

CEREDIGION COUNTY COUNCIL

Report to:	Council
Date of meeting:	17 June 2021
Title:	Annual Report from the Chair of the Ethics and Standards Committee 2020/21
Purpose of the report:	For Council to note the work of the Ethics and Standards Committee during 2020/21
For:	Information
Cabinet Portfolio and Cabinet Member:	Councillor Ray Quant MBE, Cabinet Member for Legal and Governance, People and Organisation and Democratic Services

Background

An Annual Report of the Chair of the Ethics and Standards Committee has been prepared and presented to Council since 2018.

Current Position

The Annual Report from the Chairman of the Ethics and Standards Committee for 2020/21 has been prepared and is attached (Appendix A).

Council is requested to note the Annual Report as presented, which outlines the work of the Ethics and Standards Committee during 2020/21.

The Annual Report will be published on the Council website.

Future requirements-from May 2022

From May 2022, the Ethics and Standards Committee will be required to make an annual report to the Authority as soon as practicable after the end of each financial year (meaning period of 12 months ending with 31 March) in respect of that year, pursuant to **S63 Local Government & Election (Wales) Act 2021**.

The annual report will have to describe how the committee's functions have been discharged during the financial year.

The Council must then consider the annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.

Content

The report will have to include a summary of—

- a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56 of the 2000 Act, namely its functions including:

- promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- assisting members and co-opted members of the authority to observe the authority's code of conduct.
- advising the authority on the adoption or revision of a code of conduct,
- monitoring the operation of the authority's code of conduct, and
- advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

b) reports and recommendations made or referred to the committee under Chapter 3 of the 2000 Act. This will include:

- PSOW references to Monitoring Officer

c) action taken by the committee following its consideration of such reports and recommendations;

d) notices given to the committee under Chapter 4 of the 2000 Act, This will include Adjudication Panel for Wales (APW) recommendations.

In addition, from May 2022, the annual report will also include the committee's **assessment of the extent to which leaders of political groups of the Council have complied with their duties** under section 52A(1) of the 2000 Act (as inserted by S62 of the 2021 Act), during the financial year.

These are to:

1)(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

2) have regard to any guidance about their functions issued by the Welsh Ministers.

The annual report should also make reference to the way the committee has discharged its new functions (set out in S62):

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."

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

Has an Integrated Impact Assessment been completed? If, not, please state why

N/A

This report is not related to a new Policy or change in service

Wellbeing of Future Generations:

Summary:

Long term: N/A

Collaboration: N/A

Involvement: N/A
Prevention: N/A
Integration: N/A

Recommendation(s): **That Council:**
1)notes the contents of the report, and
2) considers the contents of the Annual Report from
the Chairman of the Ethics and Standards
Committee 2020/21 (Appendix A).

Reasons for decision: To inform the Council of the work of the Ethics and Standards Committee during 2020/21

Overview and Scrutiny: Not applicable. The Ethics and Standards Committee endorsed the report at its meeting on the 19 May 2021
Policy Framework: Not applicable

Corporate Priorities: Not applicable

Financial implications: None

Statutory Powers: Local Government Act 2000
Local Government & Election (Wales) Act 2021.

Background Papers: Code of Conduct
Guidance from the Public Services Ombudsman for Wales
Annual Report of the Public Services Ombudsman for Wales

Appendices: Appendix A – Ethics and Standards Committee Annual Report 2020/21

Corporate Lead Officer: Corporate Lead Officer: Legal and Governance & Monitoring Officer
Reporting Officer: Elin Prysor
Date: 07 June 2021

Ethics and Standards Committee



Cyngor Sir
CEREDIGION
County Council

Annual Report 2020/21

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 Ethics and Standards Committee, covering the period 1st April 2020 to 31st March 2021. This has been a strange and exceptional year for our Committee, as for the Authority in general. The constraints caused by the pandemic have meant that we have had to put aside our plans to continue our programme of training and updating Councillors – including members of Town and Community Councils – on the Code of Conduct. However, I would like to reassure the Authority and the public that this remains a priority for the future, when the current constraints on communication are lifted.

