2022 | |
| Councillor Odwyn Davies Ceredigion County Council | 05/05/17- Local Government elections May 2022. | |

| | | |
|---|---|--|
| Councillor Julian Evans (Community Council Representative) | 05/05/17- Local Government elections May 2022 | |
| Councillor Gill Hopley (Community Council Representative) | 05/05/17- Local Government elections May 2022 | |

Members of the current Ethics & Standards Committee

| | |
|--|--|
|  <p>Mr Hywel Wyn Jones (Chair up to the 19/05/21 and Independent Member up to the 26/09/21)</p> | <p>Hywel Wyn Jones is a former Administrative Secretary of the University of Wales, Aberystwyth. For ten years he was a member of the Standards Committee of Dyfed-Powys Police Authority (with a term as Chairman). Hywel has served as an Independent Member of Ceredigion County Council Ethics and Standards Committee since 2012, and as its Chair from February 2018. Hywel is also Chair of the Standards Committee of Mid & West Wales Fire and Rescue Authority.</p> |
|--|--|



Mrs Caroline White
(Vice Chair up to the
19/05/21 and Chair as
from 19/05/21)

Caroline White is a retired teacher. Caroline’s 26-year teaching career included many whole school management responsibilities, latterly as Assistant Head. She now works as a Study Skills Tutor at Aberystwyth University.
Caroline was appointed as an Independent Member of the Ethics and Standards Committee in August 2013 and was elected as Vice-Chair, from February 2018, and then as Chair, from May 2021.



Mr Rif Winfield
(Member up to the
26/09/21)

Rif Winfield has enjoyed a career in the political, commercial and voluntary sectors. He was an elected Borough Councillor in 1972.

Rif was a founding Director of Ceredigion Association for Voluntary Organisations for 17 years including Chairman.

Rif has been an Independent Member of the Ceredigion Ethics & Standards Committee since 2011.



Mrs Carol Edwards

Carol Edwards qualified as a Chartered Librarian from the Librarian College in Aberystwyth. worked for Clwyd County Council, Ysbyty Llwynhelyg (as a medical librarian)and then back to Aberystwyth at the National Library for Wales for over 20 years, and as Head of Department from 2010-2013.

Carol is currently a Governance Manager and Clerk of the Board of Trustees for the National Library for Wales.

Carol was appointed as a Member of the Ethics & Standards Committee in February 2018.

| | |
|--|---|
|  <p>Mr John Weston (Vice Chair as from the 19/05/21)</p> | <p>John Weston was a Town Planner, and was then employed by the WAO as a performance auditor, retiring in 2013; undertaking audits within Councils in Wales and also with Welsh Police and Fire and Rescue services.</p> <p>John was appointed as an Independent Member of the Ethics & Standards Committee from February 2018 and was elected as Vice-Chair from May 2021.</p> |
|  <p>Mr Alan Davies (Independent Member as from the 26/09/21)</p> | <p>Alan Davies is originally from London, with parental roots in Ceredigion, he is married, with 2 sons and lives in Aberaeron. He is a fluent Welsh speaker and regularly comments for TV and radio on military, defence, peace and security matters. He is currently active in developing the Space Sector in Wales and has led many significant business growth and change initiatives. His early career was in the Army, retiring as a Major after 18 years of service, where he was responsible for strategic military planning for global intervention operations and rescues.</p> |
|  <p>Mrs Caryl Davies (Independent Member as from the 26/09/21)</p> | <p>Caryl Davies is a former Director of Student Support Services and Head of Careers at Aberystwyth University. A Welsh speaker, Caryl is also a member of the Carmarthenshire Standards Committee; a fitness to practice lay panel member and chair for Social Care Wales; and a lay representative for Health Education Improvement Wales.</p> |



**Cllr Dai Mason
(Ceredigion County
Council)**

Dai Mason was a design engineer at IBERS, and then a Company Director in the entertainment/ travel industry.

School Governor.

Currently Ceredigion County Councillor since 2012 representing the Trefeurig Ward. Chairman of Ceredigion County Council 2016/17.

Appointed to the Ethics & Standards Committee in May 2012.



**Cllr Odwyn Davies
(Ceredigion County
Council)**

Odwyn Davies is a farmer.

Ceredigion County Councillor since 1999 representing the Llangybi Ward.

Former joint Leader of Llangybi area, Urdd Gobaith Cymru.

Member of the Ethics & Standards Committee since May 2012.

| | |
|--|---|
|  <p>Dr Julian Evans (Community Council representative)</p> | <p>Julian Evans was a Dental Surgeon from 1978, and ran his own practice until retirement in 2008.</p> <p>New Quay Town Council Councillor (Mayor 5 times since 1982.</p> <p>Ceredigion County Council Councillor representing New Quay ward (1995-1999)</p> <p>Member of the magistrate's selection committee, former part-time firefighter. Former School Governor. Chair of the Ceredigion branch of One Voice Wales.</p> <p>Appointed to the Ethics & Standards Committee in 2017.</p> |
|  <p>Cllr Gill Hopley (Community Council representative)</p> | <p>Gill Hopley enjoyed a successful career in retail and fashion design from 1987 until her retirement in 2016.</p> <p>New Quay Town Councillor since 1991 (and mayor on several occasions).</p> <p>Ceredigion County Councillor representing the New Quay ward from 1999 until 2017. Chairman of Ceredigion County Council 2015.</p> <p>Appointed to the Ethics & Standards Committee in 2017.</p> |

When does the Ethics & Standards Committee meet?

The Ethics & Standards Committee has scheduled bimonthly meetings. Meetings can also be convened at other times in exceptional circumstances.

5

The Committee's Work in 2021/2022

1. APPLICATIONS FOR DISPENSATION

| Year | Number of applications received | County Council applications | Town Council Applications |
|---------|---------------------------------|-----------------------------|---------------------------|
| 2017/18 | 23 | 10 | 13 |
| 2018/19 | 21 | 9 | 13 |
| 2019/20 | 15 | 13 | 12 |
| 2020/21 | 17 | 11 | 6 |

2021/22

The Committee had considered 17 applications from County and Community and Town Councillors during the year.

- 16 were granted
- 0 was deferred
- 1 was refused
- 0 was withdrawn

Of these:

- County Councillors: 8
- Town & Community Councillors 9

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (Reg. 2)

The most common grounds for which the Committee granted dispensations were:

- 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

- f) the participation of the member in the business to which the interests relates is justified by the member's particular role or expertise.

Of the 16 dispensations granted:

- 7 were granted to speak only
- 9 were granted to speak and vote

Of the dispensations granted:

- 14 were granted for a term of up to 12 months
- 0 were granted for a term of up to 6 months
- 2 were granted for a specific meeting

Of the dispensation refused the grounds were:

(i)the Committee was not satisfied that any of the statutory grounds for dispensation were made out;

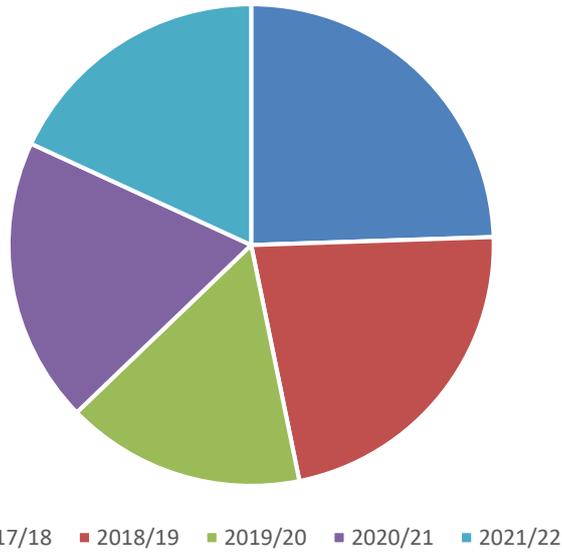
(ii)the Committee noted that the Community Council had a protocol which allows for members of the public to make representations as a member of the public at a community council meeting in relation to matters on the agenda or of concern to the Community;

(iii) the Committee was concerned that the presence of a councillor might influence the Community Council's decision;

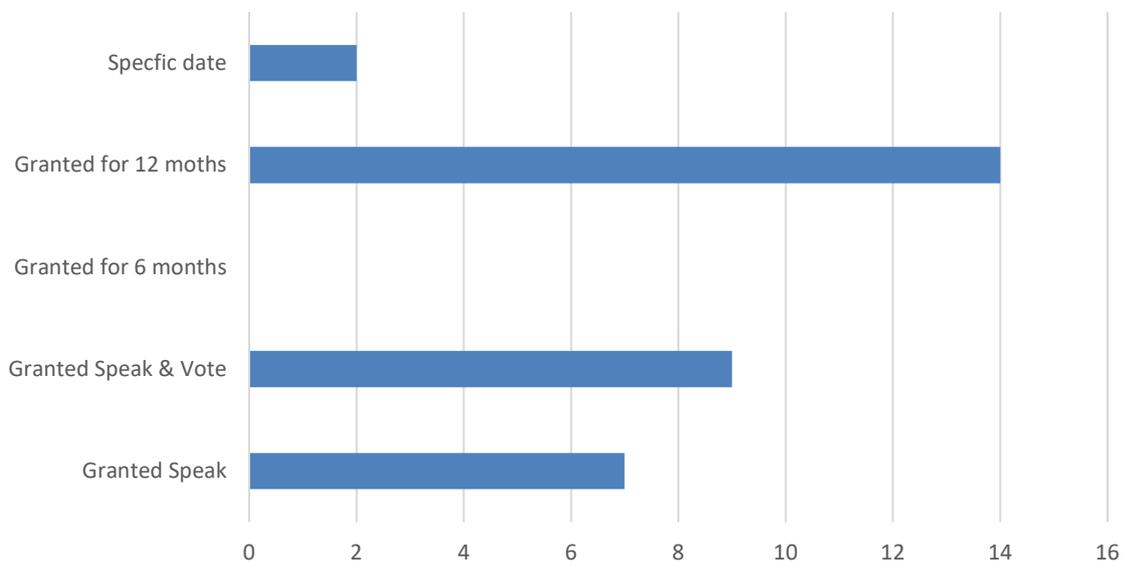
(iv)the Committee did not feel that refusal of the application would result in a democratic deficit; and

(v) that paragraph 14(2) of the Code of Conduct for Members applies

Dispensation Applications Received 2017-2022



Overview of Applications granted 2021/2022



Reminders for renewal are not sent to Members. Dispensations lapse automatically at the end of the fixed term. Any applications for extensions of time are treated as new applications in order to ensure that Members properly review the need and grounds for dispensation

The Committee approaches each application on its merits.

Details of the applications dealt with by the Committee can be viewed as part of the agenda/minutes of the meetings of the Committee which are accessible on Ceredigion County Council's website:

<http://www.ceredigion.gov.uk/your-council/councillors-committees/committees/ethics-and-standards/>

Applicants were encouraged to attend Committee meetings to present their case.

During 2017/18 2 Members attended Committee in person

During 2018/19 2 Members attended Committee in person

During 2019/20 2 Members attended Committee in person.

During 2020/21 1 Member attended the Committee (via video conferencing)

During 2021/22 5 Members attend the Committee (via video conferencing)

2. ADJUDICATION PANEL FOR WALES.

The Adjudication Panel for Wales (APW) is an independent tribunal that has been set up to determine alleged breaches against an authority's statutory Code of Conduct by elected and co-opted members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.

At the meeting held on the 19 May 2021 consideration was given to the reports dated the 23 December 2020 on the decision of the Case Tribunal to suspend a Member of Merthyr Tydfil Borough Council for a period of seven months or, if shorter, the remainder of his term of office.

The second report dated the 12 January 2021 reported on the decision of the Case Tribunal to disqualify a former Community Council for Sully and Lavernock Community Council for 15 months.

Both reports were noted for information by the committee.

It was also agreed at the September meeting that all Adjudication Panel for Wales matters were now circulated to all Party Leaders for information due to their new responsibilities from May 2022 in relation to the requirement of high standards of their group Members

3. UPDATE ON THE PUBLIC SERVICE OMBUDSMAN MATTERS – CONSULTATION ON REVISION OF CODE OF CONDUCT GUIDANCE

On the 5th February 2021, the Public Services Ombudsman for Wales released two new draft Guidance documents on the Code of Conduct for members, namely one for County Council members and one for Community/Town Councils.

The Ethics and Standards Committee members provided a response to the consultation through comments via email and a workshop held on 4th March 2021. The draft guidance was also shared with the political group leaders.

The Council submitted a response to the consultation comprising of comments from the Ethics and Standards Committee, Group Leaders and the Monitoring Officer. This was circulated to members.

The final guidance on the Code of Conduct for members of County and Community/Town Councils has been published by the Public Services Ombudsman for Wales and was presented to the Committee on the 17 September 2021 for information.

Subsequent decisions are available on the PSOW under “Our Findings.”

4. S 62-63 OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

The Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees, namely s62 and s63.

S62:With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must :

- take reasonable steps to promote and maintain high standards of conduct by the members of the group; and
- co-operate with the council’s standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and

(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

S.63 inserts the requirements for the standards committee annual report. As well as describing how the committee's functions have been discharged the report must also include what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56.

An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1).

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

An annual Chair's report has been presented to Council since 2018.

It was reported that currently political leaders of Ceredigion County Council are invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council.

The committee agreed to note the new duties with a recommendation to meet with Group Leaders at least on an annual basis, and to review on receipt of further guidance,

5. RECRUITMENT

At the 19 May 2021 meeting a report on the appointment of two Independent Members was presented. It was reported that the current Chair Mr Hywel Wyn Jones and Mr Rif Winfield were appointed initially on 27/9/2011 and reappointed on 27/9/2017. Their respective terms of office would expire on 26/9/2021. These members were not now eligible for reappointment.

On 10th December 2020 Council resolved:

a) the job description, person specification and criteria for the appointment of independent members; and b) Membership of the Selection Panel.

The Selection Panel took place on 26th March 2021 and the interviews on 15th April 2021.

The two successful candidates were:

- Caryl Davies;
- Alan Davies.

Council on the 17th June 2021 that these appointments would be for a term of 6 years from 27th September 2021.

The new Members attended their first workshop on the 17th November 2021 and meeting on the 19th January 2022.

The Chair conveyed the gratitude of the Committee to Mr Hywel Wyn Jones and Mr Rif Winfield for their contribution to the work of the Ethics and Standards Committee since their appointment. Both thanked the Committee and Officers for their work and support during their term.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

At the meeting held on the 15th May 2021, it was reported that the Committee was aware that the Term of Office of two of the current independent members, Mr Hywel Wyn Jones and Mr Rif Winfield would end on 26 September 2021.

As such, the term of office of the current Chair, Mr Hywel Wyn Jones 'Chair' would also end on 26 September 2021. The current Chair wished to relinquish the chairmanship at the end of the 19th May 2021 meeting, so that the Committee could decide on its succession in good time. It was a requirement that the Committee's Chair (and Vice-chair) were appointed from among the independent members of the Committee. The newly recruited independent members would not take up Office until 27 September 2021. As such, the new Chair would have to be appointed from the remaining Independent members (namely Caroline White, John Weston and Carol Edwards).

