

Minutes of the Meeting of Ethics and Standards Committee held at the Council Chamber, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via video conference on Friday, 23 August 2024

Present:

Ceredigion Ethics & Standards Committee (“The Committee”)
Miss Caryl Davies (Chair), Ms Gail Storr (Vice-Chair), Mr Alan Davies, Ms Carol Edwards, Ms Llinos James, Councillors Gwyn Wigley Evans & Caryl Roberts (Elected County Council Members).

Also in attendance:

Annie Ginwalla, PSOW Representative; Matthew Phelps, PSOW Investigator & Councillor/Former Councillor Iain McIntosh.

Officers in attendance:

Elin Prysor, Monitoring Officer; Lisa Evans, Scrutiny and Standards Officer & Neris Morgans, Democratic Services Officer.

(10.00am-3.02pm)

There were initial technical issues with the camera in the Council Chamber for remote participants, in that the Committee and Officers could not be seen initially by those attending remotely. The Committee could see participants attending remotely (save for the witness). There was no issue with sound. Participants confirmed they were content to continue.

1 Apologies

Councillor Delyth James (Town and Community Council Representative) apologised for her inability to attend the meeting.

2 Declaration of personal/prejudicial interest

None.

3 Consideration of Representations and Final Determination of a Report Prepared by the Public Services Ombudsman for Wales under Section 71(2)(C) of the Local Government Act 2000 - Ref: - 202201455/202202498 into alleged breach of Powys County Council & Bannau Brycheiniog National Park Authority Code of Conduct for Members by Cllr/Former Councillor Iain McIntosh

The Council’s Monitoring Officer who was advising the Committee, presented her report. The Member was present remotely.

First Stage - Preliminary issues

The Committee considered preliminary issues including correspondence and relevant documentation and witnesses in accordance with the Committee’s Hearing procedure (para 37).

The Committee AGREED:

- a) to adopt the Ceredigion County Council’s procedure as set out in Part 5 Document S of the Constitution (the “Hearings Procedure”)

- b) following application of the public interest test,
 - i) that some documentation were not for publication as they contain exempt information as defined in paragraphs 12 of Part 4 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) and that due to this factor, the public interest in maintaining the information outweighs the public interest in disclosing the information at this stage.
 - ii) that notwithstanding that the hearing should take place in public unless there was good reason to exclude the public (para 33 Hearings Procedure) and/or valid reasons for not doing so to promote public confidence in public life (para 1.24 PSOW Guidance), having taken into account of representations by the Member, and the Ombudsman' representative, the remainder of the hearing (save for decisions) should take place in private session, in order to maintain the confidentiality of the sensitive information, without which there was a risk of sensitive information being disclosed.
- c) to defer the decision as to whether to hear evidence from the Member' witness) until the Finding of Fact stage. The Committee did not wish to call any additional witnesses.

Accordingly, the press and public including the Complainant and any witnesses were excluded from the meeting.

Second Stage - Findings of Fact

The Committee considered the Ombudsman's written report, and further correspondence and documents submitted by the Member and the Ombudsman in accordance with the Committee's Hearing procedure (paras 38-44). The Committee also considered the oral submissions from the Ombudsman' representative, the Member, and a witness of fact, who all attended remotely.

The Committee made findings of fact in relation to Disputed facts on balance of probabilities in accordance with the Committee's Hearing procedure (paras 45-51).

Stage 3 - Code of Conduct for Members

The Committee found on balance of probabilities that the Member' conduct had breached the following paragraphs of both the Powys County Council' Code of Conduct for Members and the Bannau Brycheiniog National Park Authority Council' Code of Conduct for Members:

- “4. You must (b) -;
 (b) show respect and consideration for others
- 7. You must not — (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;”

Action to be taken/Sanction

In accordance with Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Rules, the press and public were re-admitted to the meeting for announcement of the decision.

In accordance with the Committee's Hearing procedure (paras 52-56), the Committee AGREED that:

- a) In respect of the matter relating to Powys County Council', the Committee accordingly decided to exercise its power under Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, that the Member should be censured.
- b) In respect of the matter relating to Bannau Brycheiniog National Park Authority, the Committee accordingly decided to exercise its power under Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, that the Member should be censured.

Further adjustment

The Committee also recommended that:

- 1) the Member undertakes some further training on social media matters.
- 2) That Powys County Council considers implementing a Member programme.

**Confirmed at the Meeting of the Ethics and Standards Committee held
on 16 October 2024**

Chairman:_____

Date:_____