This year, the Committee has met on only two occasions, on 5th August and 19th November, at which we were able to make a timely response to all applications by members for Dispensation to participate on issues in which they had a prejudicial interest. We were also able to keep abreast of standards and compliance issues reported by the Public Services Ombudsman and the Adjudication Panel for Wales.

On a personal note, as this will be my last report as Chair of the Committee, I would like to thank my fellow members, the Monitoring Officer and all the officers who have provided us with valuable and expert support. I offer my best wishes to my successor in the Chair, and to the two new members who will replace Rif Winfield and myself in September 2021.

Hywel Wyn Jones
2020/21 Chair of the Ethics and Standards Committee

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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. The term of office of one Independent Member was extended during 2019/20.
- 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. This will end in May 2022 .

- Community Council Committee members would have a term of office until the next ordinary local government election following their appointment. This will end in May 2020.

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 Chairperson 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 who 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”

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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 session 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

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Membership of the Committee

Membership of the Ethics and Standards Committee 2020/21

1st April 2020– 31st March 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- 26/09/21 in line with term of office
Mrs Caroline White (Vice- Chair) Independent Member	01/08/13- 01/08/19. Extended by Council on 1/8/19: 1/8/19-30/7/23	Vice-Chair 22/02/18- 01/08/19. Extended by ES Committee on 12/7/19: up to 21/2/22
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	

Members of the current Ethics & Standards Committee



**Mr Hywel Wyn
Jones
(Chair)**

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.

Hywel' term of office will end on 26/9/21



**Mrs Caroline White
(Vice-Chair)**

Caroline White is a retired teacher. Caroline's 26-year teaching career included many whole school management responsibilities, latterly as Assistant Head.

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.

 <p>Mr Rif Winfield</p>	<p>Rif Winfield has enjoyed a career in the political, commercial and voluntary sectors. He was an elected Borough Councillor in 1972.</p> <p>Rif was a founding Director of Ceredigion Association for Voluntary Organisations for 17 years including Chairman.</p> <p>Rif has been an Independent Member of the Ceredigion Ethics & Standards Committee since 2011.</p> <p>Rif' term of office will end on 26/9/21</p>
 <p>Mrs Carol Edwards</p>	<p>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.</p> <p>Carol is currently a Governance Manager and Clerk of the Board of Trustees for the National Library for Wales.</p> <p>Carol was appointed as a Member of the Ethics & Standards Committee in February 2018.</p>
 <p>Mr John Weston</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.</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 meetings. Meetings can also be convened at other times in exceptional circumstances.

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The Committee's Work in 2020/2021

1. APPLICATIONS FOR DISPENSATION

2018/19

The Committee had considered 21 applications from County and Community and Town Councillors during the year.

Of these:

- 9 applications were from County Councillors and
- 13 Community and Town Councillors

2019/20

The Committee had considered 15 applications from County and Community and Town Councillors during the year.

Of these:

- County Councillors: 13
- Town & Community Councillors 2

Of these:

- 15 were granted
- 0 was deferred
- 0 was refused
- 0 was withdrawn

2020/21

The Committee had considered 18 applications from County and Community and Town Councillors during the year.

Of these:

- County Councillors: 10
- Town & Community Councillors 8

- 18 were granted
- 0 was deferred
- 0 as refused
- 0 was withdrawn

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:

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

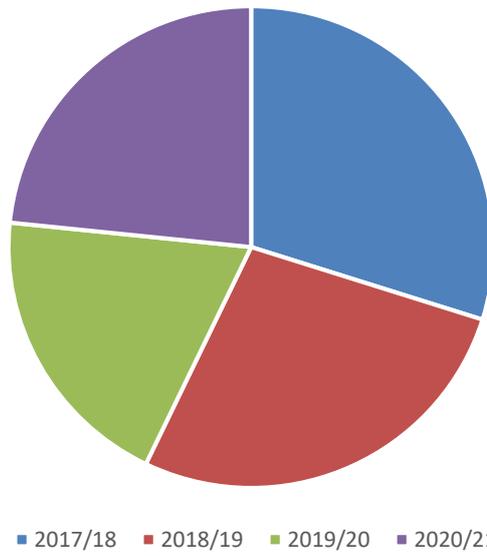
Of the 18 dispensations granted:

- 4 were granted to speak only
- 14 were granted to speak and vote

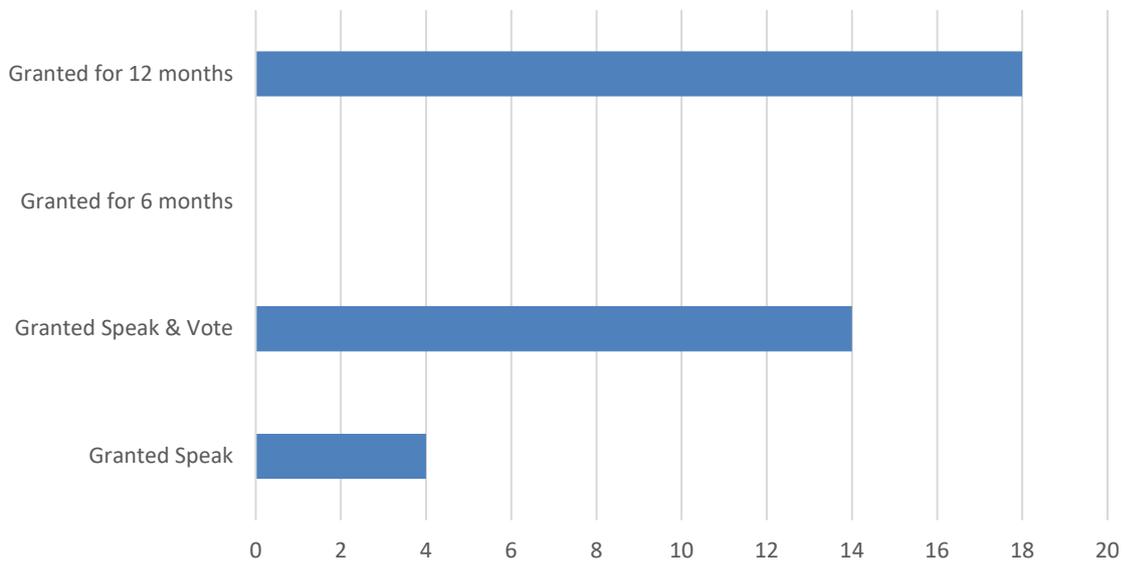
Of the dispensations granted:

- 18 were granted for a term of up to 12 months
- 0 were granted for a term of up to 6 months

Dispensation Applications Received 2017-2021



Overview of Applications granted 2020/2021



Reminders for renewal are not sent to Members. Dispensations lapse automatically at the end of the 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 are encouraged to attend meetings in person.

During 2018/19 2 Members attended Committee in person

During 2019/20 2 Members attended Committee in person.

During 2020/21 4 Member attended the Committee (via video conferencing) (in relation to 13 applications)

2. ADJUDICATION PANEL FOR WALES (APW).

It was reported at the meeting of the 19 November 2020 that there have been a number of documents which had been updated, namely:

- Presidential Guidance: Anonymity
- Presidential Guidance: Disclosure
- Presidential Guidance: The role of the Monitoring Officer in APW proceedings

Members noted the content of these documents.

The Chair provided an overview of the decision report of the Adjudication Panel for Wales in relation to Councillor Neil McEvoy, Cardiff City Council and informed Members that the report was available on the APW website.

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

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

- Code of Conduct Casebooks Issue 23 – January 2020

No others were issued during this reporting period.

4. TRAINING

At the meeting of the 05 August 2020, it was agreed that opportunities to deliver training via video conferencing or pre-recorded training be explored by officers.