In the event that the existing Vice-Chair was appointed, there would be a need to consider nominations for a replacement Vice-Chair thereafter, again effective from 20 May 2021.

It was AGREED:-

- (i) to appoint Caroline White to the Chair to the Committee effective from 20 May 2021 for the duration of her term of office to 30th July 2023; and
- (ii) John Weston be appointed as the Vice-Chairman of the Committee, to coincide with appointment of the Chair to 30th July 2023.

On 17 June 2021 Council endorsed these appointments.

7. THE PUBLIC SERVICE OMBUDSMAN FOR WALES (PSOW) CODE OF CONDUCT CASEBOOK

The Monitoring Officer presented the Ombudsman Code of Conduct Casebook Issues to Committee as follows:-

- casebook 24
- casebook 25

Members also raised the following:-

- (i) to note the concern of the Committee that the PSOW should have stronger proposals on the cases that they consider; as several were recommendations and not stipulations;
- (ii) the PSOW should follow up on these recommendations e.g whether training had been completed
- (iii) that the Ethical Framework would be presented at a future meeting for consideration

8. TRAINING

It was reported at the May 2021 meeting that the Chair would be training Members of Llanwenog Community Council on 8 June 2021. This training was provided remotely.

Training would also be provided by the Monitoring Officer on 27 September 2021 for the new members of the Ethics and Standards Committee. This training was provided.

Post the May 2022 elections Code of Conduct training would also be provided for new Members with refresher training for returning Members. Consideration would be given to remote training in future.

Hywel Wyn Jones offered his support for future training provision through the medium of Welsh.

At the 17 September 2021 meeting, it was reported:-

- That County Council Members would be receiving Data Protection/Equalities and Code of Conduct training due to the information that possibly could be placed on social media sites such as Facebook. This training would be also offered following the election in May 2022

- That the training material provided on Data Protection /Equalities could be included with any future Code of Conduct training for Town and Community Councils
- Clarification was awaited from WLGA if the presentation provided on the Code of Conduct training following the elections in 2017 would be amended prior to the May 2022 elections
- That several Members of the Committee could now provide bilingual training to Town and Community Councils on the Code of Conduct as they had experience of providing training
- That training sessions would be arranged with the Committee to consider specific issues within the Ethics and Standards agenda prior to the formal Ethics and Standards Committee meetings.

At the January 2022 meeting, the following information was presented:-

| | | | |
|-------------------------------|----------------|--------------------|---|
| Mon 9 May | 10:00am | Elin Prysor | TRAINING - Code of Conduct for <u>new</u> Members (2 ½ hours) (mandatory) |
| | 2:00pm | Elin Prysor | TRAINING - Code of Conduct for <u>returning</u> Members (1 ½ hour) (mandatory) |
| Tues 24 May | | | |
| | 2:00pm | Elin Prysor | TRAINING – Role and responsibilities of the Ethics and Standards Committee (mandatory for all Committee members) |

- Mandatory training for Group Leaders would also be held on the 06 June 2022
- It was also reported that Hearing Procedures training would be held in September 2022.

9. CORPORATE JOINT COMMITTEES (GENERAL) (WALES) REGULATIONS 2021

Consideration was given at the May meeting to the Corporate Joint Committees (General) (Wales) Regulations 2021. It was reported The Corporate Joint Committees (General) (Wales) Regulations 2021 (“The General Regulations”) introduces a number of provisions in relation to the general administration and governance of Corporate Joint Committees, established by Part 5 of the Local Government and

Elections (Wales) Act 2021. These provisions came into force on the 1 April 2021.

The overall intent in establishing Corporate Joint Committees was that a Corporate Joint Committee would be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed. The General regulations set out the requirements and necessary legislative framework for effective administration and governance of a Corporate Joint Committee.

The General regulations seek to ensure that, as part of the wider application of the local government ethical framework that members, co-opted participants and employees of Corporate Joint Committees are subject to appropriate standards of conduct.

The provisions within these General regulations were to ensure the application of relevant authority's Code of Conduct to members and co-opted participants of a Corporate Joint Committee. That is that the code of conduct of the relevant authority from which the member or co-opted participant is from will apply. This includes to require them to register any personal interests they have in the business of the Corporate Joint Committee in their relevant authority's register of interest.

It was AGREED to note the relevant content of the Corporate Joint Committees (General) (Wales) Regulations 2021 in relation to standards of conduct.

At the January 2022 meeting composition of the Corporate Joint Committee for Mid Wales Joint Standards Committee was required to be discussed. It had been agreed in principle that the Monitoring Officer for Powys would be the MO for the Mid Wales CJC. Members were of the opinion that as this was a joint Committee that its Members should be from both Counties.

10. ETHICS AND STANDARDS FORWARD WORK PROGRAMME 2021/22

Consideration was given to the Ethics and Standards Forward Work Programme 2021/22. Following discussion, it was AGREED:-

(i) that a Forward Work Programme be a standing item on each agenda of the Committee, and

(ii) that the Forward Work Programme be updated to include standard items, being a live document which will be updated as required.

11. A DEVELOPMENT FRAMEWORK FOR COUNCILLORS IN WALES 2021

Consideration was given to the Report upon the Development Framework for Councillors in Wales 2021 at the January meeting. It was reported that the framework had been developed by the WLGA, as a useful guide to identify priorities for continual personal and professional development and for providing support and training for members. It includes a range of generic competencies required by all Councillors as well as specialist competencies related to specific roles on the Council.

The generic competencies include: fundamental skills such as understanding the role of the Councillor, and the Local Authority, conduct, equalities and diversity, ICT skills and work-life balance etc; skills required by all councillors in their roles as community leaders such as consultation and engagement; casework on behalf of the public; partnership and representation; and working in a political environment. Specific role competencies include an understanding of the role of Scrutiny, policy development and review, holding the Executive to account, monitoring performance; Chairing skills; serving on statutory / regulator committees; Executive Members; and Council Leadership.

The framework would feed into the training / induction programme for Councillors.

Relevant sections to the Ethics and Standards Committee:

The range of general skills required:

| Ref | Requirement | Knowledge and Skills | Effective behaviours |
|------------|--------------------|---|---|
| A3 | Conduct | The ethical framework that Councillors must work to. The Code of Conduct. The role of the Monitoring Officer, Standards Committee, Local | Always abides by the Code of Conduct. Always declares and defines interests when necessary. Seeks advice from the monitoring officer when necessary. |

| | | | |
|-----|-----------------------|--|---|
| | | Resolution Protocol. the role of and guidance from the Public Services Ombudsman for Wales. | |
| A17 | Working with Officers | The role of officers generally and the 'rules' they need to abide by including a deeper understanding of the role of senior officers such as the Chief Executive, Senior Management Team, Monitoring Officer and Heads of Finance, Legal and Democratic Services. Skills in acting as a corporate employer. Understanding of the appointments process and interviewing skills. | Maintains professional relationships with officers, recognising boundaries and abiding by the Member Officer Protocol. Acts as an effective member of an appointment panel, applying sound HR and equality and diversity principles to make appointments. |
| A38 | Group Discipline | Understanding of the behaviours and conduct required of a group member | Works according to the standards of behaviour required by the Group Leader. |
| B8 | Committee Leadership | An in depth understanding of the role of the committee and its scope. Ability to liaise with relevant officers, | Promotes the work and value of the committee in the Council and to the public. Works with the committee outside of meetings to make it work more effectively. |

| | | | |
|-----|-----------|--|--|
| | | members, and agencies. Commitment to enabling all committee members to develop skills and participate effectively in meetings. | Communicates with members and officers with an interest in committee proceedings. Builds relationships with the relevant Heads of Service/ Directors to ensure that the work of the committee is relevant, well informed and provides the outcomes needed. |
| B16 | Standards | The law and constitution in relation to conduct. Local resolution protocols. Needs of both County Council and Town and Community Councils for Training in relation to the Code of Conduct. Member behaviour, dealing with reports from Group Leaders and annual reporting | Demonstrates objectivity by taking independent decisions based on evidence and the legal responsibility placed on committees acting in a semi- judicial role. Transparently adheres to the Code of Conduct. Seeks appropriate professional officer advice, personal development or briefing before taking decisions. |

11.APPOINTING TOWN & COMMUNITY COUNCILLORS TO THE ETHICS AND STANDARDS COMMITTEE – SUCCESSION PLANNING

Consideration was given at the January 2022 meeting to the report presented upon Appointing Town & Community Councillors to the Ethics and Standards Committee -Succession Planning.

It was AGREED to accept the proposed process for selection of the Town & Community Councillors to the Ethics and Standards Committee for the administration period May 2022-May 2027.

12. DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARING PROCEDURES

Consideration was given to the report upon Dealing with complaints referred to the Ethics & Standards Committee & Hearings procedures at the January meeting.

It was reported that the Independent Review of the Ethical Standards Framework in Wales report (para 1.6) recommended that training be undertaken by Standards Committees on how to hold hearings, to ensure openness and fairness to the member complained of, to the complainant and to any witnesses. The report points out that the PSOW accepts the need for more reference back to Standards Committees when he declines to investigate complaints.

A review of the document had been undertaken to take account of changes in the Regulations (in 2016) and also a comparison of the procedures in place in other authorities to ensure the Council's current procedures were current, fit for purpose.

The revised document Proposed changes were presented for consideration.

Following questions from the floor, it was AGREED to

(i) accept the amendments;

(ii) recommend the document for approval by Council subject to any recommendation or amendments to the document following consideration at a workshop of the committee to be held prior to the May Elections

13. THE WALES STANDARDS CONFERENCE

The Wales Standards Conference was held remotely on 9/2/22.

Details of the event and agenda were circulated to Members of the Committee, Councillors and Clerks to Town and Community Council accordingly. As the Conference was held remotely there was not a limit to the number of delegates attending per authority, allowing 4 Ethics and Standards Committee members and 2 officers to attend.

14. CONCLUSIONS

The Committee had a relatively busy year, working to respond to changes in guidance in preparation for the new electoral term.

6

Code of Conduct – Monitoring Officer's Report

1. All County Councillors, Town/Community Councillors and Co-opted Members are required to abide by the **Code of Conduct for Councillors** adopted by the Council which conforms to the mandatory requirements of the Model Code of Conduct issued by the National Assembly for Wales.
2. Complaints relating to an allegation that a County Councillor had breached the Code should be sent to the Ombudsman directly and/or to the Council's Monitoring Officer (MO)
3. The Ombudsman publishes a guidance on the PSOW website on how to make a complaint about an elected member on a Factsheet.
4. The WLGA has e-learning training modules available for Councillors on the All Wales Academy, including Ethics and Standards (Councillor Development), and Social Media Guidance.
5. The Adjudication Panel for Wales (APW) published a Sanctions Guidance during 2019
6. The PSOW may decide that the MO should investigate a complaint, or may ask the Council's Ethics & Standards (ES) Committee to make a determination. Options available to the ES Committee include no further action, censure and suspension for up to 6 months.
7. If the Ombudsman investigates an allegation of a breach of the Code and concludes that a breach has occurred The Ombudsman will forward a report of his findings to the Monitoring officer and to the Councillor concerned.
8. If the Ombudsman considers that the breach is serious it may be forwarded to the Adjudication Panel for Wales who has the power to disqualify a councillor for up to 5 years.

9. The Local Government & Elections (Wales) Act 2021 received Royal Assent during 2020/21. S62 of the Act sets out additional duties for political group leaders, to uphold standards of conduct, effective from May 2022.

MONITORING OFFICER'S REPORT

1.Complaints received

PREVIOUS YEARS

The table below shows an analysis of complaints received between 2018-2021:

| County Councillors | 2018/19 | 2019/20 | 2020/21 |
|------------------------------------|------------------|------------------|------------------|
| Member on Member | 0 | 0 | 1 |
| Public on Member | 9 | 3 | 11 |
| Officer on Member | 4 | 8 | 4 |
| Self-referrals to PSOW | 0 | 0 | 0 |
| | Total: 13 | Total: 11 | 1 |
| | | | Total: 17 |
| Town/ Community Councillors | | | |
| Member on Member | 0 | 2 | 1 |
| <u>Public on Member</u> | 4 | 2 | 4 |
| | | | |
| | Total: 4 | Total:13 | Total:5 |

CURRENT YEAR: 2021/2022

Brought forward: x 3

The Monitoring Officer considered 16 complaints against Members in relation to the Code of Conduct.

Of these:

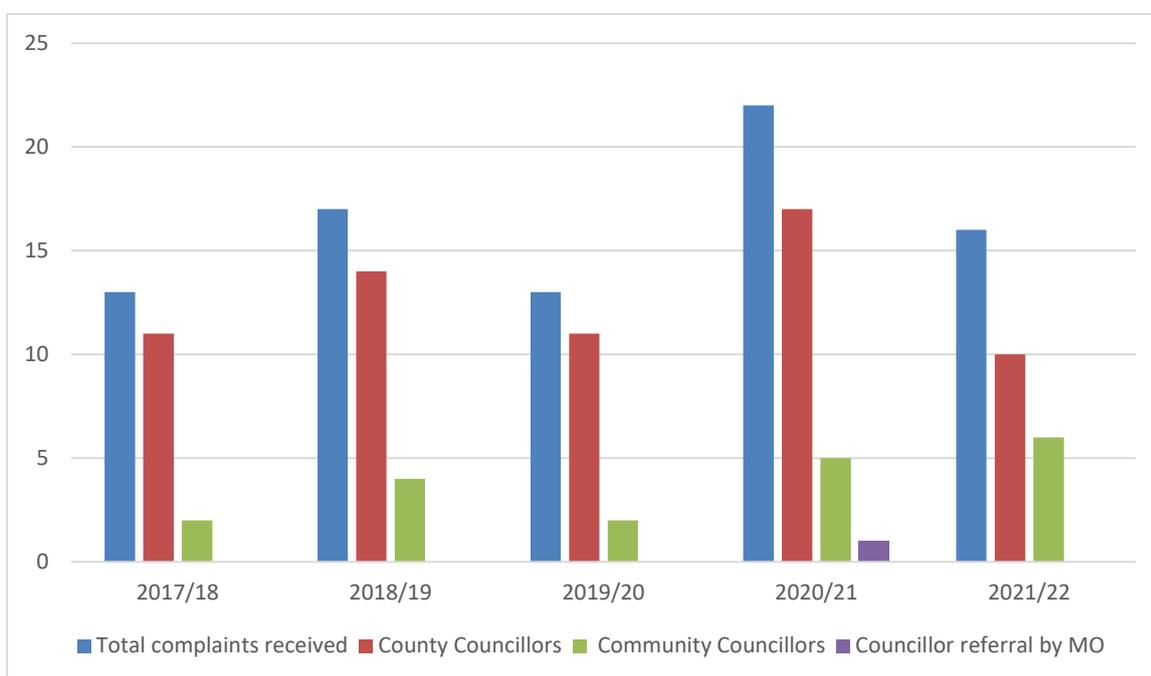
- 10 were against County Councillors
- 6 were against Town/ Community Councillors.

Source of complaints:

| County Councillors | Number of complaints received |
|------------------------------------|--------------------------------------|
| Member on Member | 1 |
| Public on Member | 4 |
| Officer on Member | 5 |
| | |
| Clerk of Town/Community Council | 0 |
| Total | 10 |
| | |
| Town/ Community Councillors | |
| Member on Member | 4 |
| Public on Member | 1 |
| Officer | 1 |
| Clerk | 0 |
| Total | 6 |
| | |

MO recommended sanctions:

- apology
- training
- advice/reminder of Councillor obligations under Code



It should be noted that complaints by Officers against Members are not always made directly by the Officer concerned, who may not wish to pursue a formal complaint. Where concerns are drawn to the attention of the Monitoring Officer/Chief Executive, those cases will be dealt with by

the Monitoring Officer (and if appropriate the Chief Executive) who may make enquiries and provide advice/action as appropriate.

The Monitoring Officer will investigate as necessary.

2. PSOW Notifications

| | | <u>2018/19</u> | <u>2019/20</u> | <u>2020/21</u> |
|--------------------------|--|-----------------------|-----------------------|-----------------------|
| | Complaints received from PSOW | 7 | 6 | 4 |
| County Council | Of these: Declined to Investigate/Closed after initial consideration: | 4 | 5 | |
| | | 2 | 5 | |
| | Investigation: Discontinued: | 0 1 | 0 0 | |
| | No evidence of breach: | 1 | 1 | |
| Community Council | | | | |
| | Of these: Declined to Investigate/Closed after initial consideration: | 3 | | |
| | | 3 | | |
| | Investigation: Discontinued: | 0 | | |
| | No Evidence of breach: | 0 | | |
| | No Further Action | 0 | | |
| | Of those investigated resulted in sanctions Resulted in no sanction | 0 0 | | |
| | Sanctions/actions included: advice | | | |

| | | | | |
|--|-------------------------------------|--|--|--|
| | given to member to modify behaviour | | | |
|--|-------------------------------------|--|--|--|

The MO received notifications of the following complaints:

CURRENT YEAR 2021/22

The PSOW reported 8 complaints:

Of these:

County Council: 6

Town/Community Council 2

| | |
|--|----------------------------------|
| Councillor referral by Monitoring Officer to PSOW (brought forward matter) | 1 Town/ Community Council |
|--|----------------------------------|

| | County Council | Town/ Community Council |
|--|----------------|-------------------------|
| Of these: Declined to Investigate/Closed after initial consideration: | 4 | 1 |
| Investigation: Discontinued: No further action necessary | 0 0 | 0 0 |
| <u>Ongoing:</u> <u>Recorded as pre-assessment</u> | 2 1 | 0 |
| Outcomes: • No evidence of breach | 3 | 1 |

| | | |
|--|----------------------------|----------|
| <ul style="list-style-type: none"> • Technical breach • Breach • Referral to APW | <p>1</p> <p>0</p> <p>0</p> | <p>1</p> |
|--|----------------------------|----------|

Of those investigated:

- **resulted in sanctions :**
apology, training, reminder of Councillor obligations under Code
- **1 resulted in no sanction**

For Information:

PSOW Annual report 2021/22:

E. Code of Conduct Complaints Closed

| County/County Borough Councils | Closed after initial consideration | Discontinued | No evidence of breach | No action necessary | Refer to Standards Committee | Refer to Adjudication Panel | Withdrawn | Total |
|--------------------------------|------------------------------------|--------------|-----------------------|---------------------|------------------------------|-----------------------------|-----------|-------|
| Ceredigion | | - | - | - | - | - | - | |

F. Town/Community Council Code of Complaints

| Town/Community Council | Closed after initial consideration | Discontinued | No evidence of breach | No action necessary | Refer to Standards Committee | Refer to Adjudication Panel | Withdrawn | Total |
|------------------------|------------------------------------|--------------|-----------------------|---------------------|------------------------------|-----------------------------|-----------|-------|
| | | - | - | | - | - | - | |

This information is not available at date of writing this report

3.Nature of Complaints

| | | |
|--|-----------------------|------------------------------------|
| | County Council | Town and Community Councils |
|--|-----------------------|------------------------------------|

| | | |
|----------------------------|---|---|
| <p>2017/18-2019</p> | <p>The majority of complaints against County Councillors related to:</p> <ul style="list-style-type: none"> •Bullying •Lack of respect/ consideration/ courtesy for others •Lack of impartiality •Improper use of delegated powers •Conflict of interest •Standards of Conduct, including inappropriate parking, delay in paying Council Tax •Using position to gain an advantage •Disclosure of confidential information •Failure to reply to an enquiry •Acting without authority •Improper use of delegated power •Failure to disclose personal/prejudicial interests •Standards of conduct eg inappropriate parking, comments made in meetings and inappropriate communication •Attempting to compromise officers impartiality •Social Media postings by Councillors eg complaints about officers and services. •Development Control Committee decisions. | <p>Complaints included:</p> <ul style="list-style-type: none"> •perception of lack of transparency in Council meetings, •improper meeting procedures eg voting, quorum, failure to adequately record decisions, failure to publish minutes and register of interests •failure to disclose personal/prejudicial interests •discrimination <p>Some of the complaints above were attributable to acts/omissions of clerks.</p> |
| <p>2019/20</p> | <ul style="list-style-type: none"> •Social Media postings •Failure to declare an interest •Improper use of delegated powers •Lack of respect/ consideration/ courtesy for | |

| | | |
|----------------|---|---|
| | <p>officers – including Development Control Committee/Scrutiny meetings</p> <ul style="list-style-type: none"> •Lack of respect for the Chair of a public meeting-Scrutiny Committee •inappropriate comment regarding Officers. | |
| 2020/21 | <ul style="list-style-type: none"> •Social Media postings •Inappropriate behaviour •Lack of respect/consideration/attitude •Planning decision •swearing •Bringing Council into disrepute •Poor culture •Failure to declare interest •Nuisance/harrassment •Physical assault •failure to disclose prejudicial interests •disclosure of confidential information •failure to take action | <ul style="list-style-type: none"> •perception of lack of transparency in Council meetings, •improper meeting procedures eg voting, quorum, failure to adequately record decisions, failure to publish minutes and register of interests •failure to disclose personal/prejudicial interests •Discrimination-sexism, ageism •Criminal conviction •Failure to self-report criminal allegations/convictions •Poor culture •swearing •Lack of respect/consideration/attitude •Threatening behaviour <p>Some of the complaints above were attributable to acts/omissions of clerks.</p> |

2021/2022

- Social media postings
- Poor culture/attitude
- swearing
- Lack of respect/consideration-officers/clerk
- Bullying

- Spreading false information
- Threatening behaviour
- Lack of respect/ consideration/ courtesy for officers
- Inappropriate conduct
- Discrimination-of minority group
- disrespectful, impolite or offensive language by Councillors n public meetings has increased-more swearing.
- Overstepping role
- Unrealistic demands on officers
- Demanding behaviour
- Perceived failure to declare interest
- Inappropriate sexual conduct
- Harassment
- Bringing office or authority into disrepute
- Perceived failure to act
- Disclosure of confidential information-social media/public meeting
- Criminal conviction
- Failure to heed advice
- Lack of impartiality
- Inappropriate use of Council resources
- Democratic process deficit
- Subject to Safeguarding process
- Racist comments
- Negative relationships

4. Monitoring Officer Advice

The Monitoring Officer regularly provides informal advice orally, or in writing to County Councillors on various issues within the Code of conduct including personal/ prejudicial interests. This advice is given orally, or in writing.

Advice can be a preventative measure, or in anticipation of a potential breach, or following a breach in consideration of mitigation.

Occasionally advice may be given to Town/Community Councillors
Town/Community Councillors There is an expectation that
Town/Community Councillors consult their clerk in first instance.

Queries include advice on:

- meeting process/procedure
- conflicts of interest

- breach of Code of Conduct
- complaint process

Advice may also be given to clerks to Town/community Councils, by telephone, email or face to face. Most of Town/Community Councils within the Ceredigion area are subscribed to One Voice Wales

| | Formal Advice | Informal warning | Formal Warnings (e-mail/letter) | Face to Face meetings with members of public | Face to face meeting was undertaken with a Town/community | Meeting process/procedure | Conflict of interest | Other | Sanctions | Local Resolution Procedure |
|-----------------------------------|---------------|---|---------------------------------|--|---|---------------------------|----------------------|--|--|----------------------------|
| 2018-19 County Councillors | 5 | 0 | 1 | | | | | | | |
| 2018-19 Town & Community Council | 5 | 0 | 0 | 1 | 1 | | | | | |
| 2019-20 County Councillors | 3 | Numerous/ Varied | 1 | | | | | Some issues considered by the Monitoring officer relate to pre-emptive advice by the Monitoring officer in relation to disclosures of interest: X 6. | member apology in writing to the officer or member member apology to the officer or member in public meeting | |
| 2019-20 Town & Community Councils | | 2 | | | | | | | Queries include advice on: Public meeting process/procedure conflicts of interest conduct of a councillor meetings with members of the public: 0 | |
| 2020-21 County Council | 4 | 1 informal advice- numerous/ varied. | 1 | | | | | | | 1 |

| | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|
| | | Some issues considered by the Monitoring officer relate to pre-emptive advice by the Monitoring Officer in relation to disclosures of interest | | | | | | | | |
| 2021-22 Town and Community Councils | | | | | | | | Advice was also given to clerks of Town/Community Councils, and members of the public. | | |

2021-22 Current year

•informal advice- numerous/varied.

Some issues considered by the Monitoring officer relate to pre-emptive advice by the Monitoring Officer in relation to disclosures of interest

- formal advice : 3
- informal warnings: numerous
- formal warnings (e-mail/letter): 3
- Local Resolution Procedure:0

Sanctions included:

- member apology in writing to the officer or member
- member apology to the officer or member in public meeting

Advice/reminder of Councillor obligations under Code

Training eg safeguarding, social media, diversity

5. The Ethics & Standards Committee -Hearing Panels

- There were no Ceredigion County Council Councillor cases referred to Committee during 2021/22.

- There were no Town/Community Council cases referred to Committee during 2021/22.

6.Adjudication Panel for Wales (APW)

- There were no Ceredigion County Council cases referred by the PSOW to the APW during 2021/22.
- There were no Ceredigion Town/Community Council cases referred to the APW during 2021/22.

7. PSOW referrals to the Monitoring Officer for investigation during 2021/21

There were no cases referred to the Monitoring Officer by the Public Service Ombudsman Wales for investigation during 2021/22.

2021/22

Summary

- The standard of conduct by Ceredigion County Council Members generally is to be commended.
- There were complaints by Members against Members.
- There were complaints by member of the public against Members
- There were complaints by officers against Members

- Whilst bullying, intimidation and/or lack of respect/courtesy continues to be an issue, the relationship between Ceredigion County Council Officers and Members has improved, with less instances of bullying, intimidation and/or lack of respect/courtesy than previously.
- Examples of disrespectful, impolite or offensive language by Councillors in public meetings has increased-more swearing.
- Councillors need to be particularly careful of use of language during remote meetings, with increased use of microphones and less awareness of comments being overheard
- Councillors are largely aware of the need to declare interests, and do so in a timely and appropriate way. Advice is sought from the Monitoring Officer at appropriate times.

- The use of social media as a forum for Councillors making representations/expressing views is continuing to increase. This has occasionally brought the Council into disrepute.
- The Monitoring Officer maintains a recommendation that all Members receive refresher training on social media, as well as data protection (including the responsibility of Councillors as data controllers).
- As in previous years, the Monitoring Officer identified that some County Councillors Members would benefit from refresher /additional safeguarding training
- Members continue to be more cognisant of the need to:
 - consider whether they have an interest, and
 - declare any interest in communication/correspondence with officers.

8. Correspondence with Group Leaders

Group Leaders now receive copies of relevant cases and information. Group Leaders attend the Committee at least once annually.

9. Annual update on the Register of Interest

An email dated the 01 April 2021 from the Monitoring Officer was circulated to Members requesting them to carry out an annual review of their Register of Interests Booklet , at the end of the financial year. Members were therefore requested to review the online version of their Register of Interests for the entire year 2020/21 (1/4/20-31/3/21):

- If there were no new interest/changes , Members emailed to confirm “No changes.”
- If there were new interests/changes, Members emailed to confirm that there were changes, and provided details of these changes.

The original booklets were re-signed and re-dated and each reply, and booklet were reviewed by the Monitoring Officer

These arrangements are inspected regularly by external auditors.

10. Covid 19 – Business grants

All Councillors, and/or co-opted independent members, were requested to make a declaration if they ,or anyone involved in the

overall running and/or control of a business ,(or someone who is a close personal associate of theirs), had, to best of their knowledge, applied for a Business Support Grant, Enhanced Lockdown Grants for businesses or Restrictions Business Fund NDR for businesses grant. All declarations were requested be made by the closing date of the applications.

11. Hospitality Register

During 2021/22 there were no declarations of hospitality from Councillors.

7

Local Resolution Processes

The Public Services Ombudsman for Wales has indicated, in his Guidance for Members on the Code of Conduct, that he expects local authorities across Wales to implement local resolution procedures to deal with low level complaints which are made by a member against a fellow member.

Complaints which will be considered under such a procedure will typically concern alleged failures to show respect and consideration for others (paragraph 4(b) of the Code) or the duty not to make vexatious, malicious or frivolous complaints against other members (paragraph 6(1)(d) of the Code).

Members may still complain directly to the Ombudsman about a fellow member, but complaints relating to the above paragraphs of the Code of Conduct are likely to be referred to the Authority for consideration under a local resolution procedure.

The Ombudsman believes that informal and local resolution of such complaints will:-

- (a) speed up the complaints process
- (b) ensure that resources are devoted to the investigation of serious complaints
- (c) resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within an authority and an authority's reputation

The Welsh Government had also expressed the view that there was scope for a more local approach to the resolution of low level complaints and that such processes should be implemented by all local authorities as soon as practicable. If procedures were not voluntarily adopted by local authorities, it was likely that the Welsh Government would introduce statutory measures for a mandatory procedure. The Welsh Government had also indicated its intention to remove the obligation on Members in paragraph 6(1)(c) of the Code to report potential breaches to the Ombudsman.

The Group Leaders attended a meeting of the Ethics and Standards Committee on 2 July 2013 and it was agreed that a simple process involving Group Leaders in the first instance, with the option to consult with the Monitoring Officer and an independent member if the matter remained unresolved, would be suitable for Ceredigion.

The Committee agreed that the Chair contact One Voice Wales (OVW) regarding the statement in their guidance in relation to the issues that must be directed to the Public Services Ombudsman for Wales include “Vexatious, malicious or frivolous complaints”; as PSOW had been informing Councils that he did not wish to see an increase in these sort of cases. The Monitoring Officer also contacted PSOW on the issue. The outcome was the OVW amended their Model Local Resolution Protocol.

The Local Resolution Procedure was reviewed during 2021, and noted by the Ethics and Standards Committee on 17th September 2021 subject to the removal of the line as with “non-aligned or unaffiliated members” in paragraph 3.6 of the Ceredigion protocol.