It was agreed at the meeting on the 19 November 2020, that opportunities to deliver training via video conferencing or pre-recorded training be explored by officers and Town/Community Councils asked if they have any specific training requests in relation to the code and hosting remote meetings.

5. RECRUITMENT OF INDEPENDENT MEMBERS

The Scrutiny and Standards Officer presented the report on the recruitment of two new independent members to the Committee at the meeting held on the 19 November 2020. 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 will expire on 26/9/2021. These members were not now eligible for reappointment. Consequently it was now necessary to recruit two new independent members to the Ethics and Standards Committee to maintain the Committee's composition, as set out in the Constitution, and as required by legislation.

The Committee AGREED to recommend to Council:

- 1) The job description, person specification and criteria subject to the amendments.
- 2) Membership of the Selection Panel as follows:
 - Chairman of the Council
 - Independent/Lay Panel member (nominated by the Monitoring Officer): Professor John Williams
 - 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.

6. WELSH GOVERNMENT CONSULTATIONS – Local Government & Elections (Wales) Act 2021 Regulations to establish corporate joint committees-Part 5

At the meeting of the 19 November 2020, it was reported that the Welsh Government was currently consulting on the draft regulations which would establish four regional Corporate Joint Committees across Wales.

Members of the Ethics and Standards Committee were requested to consider questions 8 (a) (b) and (c) of the consultation document.

It was AGREED that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils and that all co-opted members be covered by a code i.e. those with and without voting rights. This will form part of the corporate response to the consultation.

7. WORKSHOP

A workshop of the Ethics and Standards Committee Members was held on the 04 March 2021 to discuss the Draft guidance from the Public Services Ombudsman for Wales on the Code of Conduct. Recommendations were sent to the PSOW accordingly.

8. CONCLUSIONS

The Committee had a relatively quiet year due to the Covi-19 pandemic, and were very grateful for the advice and support of the Monitoring Officer, and Standards Officers during the two meetings that were held, and in respect of the consultation exercises.

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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

2018/2019

The Monitoring Officer considered 17 complaints against Members in relation to the Code of Conduct.

Of these:

- 13 were against County Councillors
- 4 were against Town/ Community Councillors.

The table below shows an analysis of complaints received:

County Councillors	
Member on Member	0
Public on Member	9
Officer on Member	4
Self-referrals to PSOW	0
	Total: 13
Town/ Community Councillors	
Member on Member	0
<u>Public on Member</u>	4
	Total: 4

2019/2020

The Monitoring Officer considered 13 complaints against Members in relation to the Code of Conduct.

Of these:

- 11 were against County Councillors
- 2 were against Town/ Community Councillors.

The table below shows an analysis of complaints received:

County Councillors	Complaints received
Member on Member	0
Public on Member	3
Officer on Member	8
Self-referrals to PSOW	0
	Total: 11
Town/ Community Councillors	
Member on Member	2
Public on Member	2
	Total: 13

CURRENT YEAR: 2020/2021

The Monitoring Officer considered 23 complaints against Members in relation to the Code of Conduct.

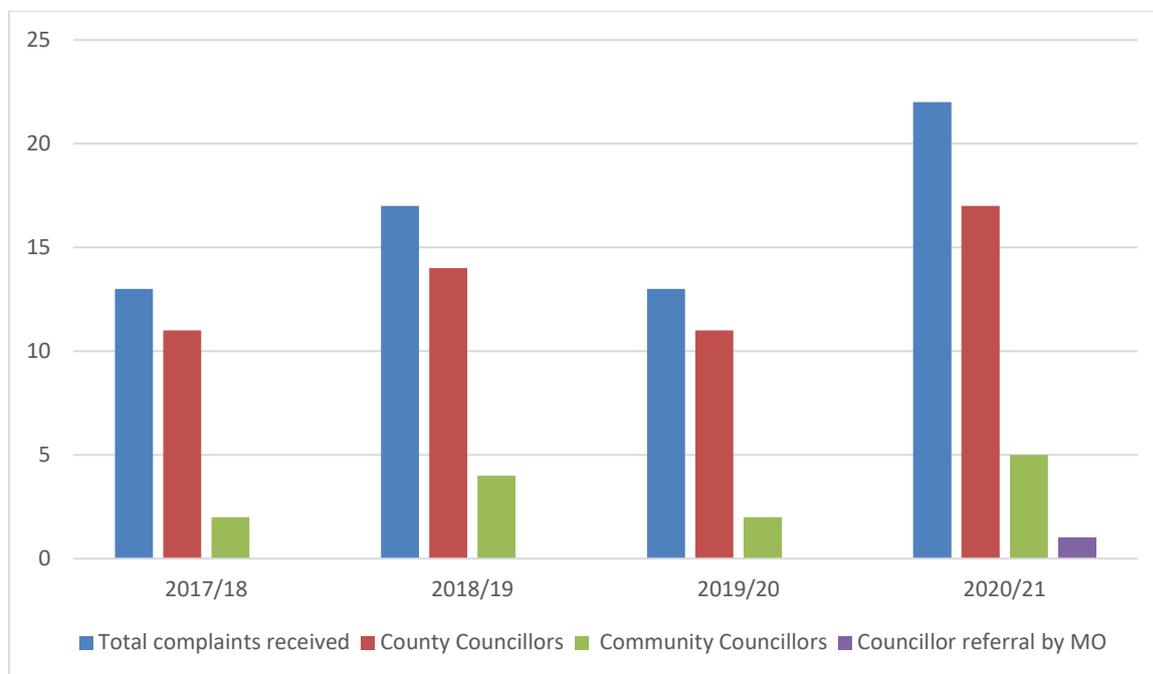
Of these:

- 17 were against County Councillors
- 5 were against Town/ Community Councillors.

Source of complaints:

County Councillors	Number of complaints received
Member on Member	1
Public on Member	11
Officer on Member	4
Self-referrals to PSOW	0
Clerk of Town/Community Council	1
	Total: 17
Town/ Community Councillors	
Member on Member	1
Public on Member	4
Self-referrals to PSOW	0

Total	
Councillor referral by Monitoring Officer	1



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

The MO received notifications of the following complaints:

PREVIOUS YEARS

2018/19

Of the complaints received:

7 x from the PSOW.

These resulted in:

	County Council	Town/ Community Council
	4	3
Of these: Declined to Investigate/Closed after initial consideration:	2	3
Investigation: Discontinued:	0 1	0 0
No evidence of breach:	1	

No further action: 0

Of those investigated:

- 0 resulted in sanctions and
- 0 resulted in no sanction

Sanctions/actions included: advice given to member to modify behaviour

2019/20

The PSOW reported 6 complaints

	County Council	Town/ Community Council
	5	1
Of these: Declined to Investigate/Closed after initial consideration:	5	0

Investigation: Discontinued: No further action necessary	0 0 0	1 0 1
No evidence of breach: Technical breach	0 1	0 0

Of those investigated:

- 0 resulted in sanctions and
- 0 resulted in no sanction .”

CURRENT YEAR 2020/21

The PSOW reported 4 complaints

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

No evidence of breach	0	0
Technical breach	1	0
Breach	0	

Of those investigated:

- **0 resulted in sanctions**
- **1 resulted in no sanction**

For Information:

PSOW Annual report 2020/21:

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

2017/18-2019:

The majority of complaints against County Councillors related to:

- **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.

Town/Community Councillors

Complaints included:

- 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

Some of the complaints above were attributable to acts/omissions of clerks.

2019/20

The majority of complaints against County Councillors related to allegations of:

- Social Media postings
- Failure to declare an interest
- Improper use of delegated powers
- Lack of respect/ consideration/ courtesy for officers – including Development Control Committee/Scrutiny meetings
- Lack of respect for the Chair of a public meeting-Scrutiny Committee
- inappropriate comment regarding Officers.