The process would involve a referral to the relevant Group Leaders (or to the Chairman of the Council in the event of a complaint against a Group Leader or unaffiliated member), who would try and resolve the issue in the first instance. If the matter remained unresolved, the Group Leaders could consult the Monitoring Officer and an individual member of the Ethics and Standards Committee if necessary.

The following is the Members’ Local Resolution Procedure.

“1. General Principles

- 1.1 The Council wishes to promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. This procedure is not intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold of referral to the

Public Services Ombudsman for Wales to be dealt with swiftly and effectively.

- 1.2 This procedure does not replace the Protocol on Member/Officer Relations set out in the Council's Constitution.
- 1.3 Members will make all reasonable attempts to resolve disputes informally and through agreed internal processes, subject to their obligations under the Members' Code of Conduct.
- 1.4 Referral to external regulators will become a last resort, subject to members' obligations under the Code of Conduct.
- 1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media.
- 1.6 These commitments will not stifle legitimate political debate or scrutiny.
- 1.7 Group discipline will become the cornerstone of self-regulation, with Group Leaders taking responsibility for their own members.
- 1.8 Group Leaders individually and collectively will work to ensure compliance with this procedure.
- 1.9 Members will commit to training and development in support of this procedure.

2. Working to avoid problems

- 2.1 To minimise the number of instances of alleged breaches of the Code of Conduct, members have:
 - (i) resolved to adopt a Member Development Strategy - all reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.
 - (ii) committed to attend relevant member training events and in particular those relating to the Code of Conduct.
 - (iii) demonstrated commitment to obtaining the WLGA's Charter for Member Support and Development and supporting its

objectives.

3. Role of Group Leaders

- 3.1 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.
- 3.2 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should be informal and difficulties resolved through face to face meetings where possible. Group Leaders will need to retain some records, but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.
- 3.3 When appropriate, a sanction such as removal from a committee or an outside body may be used in extreme cases or after persistent breaches and the matter may also be referred to the Public Services Ombudsman for Wales.
- 3.4 Prior to considering any sanction or training, the relevant Group Leader may consult with an independent member of the Ethics and Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Ethics and Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.
- 3.5 At the next available Group Leaders' meeting, any issue of discipline which has been referred to a Group Leader will be discussed with the Group, with the objective of seeking to ensure that fair and consistent sanctions are applied.
- 3.6 Where the complaint relates to the Group Leaders themselves, the Chairman of the Council will be requested to consider the complaint, as with non-aligned or unaffiliated members and the Chairman may consult with an independent member of the Ethics and Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer.

4. Non Aligned or Unaffiliated Members

- 4.1 As far as non-aligned or unaffiliated members are concerned, the Chairman will fulfil the role of "Group Leader". Concerns regarding the conduct of an unaffiliated member should be referred to the Chairman who will apply the same principles and standards as those of the Group Leaders in terms of training, education, mediation and conciliation."

Consideration was given to the Report upon the Review of Local Dispute Resolution protocol at the September meeting. It was reported that at a recent Monitoring Officer Network meeting authorities were requested to share their Local Resolution Procedure with the WLGA. This would provide an opportunity to compare and contrast all Local Resolution Procedures with a view to revising them.

The Local Resolution Procedure was intended to sit alongside the Code, enabling behaviour which may not reach the threshold of referral to the Public Services Ombudsman for Wales to be dealt with swiftly and effectively.

Consideration was given to Ceredigion County Council's current Local Resolution Procedure and flowchart at the September meeting. It was reported that One Voice Wales had also produced guidance to assist town and community councils to support them with the local resolution process

It was stated that the results of the review that was being undertaken by the WLGA would be shared with the Committee in due course.

It was AGREED:-

- (i) to note the protocol presented;
- (ii) to remove the line as with "non-aligned or unaffiliated members" in paragraph 3.6 of the Ceredigion protocol;
- (iii) that the Chair contact OVW regarding the statement in their guidance in relation to the issues that must be directed to the Public Services Ombudsman for Wales include "Vexatious, malicious or frivolous complaints"; as PSOW had been informing Councils that he did not wish to see an increase in these sort of cases;
- (iv) that the Monitoring Officer contact PSOW on the issue raised

The outcome was that the PSOW would suggest that the OVW protocol be amended

8

Political Group Leaders

The Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees, namely s62 and s63.

With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

S.63 inserts the requirements for the standards committee annual report. As well as describing how the committee's functions have been discharged the report must also include what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56. An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1). The annual report may also include recommendations to the authority about any matter in respect of which the committee has functions.

The political leaders of Ceredigion County Council were invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council.

It is now necessary for Group Leaders to consider the additional duties upon them to take reasonable steps to promote and maintain high

standards of conduct by the members of the group; and how to co-operate with the council's standards committee, and how this can be evidenced.

At the January 2022 meeting the party leaders were invited to the meeting to discuss the methods of promoting and maintaining high standards by conduct by Members of Ceredigion County Council to include the duties required under S 62-63 of the Local Government and Elections (Wales) Act 2021

The Chair welcomed Councillor Ellen ap Gwynn (Leader of the Council and Leader of the Plaid Cymru Group), Councillor Ray Quant (Deputy Leader of the Council and Leader of the Independent Group) and Councillor Ceredig Davies (Leader of the Liberal Democrats and opposition party) for attending the meeting to exchange views on promoting and maintaining high standards of conduct in Ceredigion.

It was reported that the Local Government and Elections (Wales) Act 2021 placed new duties on leaders of political groups and standards committees and contains the relevant sections, namely s62 and s63. With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties

It was reported that the political leaders of Ceredigion County Council were invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council. It was reported that it was now necessary for Group Leaders to consider the additional duties upon them to take reasonable steps to promote and maintain high standards of conduct by the members of the group; and how to co-operate with the council's standards committee, and how this can be evidenced. The

political leaders stated that they welcomed this guidance, as it was a reference for them to confirm that the standards were being adhered to.

All the Leaders of the Council emphasised the importance of the Committee's work in promoting high standards of conduct and welcomed the training that would be held in May 2022, following the elections on the Code of Conduct.

The Leaders also highlighted the need to address the issues of conduct at meetings that were held virtually, especially with the etiquette of Members such as answering the phone while attending the meeting.

9

Future Priorities

The priority areas the Ethics and Standards Committee to consider in 2022/23:

- Code of Conduct Training for clerks of Town and Community Councillors prior to the local government election in May 2022
- Code of Conduct Training for County Councillors following the local government election in May 2022
- Annual meeting with Political Group Leaders
- Update Members Register of Interest on the new Democratic Services System, Modern.gov
- Proactive approach to working collaboratively with other relevant standards organisations and keeping up with best practice
- Committee Members attend other Committee meetings of the Council to observe and familiarise themselves with proceedings and conduct.
- Implement changes set out in Local Government & Elections (Wales) Act 2021 relevant to the Ethics and Standards Committee:
 - Part 4 sections S62 Conduct of members imposed additional duties on political group leaders, to promote and maintain high standards of conduct by Members, effective from May 2022.
 - Consider Statutory Guidances
- Complete hearings Procedures and undertake training
- Appointment and Training of new Town/community Council members
- Succession Planning-new independent member
- Consider additional duties relating to the Mid Wales CJC Joint Ethics and Standards Committee

10

Attending the Ethics and Standards Committee / Contact us

Attending meetings of the Ethics and Standards Committee

The Council is keen to see Members of the public attend Ethics and Standards meetings

With the exception of confidential items, all business is held in public.

All of the public agenda papers are published online 3 working days in advance of the meeting <http://www.ceredigion.gov.uk/your-council/councillors-committees/committees/>

Contact us

If you wish to find out more about the Ethics and Standards Committee or make a comment or suggestion, please contact us:

Ethics & Standards
Democratic Services, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron,
SA46 0PA

01545 570881
ethicsandstandards@ceredigion.gov.uk

Council's Monitoring Officer (MO):

Monitoring Officer
Ceredigion County Council
Penmorfa
Aberaeron
Ceredigion
SA46 0PA
01545 570881

E-Mail: MonitoringOfficer@ceredigion.gov.uk

The Ombudsman (PSOW)

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend CF35 5LJ
Telephone: 0300 790 0203 (local call rate)
Fax: 01656 641199
E-mail: ask@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk

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Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics & Standards Committee

DATE: 25 May 2022

TITLE: Recruitment of Independent Member

PURPOSE OF REPORT: For Decision

BACKGROUND:

The Ethics and Standards Committee comprises of nine members:

- 5 X independent members and,
- 4 councillors (2 x County councillors, and 2 x Town/Community councillors).

The current Chair, Mrs Caroline White was appointed initially on 30/7/2013 and reappointed on 30/7/2019. The term of office will expire on 29/7/2023. Mrs Caroline White is not now eligible for reappointment.

Consequently it is now necessary to recruit a new independent member to the Ethics and Standards Committee to maintain the Committee's composition, as set out in the Constitution, and as required by legislation.

The procedure and criteria for appointment of independent members are set out in the Standards Committees (Wales) Regulations 2001 (SI 2001/2283). This includes:

- Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.
- Publish the criteria for appointment.
- A Selection Panel must be established of not more than five panel members, including a lay panel member, and a community council member. This panel will consider every application, apply the criteria, and make recommendations to Council. Appointments shall be made having regard to the recommendations of the panel.

PROPOSAL

1. That the job description, person specification and criteria for the appointment of independent members shall be as set out in **Appendix 1**.

2. That membership of the Selection Panel shall be as follows (x5):

- Chair of the Council (in absence Vice Chair);
- Chair and Vice Chair of the Ethics and Standards Committee (or other independent members nominated by the Monitoring Officer as necessary);
- Town and Community Council representative nominated by One Voice Wales;
- Independent/Lay Panel member (Chair of the selection panel) (nominated by the Monitoring Officer);

The Independent/Lay Panel member must not be or have been a member, co-opted member or officer of the County Council, any other council or National Park Authority, or Town/Community Council. It is proposed that the same lay

member who chaired the previous Selection Panel in 2011, 2013, 2017 and 2021 be nominated (subject to availability).

CURRENT SITUATION:

Members are asked to consider the criteria and associated documents and suggest amendments as necessary.

RECOMMENDATION (S): To recommend to Council to approve:

- 1) the role description, person specification and criteria (as set out in **Appendix 1**), and suggest amendments as necessary;
- 2) Membership of the Selection Panel as follows:
 - Chair of the Council(in absence Vice Chair);
 - Independent/Lay Panel member (nominated by the Monitoring Officer)
 - Chair and Vice Chair of the Ethics and Standards Committee (or other independent members nominated by the Monitoring Officer as necessary)
 - Town and Community Council representative nominated by One Voice Wales.

REASON FOR RECOMMENDATION (S):

The recommendations are necessary to ensure that the appropriate appointments are in place, in accordance with the Constitution.

Contact Name: Lisa Evans
Designation: Scrutiny and Standards Officer
Date of Report: 28 April 2022
Acronyms:

Member of a Standards Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Standards Committee

2. Role purpose and activity

Participating in meetings and making decisions

- To participate effectively in meetings of the Standards committee
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements, internal governance, ethical standards and relationships
- To ensure the integrity of the committee's decision making and of her/his own role by adhering to the Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

To contribute to the role of the Standards Committee in effectively fulfilling its functions and to support the Committee Chair by:

- Promoting and maintaining high standards of conduct by Councillors, lay members and co-opted members
- Assisting Councillors, lay members and co-opted members in their observance of the Members' Code of Conduct
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct
- Advising, training or arranging to train Councillors, lay members and co-opted members on matters relating to the Members' Code of Conduct
- Granting dispensations to Councillors and co-opted members
- 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
- Contributing to the development and application of any local resolution protocol
- The exercise of these functions (above) in relation to community councils and the members of those community councils
- Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
- Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. **(From May 2022)**

- Making an annual report to the Authority (**first report due in respect of the 2022/23 financial year, as soon as possible after year end**) describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:
 - How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties
 - The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

INDEPENDENT MEMBER OF ETHICS AND STANDARDS COMMITTEE

PERSON SPECIFICATION

| | Essential | Desirable |
|---|-------------------------------------|----------------------------|
| Qualifications: No specific qualifications or background is required. | | |
| Knowledge and Skills: <ul style="list-style-type: none"> • Good educational background • A good communicator, both written and oral with questioning skills • The ability to converse through the medium of Welsh and English • Demonstrate commitment and enthusiasm • Assertive • Inquisitive, open minded and non-judgemental • Understanding of the Ethics & Standards Committee's main functions • General understanding of the principles of high ethical standards in public life and the Members' Code of Conduct • Knowledge and understanding of local government. | √ √ √ √ √ √ √ | √ √ |
| Experience: <ul style="list-style-type: none"> • A demonstrable interest in local issues • Experience in Committee working and public accountability • Experience of a role in the public sector • Live and/or work in Ceredigion • Experience of a role relating to public accountability | √ √ √ | √ √ √ |
| Competencies: <ul style="list-style-type: none"> • A person in whose impartiality and integrity the public can have confidence • Demonstrate high ethical standards • Understand and comply with confidentiality requirements • Able to make a significant contribution to the work of the Committee. | √ √ √ √ | |
| Other requirements: <ul style="list-style-type: none"> • To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial and Other Interests • Able to attend approximately programmed meetings, and ad hoc if required, and devote preparation time for each meeting • Must not be disqualified (as set out in the Eligibility requirements). Must not currently have and must not enter into any contractual relations with the Council under which he/she will gain personally • Will have disclosed to the Council any matter in his/her background which, if it became public, might make the Council reconsider the appointment • Will not be an active member of any political party or have a public profile in relation to political activities | √ √ √ √ √ | |

| | | |
|---|-------------------------|---|
| <ul style="list-style-type: none"> • Will not have been an officer or a member of either a County council [i.e. a county, or town council within three years of the date of his/her written application • Committed to the six year term • Ability to assess issues relating to ethical standards and to identify/ evaluate solutions • Ability to work well with Councillors and confidence to challenge and hold to account in a fair and impartial manner. | ✓ ✓ ✓ | ✓ |
|---|-------------------------|---|

Ethics & Standards Committee – Independent Persons

PERSON SPECIFICATION – CRITERIA

Eligibility requirements

2. Candidates who wish to be appointed as an independent member of the Ethics & Standards Committee must satisfy the following eligibility criteria, in order to ensure that applicants are independent of the Council. Candidates should:
- e) not currently be a member or officer of
 - Ceredigion County Council
 - Any other County Council or County Borough Council
 - A National Park Authority
 - A Fire Authority
 - A Town or Community Council
 - f) not be a spouse or civil partner of any of the above
 - g) not be a former member or officer of Ceredigion County Council
 - h) not have been a member or officer of any other County Council, County Borough Council, National Park Authority or Fire Authority during the past twelve months.

Other criteria for the role

The successful applicant will be expected to:-

- 14. Be flexible in attending meetings at short notice
- 15. Possess good listening and team-working skills
- 16. Be able to analyse factual and evidential material, and to form sound unbiased judgements
- 17. Demonstrate objectivity, discretion and personal integrity
- 18. Show respect for others and an understanding of diversity issues
- 19. Have an interest in, and knowledge of, local matters, development of the local community and understanding of local government
- 20. Participate in the promotion of high ethical standards and compliance with the services

21. Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Ethics & Standards Committee.
22. Advising the Council on the adoption or revision of the Code of Conduct
23. Advising, and training Members, Co-opted Members on matters relating to the Members Code of Conduct
24. An ability to work effectively with Councillors and officers
25. Ability and confidence to challenge and hold to account in a fair and impartial manner
26. Demonstrate commitment and enthusiasm.

Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics & Standards Committee

DATE: 25 May 2022

TITLE: Recruitment of Town and Community Councillor
Representatives for Ceredigion County Council's
Ethics and Standards Committee

PURPOSE OF REPORT: For Information

BACKGROUND:

Ceredigion County Council's Ethics and Standards Committee (ESC) consists of:
5 Independent lay members,
2 Elected Members: county councillors and
2 Elected Members: Town & community councillors.

Two new Town and Community Council councillors will need to be appointed onto the ESC following the May 2022 local government election. It is recognised that an open and fair process is required to ensure that all Town & Community Councillors within the Ceredigion area who express an interest, can be considered as members of the Ethics and Standards Committee (ESC).

We have contacted all Town/Community Councils asking for names of Councillors on their respective Town & Community Councils who are interested in being considered for the role of:

Elected Member Town & Community councillor on the Council's Ethics and Standards Committee.

The Town and Community Councils have received:

- ESC Terms of Reference
- ESC Vision
- WLGA role description/personal specification
- Ceredigion County Council Role description/personal specification
- Allowance details

Interested Councillors have been asked to submit their CV to us **31st May 2022**. The CV should include:

- Their relevant experience
- How they match the role description
- How they match the person specification
- How and why they are suitable for the role
- Why they are interested in the role
- What can they bring to the role

In the event that more than two names are made available, an appropriate selection process will be undertaken.

The Town and Community Councils have been asked to share the relevant information with their Members following the May 2022 election, and place it on the agenda of their first meeting following the election.

RECOMMENDATION (S): To note the update.

Contact Name: Lisa Evans
Designation: Scrutiny and Standards Officer
Date of Report: 28 April 2022
Acronyms:

Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics and Standards Committee

DATE: 25 May 2022

TITLE: The PSOW Recent Investigations
Outcomes

PURPOSE OF REPORT: For information

The Public Services Ombudsman for Wales (PSOW) considers complaints relating to the Members Code of Conduct, under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

The PSOW no longer publishes the Ombudsman's Casebooks. Issue 25 that was reported on 17 January 2022 was the last Casebook to be published. Cases can now be found on the PSOW website on the following link: <https://www.ombudsman.wales/findings/>

Appendix A contains the 18 investigations that have been published since the last casebook.

WELLBEING OF FUTURE GENERATIONS:

Has an Integrated Impact Assessment been completed? no
policy change
If, not, please state why
Summary:
Long term:
Integration:
Collaboration:
Involvement:
Prevention:

RECOMMENDATION (S):

To note the contents of PSOW recent investigations.

Contact Name: Lisa Evans

Designation: Scrutiny and Standards Officer

Date of Report:
28/4/22

Appendix A
Recent Investigations Outcomes

Integrity : **Barry Town Council**

Report date: 08/11/2021

Subject: Integrity

Outcome: CODE

Case ref number: 202003545

Report type: CODE - **Discontinued**

Relevant body: Barry Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee. The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

Integrity : **Vale of Glamorgan Council**

Report date: 08/11/2021

Subject Integrity

Outcome CODE

Case ref number 202003631

Report type CODE - **Referred to Standards Committee/APW**

Relevant body Vale of Glamorgan Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

Promotion of equality and respect : Pembrokeshire County Council

Report date 08/10/2021

Subject Promotion of equality and respect

Outcome CODE

Case ref number 202004458
Report type CODE - Discontinued
Relevant body **Pembrokeshire County Council**

[View report](#)

The Ombudsman received a complaint that a Member (“the Member”) of Pembrokeshire County Council (“the Council”) had failed to observe the Code of Conduct for Members. It was alleged that the Member had made threatening comments about a member of the public, which could have brought the Council into disrepute. The Ombudsman decided to discontinue the investigation because the investigation established that the comments were made wholly in the Member’s personal capacity and the tone and comments exchanged with the member of the public who made the complaint were of a similar tone and content to those the Member had made. In view of this, the Ombudsman concluded that it was no longer in the public interest for him to continue the investigation.

Promotion of equality and respect : Sully and Lavernock Community Council

Report date 12/07/2021
Subject Promotion of equality and respect
Outcome CODE
Case ref number 202000622
Report type CODE - **Referred to Standards Committee/APW**
Relevant body **Sully and Lavernock Community Council**

[View report](#)

The Ombudsman received a complaint from an employee of Sully and Lavernock Community Council (“the Council”) that a Member (“the Member”) of the Council had failed to observe the Code of Conduct for Members.

It was alleged that, during an incident on a Council playing field concerning Council equipment, the Member verbally abused and bullied the employee and subjected the employee’s father to abuse and provocation.

The Ombudsman concluded that the Member used abusive and offensive language towards the employee in front of other members and the employee’s father, in an attempt to insult, belittle and undermine the employee. The Ombudsman concluded that the Member’s actions were suggestive of bullying and provocation.

The Ombudsman determined that the Member’s behaviour may have breached the Council’s Code of Conduct, in particular 4(b) and 4(c) in a failure to show respect

and consideration to others, and not to use bullying behaviour. The Ombudsman also found that the Member's conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore also suggestive of a breach of 6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Member resigned shortly before the Standards Committee Hearing. The Standards Committee of Vale of Glamorgan Council determined that the Former Member had breached paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct and the Former Member received a censure

Disclosure and registration of interests : Conwy Town Council

| | |
|-----------------|--|
| Report date | 12/05/2021 |
| Subject | Disclosure and registration of interests |
| Outcome | CODE |
| Case ref number | 202004765 |
| Report type | CODE - Discontinued |
| Relevant body | Conwy Town Council |

[View report](#)

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

Disclosure and registration of interests : Conwy Town Council

| | |
|-------------|--|
| Report date | 12/05/2021 |
| Subject | Disclosure and registration of interests |
| Outcome | CODE |

Case ref number 202004764
Report type CODE - Discontinued
Relevant body Conwy Town Council

[View report](#)

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

Promotion of equality and respect : Gwynedd Council

Report date 05/10/2021
Subject Promotion of equality and respect
Outcome CODE
Case ref number 202002960
Report type CODE - No action necessary
Relevant body Gwynedd Council

[View report](#)

The Ombudsman received a complaint that a Member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct ("the Code").

It was alleged that the Member posted a homophobic comment on Facebook. The Member was not acting in his official role as a member when he posted the comment, therefore, the investigation considered whether the Member breached paragraph 6(1)(a) of the Code, which says that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The information gathered during the investigation showed that in October 2020, the complainant's newly appointed employee posted on Facebook, "think I work for the

best boss” and tagged the complainant. The Member, posting from his personal Facebook account, replied, “do you suck for a living?”.

The employee was contacted as part of the Ombudsman’s investigation, however, he did not provide the Ombudsman with a completed witness statement. The evidence gathered was put to the Member and he was interviewed as part of the investigation. During interview, he said that there was no homophobic intent behind his comment and, whilst he accepted in hindsight that his comment could be perceived as homophobic, he said that his intention was to point out his view that the employee was “creeping up” to his employer.

Whilst the Ombudsman appreciated why the complainant and others had interpreted the comment as homophobic, he did not consider the Member’s explanation to be wholly implausible given that “sucking up” is a term commonly used to describe sycophantic behaviour.

The Member said that he regretted his actions and that faced with the same circumstances again, he would not have commented on the Facebook post. He also said that he was willing to apologise to the complainant and his employee for the offence that he had caused, which the Ombudsman encouraged him to do.

The Ombudsman did not consider it in the public interest to take any further action in relation to this matter

Integrity : Pembrokeshire County Council

| | |
|-----------------|-------------------------------------|
| Report date | 14/09/2021 |
| Subject | Integrity |
| Outcome | CODE |
| Case ref number | 202102047 |
| Report type | CODE - No evidence of breach |
| Relevant body | Pembrokeshire County Council |

[View report](#)

The Ombudsman undertook an investigation against a Member (“the Member”) of Pembrokeshire County Council (“the Council”) to consider whether the Member misled him during the course of an ongoing investigation.

The Ombudsman considered whether the Member may have breached paragraph 6(1)(a) of the Code of Conduct (“the Code”).

The Member had been interviewed as a witness in an ongoing investigation. Following his initial interview, information was sought from third parties which

indicated that the information provided by the Member at interview was incorrect. The Member was subsequently interviewed on a second occasion and as there appeared to be discrepancies in the information provided by the Member, the Ombudsman began an investigation.

The Member provided a full statement to the Ombudsman in response to the allegation. The Ombudsman accepted the explanations provided by the Member regarding the discrepancies in his 2 interviews. Although the Ombudsman considered that the Member could have been more clear in his interviews, he did not consider that there was a deliberate attempt on the Member's part to provide misleading information during the investigation. Therefore, the Ombudsman found no evidence of a breach of paragraph 6(1)(a) of the Code of Conduct.

Duty to uphold the law : Bodelwyddan Town Council

| | |
|-----------------|------------------------------|
| Report date | 06/09/2021 |
| Subject | Duty to uphold the law |
| Outcome | CODE |
| Case ref number | 202100504 |
| Report type | CODE - No action to be taken |
| Relevant body | Bodelwyddan Town Council |

[View report](#)

The Ombudsman received a complaint that a Member ("the Member") of Bodelwyddan Town Council ("the Council") had breached the Code of Conduct ("the Code") when they shared confidential CCTV images on the Council's Facebook page in a post published in March 2021.

The Ombudsman investigated whether the Member's actions may have amounted to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

The Ombudsman obtained relevant information from the Council and considered the Member's comments. The Ombudsman found that the Member had published a mostly obscured image from the Council's CCTV footage on the Council's Facebook page. As the CCTV images should reasonably be considered to be confidential and should not be shared publicly in this way, the Ombudsman considered that the Member's actions may be capable of amounting to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

However, the Council had provided no training on the Code, the use of its social media, or the use of its CCTV to the Member. Moreover, the Council had no policies or procedures in place in relation to the use of its social media or the use of its CCTV. The Member had also apologised to their fellow Council members and removed the image quickly when requested. The Ombudsman therefore did not

consider any further action to be necessary. He did, however, suggest that the Member seek training on the Code as soon as possible and that the Council should promptly consider whether it has appropriate CCTV, data protection, and social media policies and/or procedures in place.

Integrity : Caernarfon Royal Town Council

| | |
|-----------------|---|
| Report date | 02/09/2021 |
| Subject | Integrity |
| Outcome | CODE |
| Case ref number | 202002555 |
| Report type | CODE - Referred to Standards Committee/APW |
| Relevant body | Caernarfon Royal Town Council |

[View report](#)

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member (“the Member”) of those Councils had failed to observe the Councils’ Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious, malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(b) – members must show respect and consideration for others.
- 4(c) – members must not use bullying behaviour or harass any person.
- 5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.

7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Members Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

Integrity : Gwynedd Council

Report date 02/09/2021

Subject Integrity

| | |
|-----------------|--|
| Outcome | CODE |
| Case ref number | 202002215 |
| Report type | CODE - Referred to Standards Committee/APW |
| Relevant body | Gwynedd Council |

[View report](#)

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member (“the Member”) of those Councils had failed to observe the Councils’ Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious, malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(b) – members must show respect and consideration for others.
- 4(c) – members must not use bullying behaviour or harass any person.
- 5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.
- 7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the

complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Members Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

Promotion of equality and respect : Abertillery & Llanhilleth Community Council

| | |
|-----------------|---|
| Report date | 02/08/2021 |
| Subject | Promotion of equality and respect |
| Outcome | CODE |
| Case ref number | 201906362 |
| Report type | CODE - Referred to Standards Committee/APW |
| Relevant body | Abertillery & Llanhilleth Community Council |

[View report](#)

The Ombudsman received a complaint that a Member (“the Member”) of Abertillery & Llanhilleth Community Council (“the Council”) had breached the Code of Conduct.

It was alleged that the Member had shown a disregard for the principle of equality, by making comments about another member’s hearing impairment and deliberately making it difficult for that member to participate in Council meetings.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(a) – members must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
- 4(b) – members must show respect and consideration for others.
- 4(c) – members must not use bullying behaviour or harass any person.

During the investigation, it became apparent that the Member may have failed to comply with paragraphs 6(1)(a) (members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute) and 6(2) of the Code of Conduct (members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers).

Five witnesses were interviewed during the investigation: all were members of the Council. The investigation found that the evidence suggested that the Member had directly discriminated against another member by making discriminatory remarks about her disability during and immediately after a Council meeting on 30 October 2019, and by deliberately making it difficult for her to participate at Council meetings. The Ombudsman concluded that the Member’s behaviour was suggestive of a serious breach of paragraph 4(a) of the Code of Conduct.

The Ombudsman considered that the Member’s comments about the other member’s disability were a clear attempt to intimidate and undermine her. He considered that the Member’s behaviour was also suggestive of a breach of paragraph 4(b) of the Code of Conduct.

The Member denied that his actions breached the Code of Conduct, but he refused to be interviewed so that he could provide an account for the specific actions complained about. The other member said that she felt distressed and intimidated after the meeting on 30 October. Witnesses have also described the other member as being visibly upset during Council meetings. On balance, I consider that the Member behaved in a way that is suggestive of a breach of paragraph 4(c) of the Code of Conduct. The Ombudsman was also of the view that it would be reasonable to regard such conduct as capable of bringing the Member’s office or authority into disrepute and was therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman’s Investigation Officer made reasonable and appropriate requests in connection with this

investigation. The Investigation Officer took extra steps, causing a delay in the process, to appease the Member and to help him feel comfortable with the process. The Investigation Officer also took steps to make reasonable adjustments to afford the Member the opportunity to fully engage. My view is that the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Adjudication Panel for Wales concluded that the Member had breached paragraphs 4(a), 4(b), 4(c), 6(1)(a) and 6(2) of the Code of Conduct and suspended him for 10 months. It also recommended that the Member should undertake further training on the Code of Conduct, undertake Equality and Diversity training and provide the Complainant with a full written apology.

Promotion of equality and respect : Llantwit Fardre Community Council

| | |
|-----------------|-----------------------------------|
| Report date | 30/07/2021 |
| Subject | Promotion of equality and respect |
| Outcome | CODE |
| Case ref number | 202002984 |
| Report type | CODE - No evidence of breach |
| Relevant body | Llantwit Fardre Community Council |

[View report](#)

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council (“the Council”) and Llantwit Fardre Community Council (“the Community Council”) had breached the Code of Conduct for Members (“the Code”) in using the term “Pikies” during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman’s investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

Promotion of equality and respect : Rhondda Cynon Taf County Borough Council

| | |
|-----------------|--|
| Report date | 30/07/2021 |
| Subject | Promotion of equality and respect |
| Outcome | CODE |
| Case ref number | 202002418 |
| Report type | CODE - No evidence of breach |
| Relevant body | Rhondda Cynon Taf County Borough Council |

[View report](#)

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council ("the Council") and Llantwit Fardre Community Council ("the Community Council") had breached the Code of Conduct for Members ("the Code") in using the term "Pikies" during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member's conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman's investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

Integrity : Neath Port Talbot Council

| | |
|-----------------|------------------------------|
| Report date | 20/07/2021 |
| Subject | Integrity |
| Outcome | CODE |
| Case ref number | 202005795 |
| Report type | CODE - No evidence of breach |
| Relevant body | Neath Port Talbot Council |

[View report](#)

The Ombudsman received a self-referred complaint that a Member (“the Member”) of Neath Port Talbot Council (“the Council”) had breached the Code of Conduct (“the Code”) in respect of comments he had made during a private Labour Party meeting during October 2019. The comments were secretly recorded and later published on social media on 5 March 2021.

The Ombudsman began an investigation of some of the comments made and considered whether the Member had breached the following paragraphs of the Code:

- 6(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 7(b)(v) – members must not use or authorise others to use, the resources of their authority improperly for political purposes.

In the recording, the Member commented on school reorganisation. The investigation found that comments made about the relocation of a particular school appeared to have been made in the context of a report that identified that the school was at risk of being affected by a landslide. The comments were based on independent professional advice and were therefore not likely to amount to a breach of the Code.

The Member also made general comments about the Council’s school reorganisation plans. Whilst the Member clearly expressed his preliminary views on the matter, he did not appear to discount the possibility of other options. Neither did he indicate that he would not be willing to consider the advice of appropriate officers. That being so, the comments did not amount to a breach of the Code. During the recording, the Member suggested that he would refuse funding for a proposal supported by another political party in favour of a contradicting Labour proposal and, in doing so, referred to his involvement in the repair of a cemetery road in Ystalyfera. The decision to fund the work on the road was made by the Council’s Capital Programme Steering Group. Whilst the Member was copied into correspondence, he was not involved in the decision to fund the work. As such, the Ombudsman concluded that there was no evidence to suggest that the Member misused his position in relation to this matter and there was no evidence of a breach of the Code.

The Member also made reference to “cutting out” another member when putting through a regeneration programme which that member had been campaigning about for several years. The investigation found no evidence of any deliberate action by

the Member to “cut out”, or exclude the other member from the programme. There was a failure to keep the member informed of developments, however, it was not the Member’s responsibility to do so and, in any event, a Council officer took ultimate responsibility for this oversight. There was no evidence of a breach of the Code by the Member.

The Member was informed that no evidence of breaches of the Code were found during the investigation.

Selflessness and stewardship : Newport City Council

| | |
|-----------------|--|
| Report date | 13/07/2021 |
| Subject | Selflessness and stewardship |
| Outcome | CODE |
| Case ref number | 202001914 |
| Report type | CODE - Referred to Standards Committee/APW |
| Relevant body | Newport City Council |

[View report](#)

The Ombudsman received a complaint from the Practice Manager of a GP Practice (“the Practice”) in the area of the Aneurin Bevan University Health Board (“the Health Board”), that a Member (“the Member”) of Newport City Council had failed to observe the Code of Conduct for Members.

It was alleged that the Member used their position as a member of the Council improperly when they advocated on behalf of a patient of the Practice.

The Ombudsman concluded that the Member had made 2 telephone calls to the Practice in which she sought to improperly rely on her position as a Member of the Council, and as a Council representative on the Health Board, in order to speak to an on-call doctor about the patient’s healthcare. The Ombudsman also concluded that the Member had made a complaint to the Health Board containing information which was critical of the Practice staff and did not accurately reflect the content of the telephone conversations. The Ombudsman was of the view that the complaint was an attempt by the Member to use their position to undermine the actions of the Practice and create a disadvantage for it.

The Ombudsman therefore determined that the Member may have breached paragraph 7(a) of the Council’s Code of Conduct for Members and referred his investigation report to the Monitoring Officer of Newport City Council for consideration by its Standards Committee.

The Standards Committee concluded that the Member had breached paragraph 7(a) of the Code of Conduct and suspended her for 3 months. It also recommended to the Council that she be removed from her position on the Health Board.

Integrity : Saltney Town Council

| | |
|-----------------|------------------------------|
| Report date | 15/06/2021 |
| Subject | Integrity |
| Outcome | CODE |
| Case ref number | 202004182 |
| Report type | CODE - No evidence of breach |
| Relevant body | Saltney Town Council |

[View report](#)

A Member (“the Member”) of Saltney Town Council (“the Council”) self-referred to the Ombudsman as the Solicitors Regulation Authority (“the SRA”) had publicly issued a disqualification order related to their former employment as a paralegal.

The Ombudsman investigated whether the Member’s conduct may amount to a breach of paragraph 6(1)(a) of the Code of Conduct (“the Code”).

The Ombudsman obtained copies of the SRA’s decision documents and found that it had reached a finding of dishonesty against the Member on the basis that the Member had provided false information to clients on the progress of their cases. There was no suggestion of any financial impropriety or criminal conduct on the Member’s part.

The Ombudsman found that, whilst the Member may have brought themselves personally into disrepute as a result of the SRA’s public decision notice, the Member’s role as a paralegal was entirely related to their private life and had no connection to the Council or their role as a Councillor. Furthermore, the SRA’s dishonesty finding related to the Member’s inability to progress work. This being the case, the Ombudsman did not consider that the Member’s actions amounted to a breach of paragraph 6(1)(a) of the Code.

Promotion of equality and respect : Pembroke Dock Town Council

| | |
|-----------------|---|
| Report date | 23/04/2021 |
| Subject | Promotion of equality and respect |
| Outcome | CODE |
| Case ref number | 202000789 |
| Report type | CODE - Referred to Standards Committee/APW |

Relevant body Pembroke Dock Town Council

[View report](#)

The Ombudsman received a complaint that a Former Member of Pembroke Dock Town Council (“the Council”) had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Former Member had published a post on the social media platform Facebook, which could be considered racist and could have the potential to damage the reputation of the Council.

The Ombudsman’s investigation established that the Former Member had “liked” and “shared” the Facebook post, and that there had been a short delay before he took the post down. The investigation found that the Former Member had misled a local newspaper by stating that his Facebook account had been “hacked”, but had corrected this within 48 hours. It also found that the Former Member resigned as a member of the Council and was interviewed by police, who took no further action.

The Former Member said that he had not recognised the racist overtones when he shared the post, and was not a racist person. He apologised for any offense he might have caused. The Former Member accepted that he had the opportunity to attend Code of Conduct training which would have included training on equality issues. He had not attended, due partly to his disability, but accepted that he had not requested training in a manner more accessible to him.

The Ombudsman determined that the Former Member may have breached the Council’s Code of Conduct, in particular, paragraphs 4(a) and 4(b), as he may have failed to have due regard to the principle of equality of opportunity for all people while carrying out his duties, and may not have shown due respect and consideration for others. The Ombudsman also found that the Former Member’s actions could reasonably be regarded as behaviour which might bring the office of member, or the Council itself into disrepute, which may amount to a potential breach of paragraph 6(1)(a) of the Code of Conduct.

The Standards Committee of Pembrokeshire County Council determined that the Former Member had breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct. The Former Member was given a censure.

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 25 May 2022

Title: Councillor Complaint Trends - 2021/22

Purpose of the report: For information

Introduction

On 17 January 2022 the ESC agreed that the Monitoring Officer would report quarterly to the Ethics and Standards Committee upon the trends of complaints and their level of seriousness.

As the information for Q1 2022/2023 is not available until the end of June 2022, the MO has presented below the relevant data and trends .

These figures are reflected in the Draft Chairs annual 2020/21 report.

The standard of conduct by Ceredigion County Council Members generally is to be commended in 2021/22

- There were complaints by Members against Members.
- There were complaints by member of the public against Members
- There were complaints by officers against Members

•Whilst bullying, intimidation and/or lack of respect/courtesy continues to be an issue, the relationship between Ceredigion County Council Officers and Members has improved, with less instances of bullying, intimidation and/or lack of respect/courtesy than previously.

•Examples of disrespectful, impolite or offensive language by Councillors in public meetings has increased-more swearing.

•Councillors need to be particularly careful of use of language during remote meetings, with increased use of microphones and less awareness of comments being overheard

•Councillors are largely aware of the need to declare interests, and do so in a timely and appropriate way. Advice is sought from the Monitoring Officer at appropriate times.

•The use of social media as a forum for Councillors making representations/expressing views is continuing to increase. This has occasionally brought the Council into disrepute.

•The Monitoring Officer maintains a recommendation that all Members receive refresher training on social media, as well as data protection (including the responsibility of Councillors as data controllers).

•As in previous years, the Monitoring Officer identified that some County Councillors Members would benefit from refresher /additional safeguarding training

- Members continue to be more cognisant of the need to:
 - consider whether they have an interest, and
 - declare any interest in communication/correspondence with officers.

2021/2022

- Social media postings
- Poor culture/attitude
- swearing
- Lack of respect/consideration-officers/clerk
- Bullying
- Spreading false information
- Threatening behaviour
- Lack of respect/ consideration/ courtesy for officers
- Inappropriate conduct
- Discrimination-of minority group
- disrespectful, impolite or offensive language by Councillors in public meetings has increased-more swearing.
- Overstepping role
- Unrealistic demands on officers
- Demanding behaviour
- Perceived failure to declare interest
- Inappropriate sexual conduct
- Harassment
- Bringing office or authority into disrepute
- Perceived failure to act
- Disclosure of confidential information-social media/public meeting
- Criminal conviction
- Failure to heed advice
- Lack of impartiality
- Inappropriate use of Council resources
- Democratic process deficit
- Subject to Safeguarding process
- Racist comments
- Negative relationships

Recommendation(s): **The Committee note the report presented**

Appendices: **None**

Statutory background: **Local Government Act 2000**

Background documents: **None**

Reporting Officer: Dana Jones, Democratic Services and Standards Officer

Date: 25 April 2022

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 25 May 2022

Title: DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARINGS PROCEDURES

Purpose of the report: To review and update the Ethics and Standard hearings procedures

Background

The “Dealing with Complaints referred to the Ethics & Standards Committee & Hearings Procedures” 2010 document sets out the procedure that the Council’s Ethics & Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council’s Monitoring Officer under Part III of the Local Government Act 2000 and any related regulations.

Current position

The Independent Review of the Ethical Standards Framework in Wales report (para 1.6) recommended that training be undertaken by Standards Committees on how to hold hearings, to ensure openness and fairness to the member complained of, to the complainant and to any witnesses. The report points out that the PSOW accepts the needed for more reference back to Standards Committees when he declines to investigate complaints.

A review of the document has been undertaken to take account of changes in the Regulations (in 2016) and also a comparison of the procedures in place in other authorities to ensure the Council’s current procedures are current, fit for purpose.

The revised document was presented to the Ethics and Standards Committee on 17th January 2022. Following questions from the floor, it was AGREED to

- (i) accept the amendments;
- (ii) recommend the document for approval by Council subject to any recommendation or amendments to the document following consideration at a workshop of the committee to be held prior to the May Elections.

A workshop was convened on 7th April 2022. The revised document with proposed changes shown in red in Appendix A.

Recommendation(s): That the Ethics and Standards Committee considers the revised Hearing Procedure document (Appendix A) and recommends approval by Council on 7th July 2022.

Reasons for decision: To ensure that the Standards Procedure is up to date and fit for purpose.

Contact Name: Lisa Evans
Designation: Scrutiny and Standards Officer
Date of Report: 28 April 2022
Acronyms:



ETHICS & STANDARDS COMMITTEE

DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARINGS PROCEDURES

Introduction

1. This document sets out the procedure that the Council's Ethics & Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and any related regulations.
2. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.
3. Subject to any express provision in the Regulations, the practice and procedure for ~~exercising~~exercising its functions under Regulations, shall be for the Ethics and ~~standards~~standards Committee to decide.

Interpretation

4. In this procedure:
 - (a) 'the Act' means the Local Government Act 2000 **Part III**
 - (b) 'the Council' means Ceredigion County Council
 - (c) 'the Code of Conduct' means the Code of Conduct for **Members** adopted by the Council or the **town**/community councils within the Council's area in 2008 (**and as amended in 2016**), in accordance with Section 51 of the Act.
 - (d) 'the Complainant' means any person who made any allegation which gave rise to the investigation
 - (e) **Co-opted members means persons appointed by the Council to sit as independent or lay ~~members~~members on its ~~Governance~~Governance and Audit or its Ethics & ~~Standards~~Standards Committee**
 - (f) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer
 - (g) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under **s69, 70 or s71(2)** of the Act or by the Monitoring Officer under the Regulations.
 - (h) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct

Commented [CW][1]: members

- (i) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
- (j) 'the Ombudsman' means the Public Services Ombudsman for Wales
- (k) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001/2281 as amended ([SI 2016/85](#)).
- (l) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Ethics & Standards Committee
- (m) ~~the 'Advising Officer' means the Monitoring Officer, Deputy Monitoring Officer, the Standards Officer or some other suitably qualified person.~~

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Summary of the procedure

- 5) Under **section 69** of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
- 6) Under **section 70(4)** of the Act, where the Ombudsman ceases such an investigation before it is completed:
 - a) **they** may refer the matters which are the subject of the investigation to the Monitoring Officer.
 - b) The Monitoring Officer will then investigate **those** matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Ethics & Standards ~~Committee. See Committee.~~ [See detailed procedure below in section 5\) below.](#)
- 7) Under **section 71(2)** of the Act, where the Ombudsman decides after investigating that it is appropriate, **they** will:
 - a) produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Ethics & Standards Committee.
 - b) The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Ethics & Standards Committee.
 - c) [See detailed procedure below in section 17\) below.](#)
- 8) The Ethics & Standards Committee will then make an initial determination (**Reg. 7**) either:
 - a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - b) that the Member **must be invited** to make representations, either orally or in writing, **in respect of the findings of the investigation and any allegation they have failed to comply with the Code of Conduct.**

- 9) Where the Member is ~~invited to~~ invited to make representations, the Ethics & Standards Committee will convene a hearing to consider any response made by the Member.

Determination of the Ethics and Standards Committee

- 10) After considering any representations, the Ethics & Standards Committee must determine (Regulation 9(1)) that:
- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken in respect of matters which are the subject of the investigation;
 - (b) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
 - (c) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be censured, or
 - (d) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

- 11) Where an appeals tribunal drawn from the Adjudication for Wales makes a recommendation that a different penalty should be imposed (Reg. 12), the Ethics and Standards Committee must also determine whether or not it should uphold its original determination or accept the recommendation.

Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)

- 12) Where the Ombudsman ceases their investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-
- a) conduct an investigation; and
 - b) report, and if appropriate make recommendations to the Council's Ethics & Standards Committee
- 13) The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as ~~they~~ he or she considers appropriate in the circumstances of the case.
- 14) After concluding an investigation, the Monitoring Officer must:
- (a) produce a report on the findings of their investigation and, if appropriate, may make recommendations to the Ethics & Standards Committee,
 - (b) send a copy of the report to the Member, and
 - (c) take reasonable steps to send a copy of the report to the Complainant.

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15) The Ethics & Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out in section 17 below.

Investigations by the Ombudsman (referrals under section 71(2) of the Act)

16) Where the Ombudsman completes their investigation and sends a report to the Monitoring Officer and the Council's Ethics & Standards Committee under section 71(2) of the Act, the Monitoring Officer must:

- a) consider the Ombudsman's report and,
- b) if appropriate, make recommendations to the Council's Ethics & Standards Committee.

17) The Ethics & Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

Step 1 - Ethics & Standards Committee – Initial Determination Hearing

18) After the Monitoring Officer has:

- a) produced an investigation report in accordance with paragraph 14; or
- b) considered the Ombudsman's investigation report in accordance with paragraph 16.

a meeting of the Ethics & Standards Committee will be convened as soon as possible.

A copy of the investigation report, together with the Monitoring Officer's recommendations (if any), will be sent to each of the members of the Ethics & Standards Committee.

19) Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972, as amended by the Regulations.

20) If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Ethics & Standards Committee, as Advising Officer.

21) If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Ethics & Standards Committee, as Advising Officer.

22) The business of the Ethics & Standards Committee Initial Determination hearing will be limited to:

- a) considering the investigation report
- b) and the Monitoring Officer's recommendations (if any) and
- c) to making an initial determination either:-
 - i. that there is no evidence of any failure to comply with the Code of Conduct, or
 - ii. that the Member should be invited to make representations, either orally or in writing in respect of the findings of the

investigation and any allegation that **they have** failed, or may have failed, to comply with the Code of Conduct.

Step 2 - After the first meeting of the Ethics & Standards Committee

23) Where the Ethics & Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman. **See 22(c)(i) above.**

24) Where the Ethics & Standards Committee decides that the Member **must be invited** to make representations, the Standards Officer will notify the Member of the Committee's **Initial determination** decision and the procedure which the Committee proposes to adopt to receive and consider any representations that **they** may wish to make. **See 22(c)(ii) above and Step 3 below.**

Step 3 - Preparing for the hearing to consider the Member's representations

25) (A) The Standards Officer, in consultation with the Chair of the Ethics & Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member **to complete and return a questionnaire** within 14 days, to confirm whether **they**:

- (a) **Intend** to attend the hearing
- (b) want to make representations, whether orally or in writing and if so, to include any written representations in his or her response
- (c) disagree with any of the findings of fact in the investigation report, and if so, which matters **they** disagree with and the reasons for any disagreements;
- (d) **wishes to represent themselves** or be represented at the hearing **by a legal representative** or any other person, in accordance with the Regulations
- (e) wants to give evidence to the Ethics & Standards Committee, either orally or in writing;
- (f) wants to call relevant witnesses to give evidence to the Ethics & Standards Committee, **and if so to identify those witnesses, and confirm if they are witnesses of fact or character**
- (g) wants any part of the meeting to be held in private, **and if so, explain the reasons**
- (h) wants any part of the investigation report or other relevant documents to be withheld from the public, **and if so, explain the reasons;**

25(B) The Committee will decide whether the Investigating Officer will be expected should be asked to attend the Hearing to present the report and explain any matters within it. (unless the Committee has agreed that this is not necessary).

26) The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether they will be attending the hearing. Two alternative dates should be kept in reserve.

27) The Standards Officer will send a copy of the Member's response under paragraph 25 to the Investigating Officer and will ask them to confirm in writing within 7 days whether they:

- (a) have any comments on the Member's response
- (b) want to be represented at the hearing;
- (c) want to call relevant witnesses to give evidence to the Ethics & Standards Committee; and if so to identify those witnesses
- (d) want any part of the meeting to be held in private; if so, provide reasons
- (e) want any part of the investigation report or other relevant documents to be withheld from the public; if so provide reasons

28) The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least 14 days before the hearing to:

- (a) confirm the date, time and place for the hearing;
- (b) summarise the allegation(s);
- (c) outline the main facts of the case that are agreed;
- (d) outline the main facts which are not agreed;
- (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
- (f) list those witnesses, if any, who will be asked to give evidence;
- (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
- (h) outline the proposed procedure for the hearing.
- (i) seek confirmation if they intend to attend the hearing
- (j) provide evidence upon which they intend to rely

29) The following information will be sent to the members of the Committee, the member and the Investigation Officer in advance of the hearing (and any other relevant documents):

- Investigating Officers report
- Members response

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Commented [CW](3): Member

Commented [CW](4): Member's

- Any further response from the Investigating Officer
- An outline of main facts agreed /not agreed
- List of witnesses
- Whether the member will be attending the hearing and whether represented
- Procedure for the hearing.

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Step 4 - The Hearing Procedure

Principles

30) The Ethics & Standards Committee:

- may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings.
- It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings.
- decide factual evidence on the balance of probabilities.
- consider any criteria established to assist the Committee to ensure consistency in decisions.

Commented [CW](6): Committee consistency

31) The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Ethics & Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

32) The Ethics & Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

33) The hearing will be held in public unless the Ethics & Standards Committee is persuaded that there is a good reason to exclude the public.

34) The intention is that all parties to the hearing are able to participate in the full knowledge of the matters under investigation, ensuring that the proceedings are fair, transparent and impartial.

35) The procedure at the meeting shall be as set out below, subject to the Chair making such changes as they he or she thinks fit in order to ensure a fair and efficient hearing.

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Introduction

36) The Chair of the Ethics & Standards Committee will introduce those persons present and will explain the manner and order of proceedings including any physical arrangements.

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First stage: Preliminary procedural issues

- ~~36)~~37) The Ethics & Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing ~~process. Including process. Including:~~
- a) Whether public or press should be excluded from the hearing or parts of it
 - b) Any new matters arising since the agenda was prepared
 - c) If any new evidence or matter is raised that could have been raised before the hearing, the assumption will be that it will not be allowed unless there is good reason to do so.
 - d) whether there is good reason hearing should proceed in absence of any party, reasons offered for any absence and to satisfy itself that all parties were properly notified of the hearing date. Alternatively, to adjourn the hearing.
 - e) To make arrangements to dispose of the matter fairly, in the event that the Committee is satisfied that any party (after ~~receiving~~receiving medical evidence) is unable to attend and is likely to be unable to attend for -a long time.
 - f) No cross-examination of witnesses will be allowed. Questions must be directed through the Chair.

Second stage: Making findings of fact-

- ~~37)~~38) The Ethics & Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
- ~~38)~~39) If there is a disagreement as to the facts:-
- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
 - (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer and question any witness through the Chair.
 - (c) the Member will then be ~~invited to~~ ~~present their case~~ and make representations in support his or her version of the facts.
 - (d) the Member may call any necessary witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
- ~~39)~~40) At any time, the Ethics & Standards Committee may question any of the people involved or any of the witnesses through the Chair.

~~40)41)~~ If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, ~~they he or she~~ must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Ethics & Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if ~~they he or she are~~ not already.
- (d) **The Investigating Officer, ~~and followed by the Member,~~ will have an opportunity to sum up.**

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~~42)~~ At the conclusion of the representations as to matters of fact, the Ethics & Standards Committee will retire to deliberate in private on the representations ~~along with the Advising Officer.~~

~~41)43)~~ ~~The Committee will also consider if it is required to proceed to the third stage. It is a majority decision.~~

~~44)~~ **The Ethics & Standards Committee will reconvene as a public meeting and** the Chair of the Ethics & Standards Committee will announce their findings of fact. ~~The Member, Investigating Officer and witnesses will be invited back to the meeting.~~
~~2)~~

Third stage: Deciding whether the Member has failed to comply with the Code

~~42)45)~~ The Ethics & Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

~~43)46)~~ The Ethics & Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

~~44)47)~~ The Ethics & Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, ~~he or she~~ ~~has they have~~ failed to comply with the Code of Conduct.

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~~45)48)~~ The Ethics & Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

~~46)49)~~ The Member will be invited to make any final relevant points **and offer any mitigation.**

~~47)~~50) The Ethics & Standards Committee will retire to deliberate in private along with the Advising Officer on the representations and decide on the balance of probabilities whether or not the Member has failed to comply with the Code of Conduct, ~~along with the Advising Officer~~. ~~This will be~~ It is a majority decision. The Advising Officer will not take part in any vote.

~~3) The Ethics & Standards Committee will consider what sanction is required.~~

51) The **Ethics & Standards Committee will reconvene as a public meeting and** the Chair of the Ethics & Standards Committee will announce the decision whether or not on the balance of probabilities if there is a breach of the Code. This will be a majority decision. The Advising Officer will not take part in any vote.

48) their findings.

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Fourth stage: Action to be taken

~~49)~~52) If the Ethics & Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will

- a) **formally** record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- b) **The Ethics & Standards Committee can still consider whether to make any recommendation to the Council to avoid similar situations occurring again**

~~50)~~53) If the Ethics & Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and
- (b) what form any sanction should take.

54) The Ethics & Standards Committee will retire along with the Advising Officer to deliberate in private on the representations, **to consider sanctions**.

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~~51)~~55) The available Options are ~~and decide either~~ that:

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- a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
- b) the Member should be censured or
- c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months.

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This will be a majority decision. The Advising Officer will not take part in any vote.

~~52)~~56) The Ethics & Standards Committee will reconvene and the Chair of the Ethics & Standards Committee will announce ~~its~~their decision.

57) After making a decision the Ethics & Standards Committee will instruct the Standards Officer to:

- a) confirm the decision and
 - b) the reasons for the decision in writing, and to send a copy of the written decision (including details of the Member's right of appeal)
- 53) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable, and in accordance with the Regulations

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Miscellaneous ~~Matters~~Matters

Failure to make representations / attend the hearing

~~54)~~c) If the Member fails to make representations, the Ethics & Standards Committee may:

- a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
- b) give the Member a further opportunity to make representations

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~~55)~~d) If a party fails to be present or represented at a hearing, the Ethics & Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

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- a) ~~a)~~hear and decide the matter in the party's absence; or
- b) ~~b)~~adjourn the hearing.

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Illness or incapacity

~~56)~~e) If the Ethics & Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Ethics & Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

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Suspension

~~57)~~f) A period of suspension or partial suspension (suspended from doing part of their Council work) will commence on the day after:

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- a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Ethics & Standards Committee's determination);

- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
 - c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,
- whichever occurs last.

Referral to an Appeals Tribunal

g) Where the Ethics & Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

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58) Leave to appeal is may be required in accordance with the Regulations.

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h) An appeals tribunal may:

- a) endorse the decision of the Ethics & Standards Committee,
- b) refer a matter back to it recommending it impose a different penalty,
- a)c) or overturn the decision.

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59)i) If:

- a) the Ethics & Standards Committee determines that the Member failed to comply with the Code of Conduct;
- b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
- c) the said tribunal refers the matter back to the Ethics & Standards Committee with a recommendation that a different penalty be imposed,

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the Ethics & Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

60)j) After making its determination the Ethics & Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

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Publication of the Ethics & Standards Committee's report

61)k) The Ethics & Standards Committee will cause to be produced within 14 days after:

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- a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

- c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations, whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

62) Upon receipt of the report of the Ethics & Standards Committee, the Monitoring Officer shall:

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- a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- b) supply a copy of the report to any person on request if ~~they he or she~~ pays such charge as the Council may reasonably require, and
- c) not later than 7 days after the report is received from the Ethics & Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

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Costs

63)m) The Ethics & Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

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Legislation

~~Local Government~~ Government Act 2000-Part III:
<https://www.legislation.gov.uk/ukpga/2000/22/part/III/chapter/III>

Code of Conduct for ~~M~~Members:

~~Legal & Governance Services/Democratic Services~~
~~2022.~~

~~3/5/22~~
~~MO-28.04.22~~



ETHICS & STANDARDS COMMITTEE

DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARINGS PROCEDURES

Introduction

1. This document sets out the procedure that the Council's Ethics & Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and any related regulations.
2. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.
3. Subject to any express provision in the Regulations, the practice and procedure for ~~exercising~~ exercising its functions under Regulations, shall be for the Ethics and ~~standards~~ standards Committee to decide.

Interpretation

4. In this procedure:
 - (a) 'the Act' means the Local Government Act 2000 **Part III**
 - (b) 'the Council' means Ceredigion County Council
 - (c) 'the Code of Conduct' means the Code of Conduct for **Members** adopted by the Council or the **town**/community councils within the Council's area in 2008 (**and as amended in 2016**), in accordance with Section 51 of the Act.
 - (d) 'the Complainant' means any person who made any allegation which gave rise to the investigation
 - (e) **Co-opted members means persons appointed by the Council to sit as independent or lay ~~members~~ members on its ~~Govenance~~ Governance and Audit or its Ethics & ~~Standards~~ Standards Committee**
 - (f) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer
 - (g) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under **s69, 70 or s71(2)** of the Act or by the Monitoring Officer under the Regulations.
 - (h) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct

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- (i) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
- (j) 'the Ombudsman' means the Public Services Ombudsman for Wales
- (k) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001/2281 as amended ([SI 2016/85](#)).
- (l) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Ethics & Standards Committee
- (m) ~~the 'Advising Officer' means the Monitoring Officer, Deputy Monitoring Officer, the Standards Officer or some other suitably qualified person.~~

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Summary of the procedure

- 5) Under **section 69** of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
- 6) Under **section 70(4)** of the Act, where the Ombudsman ceases such an investigation before it is completed:
 - a) **they** may refer the matters which are the subject of the investigation to the Monitoring Officer.
 - b) The Monitoring Officer will then investigate **those** matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Ethics & Standards ~~Committee. See Committee.~~ [See detailed procedure below in section 5\) below.](#)
- 7) Under **section 71(2)** of the Act, where the Ombudsman decides after investigating that it is appropriate, **they** will:
 - a) produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Ethics & Standards Committee.
 - b) The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Ethics & Standards Committee.
 - c) [See detailed procedure below in section 17\) below.](#)
- 8) The Ethics & Standards Committee will then make an initial determination (**Reg. 7**) either:
 - a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - b) that the Member **must be invited** to make representations, either orally or in writing, **in respect of the findings of the investigation and any allegation they have failed to comply with the Code of Conduct.**

- 9) Where the Member is ~~invited to~~ invited to make representations, the Ethics & Standards Committee will convene a hearing to consider any response made by the Member.

Determination of the Ethics and Standards Committee

- 10) After considering any representations, the Ethics & Standards Committee must determine (Regulation 9(1)) that:
- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken in respect of matters which are the subject of the investigation;
 - (b) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
 - (c) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be censured, or
 - (d) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

- 11) Where an appeals tribunal drawn from the Adjudication for Wales makes a recommendation that a different penalty should be imposed (Reg. 12), the Ethics and Standards Committee must also determine whether or not it should uphold its original determination or accept the recommendation.

Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)

- 12) Where the Ombudsman ceases their investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-
- a) conduct an investigation; and
 - b) report, and if appropriate make recommendations to the Council's Ethics & Standards Committee
- 13) The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as ~~they~~ he or she considers appropriate in the circumstances of the case.
- 14) After concluding an investigation, the Monitoring Officer must:
- (a) produce a report on the findings of their investigation and, if appropriate, may make recommendations to the Ethics & Standards Committee,
 - (b) send a copy of the report to the Member, and
 - (c) take reasonable steps to send a copy of the report to the Complainant.

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- 15) The Ethics & Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out in section 17 below.

Investigations by the Ombudsman (referrals under section 71(2) of the Act)

- 16) Where the Ombudsman completes their investigation and sends a report to the Monitoring Officer and the Council's Ethics & Standards Committee under section 71(2) of the Act, the Monitoring Officer must:
- a) consider the Ombudsman's report and,
 - b) if appropriate, make recommendations to the Council's Ethics & Standards Committee.
- 17) The Ethics & Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

Step 1 - Ethics & Standards Committee – Initial Determination Hearing

- 18) After the Monitoring Officer has:

- a) produced an investigation report in accordance with paragraph 14; or
- b) considered the Ombudsman's investigation report in accordance with paragraph 16.

a meeting of the Ethics & Standards Committee will be convened as soon as possible.

A copy of the investigation report, together with the Monitoring Officer's recommendations (if any), will be sent to each of the members of the Ethics & Standards Committee.

- 19) Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972, as amended by the Regulations.
- 20) If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Ethics & Standards Committee, as Advising Officer.
- 21) If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Ethics & Standards Committee, as Advising Officer.
- 22) The business of the Ethics & Standards Committee Initial Determination hearing will be limited to:
- a) considering the investigation report
 - b) and the Monitoring Officer's recommendations (if any) and
 - c) to making an initial determination either:-
 - i. that there is no evidence of any failure to comply with the Code of Conduct, or
 - ii. that the Member should be invited to make representations, either orally or in writing in respect of the findings of the

investigation and any allegation that **they have** failed, or may have failed, to comply with the Code of Conduct.

Step 2 - After the first meeting of the Ethics & Standards Committee

23) Where the Ethics & Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman. **See 22(c)(i) above.**

24) Where the Ethics & Standards Committee decides that the Member **must be invited** to make representations, the Standards Officer will notify the Member of the Committee's **Initial determination** decision and the procedure which the Committee proposes to adopt to receive and consider any representations that **they** may wish to make. **See 22(c)(ii) above and Step 3 below.**

Step 3 - Preparing for the hearing to consider the Member's representations

25) (A) The Standards Officer, in consultation with the Chair of the Ethics & Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member **to complete and return a questionnaire** within 14 days, to confirm whether **they**:

- (a) **Intend** to attend the hearing
- (b) want to make representations, whether orally or in writing and if so, to include any written representations in his or her response
- (c) disagree with any of the findings of fact in the investigation report, and if so, which matters **they** disagree with and the reasons for any disagreements;
- (d) **wishes to represent themselves** or be represented at the hearing **by a legal representative** or any other person, in accordance with the Regulations
- (e) wants to give evidence to the Ethics & Standards Committee, either orally or in writing;
- (f) wants to call relevant witnesses to give evidence to the Ethics & Standards Committee, **and if so to identify those witnesses, and confirm if they are witnesses of fact or character**
- (g) wants any part of the meeting to be held in private, **and if so, explain the reasons**
- (h) wants any part of the investigation report or other relevant documents to be withheld from the public, **and if so, explain the reasons;**

25(B) The Committee will decide whether the Investigating Officer will be expected should be asked to attend the Hearing to present the report and explain any matters within it. (unless the Committee has agreed that this is not necessary).

26) The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether **they** will be attending the hearing. **Two alternative dates should be kept in reserve.**

27) The Standards Officer will send a copy of the Member's response under paragraph 25 to the Investigating Officer and will ask **them** to confirm in writing within 7 days whether **they**:

- (a) have any comments on the Member's response
- (b) want to be represented at the hearing;
- (c) want to call relevant witnesses to give evidence to the Ethics & Standards Committee; **and if so to identity those witnesses**
- (d) want any part of the meeting to be held in private; **if so, provide reasons**
- (e) want any part of the investigation report or other relevant documents to be withheld from the public; **if so provide reasons**

28) The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least **14 days** before the hearing to:

- (a) confirm the date, time and place for the hearing;
- (b) summarise the allegation(s);
- (c) outline the main facts of the case that are agreed;
- (d) outline the main facts which are not agreed;
- (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
- (f) list those witnesses, if any, who will be asked to give evidence;
- (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
- (h) outline the proposed procedure for the **hearing.**
- (i) **seek confirmation if they intend to attend the hearing**
- (j) **provide evidence upon which they intend to rely**

29) The following information will be sent **to the members of the Committee, the member and the Investigation Officer in advance of the hearing (and any other relevant documents):**

- Investigating Officers report
- **Members response**

Commented [CW](2): to

Commented [CW](3): Member

Commented [CW](4): Member's

- Any further response from the Investigating Officer
- An outline of main facts agreed /not agreed
- List of witnesses
- Whether the member will be attending the hearing and whether represented
- Procedure for the hearing.

Commented [CW](5): Whether the member will be attending the hearing and whether they will be represented

Step 4 - The Hearing Procedure

Principles

30) The Ethics & Standards Committee:

- may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings.
- It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings.
- decide factual evidence on the balance of probabilities.
- consider any criteria established to assist the Committee to ensure consistency in decisions.

Commented [CW](6): Committee consistency

31) The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Ethics & Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

32) The Ethics & Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

33) The hearing will be held in public unless the Ethics & Standards Committee is persuaded that there is a good reason to exclude the public.

34) The intention is that all parties to the hearing are able to participate in the full knowledge of the matters under investigation, ensuring that the proceedings are fair, transparent and impartial.

35) The procedure at the meeting shall be as set out below, subject to the Chair making such changes as they he or she thinks fit in order to ensure a fair and efficient hearing.

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Introduction

36) The Chair of the Ethics & Standards Committee will introduce those persons present and will explain the manner and order of proceedings including any physical arrangements.

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Commented [CW](7): including

First stage: Preliminary procedural issues

- ~~36)~~37) The Ethics & Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing ~~process. Including process. Including:~~
- a) Whether public or press should be excluded from the hearing or parts of it
 - b) Any new matters arising since the agenda was prepared
 - c) If any new evidence or matter is raised that could have been raised before the hearing, the assumption will be that it will not be allowed unless there is good reason to do so.
 - d) whether there is good reason hearing should proceed in absence of any party, reasons offered for any absence and to satisfy itself that all parties were properly notified of the hearing date. Alternatively, to adjourn the hearing.
 - e) To make arrangements to dispose of the matter fairly, in the event that the Committee is satisfied that any party (after ~~receiving~~receiving medical evidence) is unable to attend and is likely to be unable to attend for -a long time.
 - f) No cross-examination of witnesses will be allowed. Questions must be directed through the Chair.

Second stage: Making findings of fact-

- ~~37)~~38) The Ethics & Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
- ~~38)~~39) If there is a disagreement as to the facts:-
- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
 - (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer and question any witness through the Chair.
 - (c) the Member will then be ~~invited to~~ ~~present their case~~ and make representations in support his or her version of the facts.
 - (d) the Member may call any necessary witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
- ~~39)~~40) At any time, the Ethics & Standards Committee may question any of the people involved or any of the witnesses through the Chair.

~~40)~~41) If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, ~~they~~~~he or she~~ must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Ethics & Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if ~~they he or she are~~ not already.
- (d) ~~The Investigating Officer, and followed by the Member, will have an opportunity to sum up.~~

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~~42)~~At the conclusion of the representations as to matters of fact, the Ethics & Standards Committee will retire to deliberate in private on the representations ~~along with the Advising Officer.~~

~~41)~~43) ~~The Committee will also consider if it is required to proceed to the third stage. It is a majority decision.~~

~~44)~~The ~~Ethics & Standards Committee will reconvene as a public meeting and~~ the Chair of the Ethics & Standards Committee will announce their findings of fact. ~~The Member, Investigating Officer and witnesses will be invited back to the meeting.~~
~~2)~~

Third stage: Deciding whether the Member has failed to comply with the Code

~~42)~~45) The Ethics & Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

~~43)~~46) The Ethics & Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

~~44)~~47) The Ethics & Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, ~~he or she~~ ~~has~~~~they have~~ failed to comply with the Code of Conduct.

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~~45)~~48) The Ethics & Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

~~46)~~49) The Member will be invited to make any final relevant points ~~and offer any mitigation.~~

~~47)~~50) The Ethics & Standards Committee will retire to deliberate in private along with the Advising Officer on the representations and decide on the balance of probabilities whether or not the Member has failed to comply with the Code of Conduct, ~~along with the Advising Officer~~. ~~This will be~~ It is a majority decision. The Advising Officer will not take part in any vote.

~~3) The Ethics & Standards Committee will consider what sanction is required.~~

51) The Ethics & Standards Committee will reconvene as a public meeting and the Chair of the Ethics & Standards Committee will announce the decision whether or not on the balance of probabilities if there is a breach of the Code. This will be a majority decision. The Advising Officer will not take part in any vote.

48) their findings.

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Fourth stage: Action to be taken

~~49)~~52) If the Ethics & Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will

- a) **formally** record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- b) **The Ethics & Standards Committee can still consider whether to make any recommendation to the Council to avoid similar situations occurring again**

~~50)~~53) If the Ethics & Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and
- (b) what form any sanction should take.

54) The Ethics & Standards Committee will retire along with the Advising Officer to deliberate in private on the representations, to consider sanctions.

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~~51)~~55) The available Options are ~~and decide either~~ that:

- a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
- b) the Member should be censured or
- c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months.

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This will be a majority decision. The Advising Officer will not take part in any vote.

~~52)~~56) The Ethics & Standards Committee will reconvene and the Chair of the Ethics & Standards Committee will announce ~~its~~their decision.

57) After making a decision the Ethics & Standards Committee will instruct the Standards Officer to:

- a) confirm the decision and
 - b) the reasons for the decision in writing, and to send a copy of the written decision (including details of the Member's right of appeal)
- 53) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable, and in accordance with the Regulations

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Miscellaneous ~~Matters~~Matters

Failure to make representations / attend the hearing

~~54)~~c) If the Member fails to make representations, the Ethics & Standards Committee may:

- a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
- b) give the Member a further opportunity to make representations

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~~55)~~d) If a party fails to be present or represented at a hearing, the Ethics & Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

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- a) ~~a)~~hear and decide the matter in the party's absence; or
- b) ~~b)~~adjourn the hearing.

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Illness or incapacity

~~56)~~e) If the Ethics & Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Ethics & Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

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Suspension

~~57)~~f) A period of suspension or partial suspension (suspended from doing part of their Council work) will commence on the day after:

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- a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Ethics & Standards Committee's determination);

- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
 - c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,
- whichever occurs last.

Referral to an Appeals Tribunal

g) Where the Ethics & Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

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58) Leave to appeal is may be required in accordance with the Regulations.

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h) An appeals tribunal may:

- a) endorse the decision of the Ethics & Standards Committee,
- b) refer a matter back to it recommending it impose a different penalty,
- a)c) or overturn the decision.

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59)i) If:

- a) the Ethics & Standards Committee determines that the Member failed to comply with the Code of Conduct;
- b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
- c) the said tribunal refers the matter back to the Ethics & Standards Committee with a recommendation that a different penalty be imposed,

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the Ethics & Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

60)j) After making its determination the Ethics & Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

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Publication of the Ethics & Standards Committee's report

61)k) The Ethics & Standards Committee will cause to be produced within 14 days after:

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- a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

- c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations, whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

~~62)~~ Upon receipt of the report of the Ethics & Standards Committee, the Monitoring Officer shall:

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- a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- b) supply a copy of the report to any person on request if ~~they he or she~~ pays such charge as the Council may reasonably require, and
- c) not later than 7 days after the report is received from the Ethics & Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

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Costs

~~63)~~ The Ethics & Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

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Legislation

~~Local Government~~ Government Act 2000-Part III:
<https://www.legislation.gov.uk/ukpga/2000/22/part/III/chapter/III>

Code of Conduct for Members:

Legal & Governance Services/Democratic Services
2022.

3/5/22
MO-28.04.22

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 25 May 2022

Title: The Ethics and Standards Forward Work Programme 2022/23

Purpose of the report: To review the current work programme of the Committee

What does the Ethics & Standards Committee do?

The Local Government Act 2000 sets out the functions of the Ethics & Standards Committee as follows:-

- promoting and maintaining high standards of conduct by Councillors
- assisting Councillors to observe the Code of Conduct
- advising the Council on the adoption or revision of the Code of Conduct
- monitoring the operation of the Code of Conduct, and
- advising, training or arranging to train Councillors on matters relating to the Code of Conduct

The Ethics & Standards Committee can also grant dispensations, which permit Councillors who have an interest in a particular item of Council business to continue to take part in that business.

Investigation reports produced by the Ombudsman or the Council's Monitoring Officer on alleged breaches of the Code of Conduct may be referred to the Ethics & Standards Committee for determination.

The Ethics & Standards Committee also exercises the above responsibilities in relation to Town and Community Councils in Ceredigion.

Examples of the type of work carried out by Ceredigion's Ethics & Standards Committee include:

- involvement in developing training materials on the Code, including a flowchart summarising the main provisions of the Code
- attendance at and participation in training sessions on the Code for both the County Council and Community Councils
- attendance at Council and Committee meetings to observe proceedings
- the introduction of procedures which allow Councillors to attend Committee meetings to present an application for dispensation in person
- providing advice to Councillors regarding dispensation applications

The Forward Work Programme

The Forward Work Programme is a standing item on each agenda of the Committee. This will provide an opportunity for the Committee to review and update the programme of work of the Committee.

A draft Forward Work Programme is attached for consideration (Appendix 1)

Recommendation(s):

1) to consider, review and update the current draft Forward Work Programme (**Appendix 1**)

Contact Name: Lisa Evans
Designation: Scrutiny and Standards Officer
Date of Report: 11 May 2022
Acronyms:

Ethics and Standards Forward Work Programme 2022/23

| Date | Item |
|-----------------|---|
| 25 Mai | <p>To consider applications for dispensation from the following Councillors:</p> <p>Update on Adjudication Panel for Wales matters</p> <p>Update on the Public Services Ombudsman matters</p> <p>Training</p> <p>Update on Dealing with complaints referred to the Ethics & Standards committee & hearings procedures</p> <p>Annual Report from the Chair of the Ethics and Standards Committee 2021/22</p> <p>Succession planning-lay member</p> <p>Town/Community Council Councillor recruitment-update</p> <p>Code of Conduct decisions by the Ombudsman</p> <p>The Monitoring Officer to provide a quarterly report on the trends of complaints, and their level of seriousness</p> |
| 2 November 2022 | <p>To consider applications for dispensation from the following Councillors:</p> <p>Update on Adjudication Panel for Wales matters</p> <p>Update on the Public Services Ombudsman matters</p> <p>Training</p> |
| 25 January 2023 | <p>To consider applications for dispensation from the following Councillors:</p> <p>Update on Adjudication Panel for Wales matters</p> <p>Update on the Public Services Ombudsman matters</p> <p>Training</p> |
| 19 April 2023 | |

| | |
|--|---|
| | <p>To consider applications for dispensation from the following Councillors:</p> <p>Update on Adjudication Panel for Wales matters</p> <p>Update on the Public Services Ombudsman matters</p> <p>Training</p> |
|--|---|