2020/21

- 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

Town/Community Councillors

Complaints against Town/Community Councillors included:

- 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

Some of the complaints above were attributable to acts/omissions of clerks.

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
- process to make a complaint

Most of Town/Community Councils within the Ceredigion area are subscribed to One Voice Wales from whom clerks can seek advice.

2018-19

The Monitoring Officer issued :

County Councillors

informal advice- numerous/varied. .

- formal advice : 5
- informal warnings: 0
- formal warnings (e-mail/letter): 1

Town/Community Councils

- The Monitoring Officer informal advice issued to clerks:
- informal 5
- formal 0
- Face to face meetings with members of public: 1
- Face to face meeting was undertaken with a Town/community clerk:1
- meeting process/procedure

- conflicts of interest

2019-20

The Monitoring Officer issued :

County Councillors

- informal advice- numerous/varied.
- formal advice : 3
- informal warnings: 2
- formal warnings (e-mail/letter): 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.

Sanctions included:

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

Town/Community Councils

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

The Monitoring Officer informal advice issued to clerks:

- Informal (telephone/email):)2
- meetings with members of public: 0

Queries include advice on:

- Public meeting process/procedure
- conflicts of interest
- conduct of a councillor

2020-21

- 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 : 4
- informal warnings: 1
- formal warnings (e-mail/letter): 1
- Local Resolution Procedure:1

Advice was also given to o clerks of Town/Community Councils, and members of the public.

5. The Ethics & Standards Committee -Hearing Panels

- There were no Ceredigion County Council Councillor cases referred to Committee during 2020/21.
- There were no Town/Community Council cases referred to Committee during 2020/21.

6.Adjudication Panel for Wales (APW)

- There were no Ceredigion County Council cases referred by the PSOW to the APW during 2020/21.
- There were no Ceredigion Town/Community Council cases referred to the APW during 2020/21.

7. PSOW referrals to the Monitoring Officer for investigation during 2020/21

There were no cases referred to the Monitoring Officer by the Public Service Ombudsman Wales during 2020/21.

2020/21

Summary

- The standard of conduct by Ceredigion County Council Members generally is to be commended.
- There were complaints by Members 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.
- 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).
- Despite there being fewer public meetings held during the Covid period, there was a slight increase in the number of applications for dispensations during 2020/21.
- 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

- Consultation on the new draft guidance from the Public Services Ombudsman for Wales on the Code of Conduct was circulated to Group Leaders; together with a summary of changes by email on the 19 February 2021. Comments on its content was requested by the 05 March 2021.
- Adjudication Panel for Wales Notice of Decision relating to Councillor Kevin O'Neill, Leader at Merthyr Tydfil Borough Council was circulated by email on the 12 January 2021. In order to promote the new duty to take reasonable steps to promote and maintain high standard of conduct (from May 2022), it was recommended that the Group Leaders bring the decision to the attention of their group members.

9. Annual update on the Register of Interest

An email dated the 29 April 2020 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 2019/20 (1/4/19-31/3/20):

- 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 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.

The following emails were circulated to Members:-

- Covid 19 Business support Grant- 07 July 2020
- Covid 19 Enhanced Lockdown Grants for businesses- 28 October 2020
- Covid 19 Restrictions Business Fund NDR Grants for businesses – 14 December 2020

11. Hospitality Register

During 2020/21 there were no declarations of hospitality from Councillors.

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Future Priorities

The priority areas the Ethics and Standards Committee to consider in 2021/22

- Code of Conduct Training for County Councillors and Town and Community Councillors - Continue to offer training to clusters of Town and Community Councils whose Clerks and Councillors had not responded to the offer of training and/or who had requested training
- Annual meeting with Political Group Leaders
- Update Members Register of Interest on the new Democratic Services System, Modern.gov
- The Committee adopts a proactive approach to working collaboratively with other relevant standards organisations and keeping up with best practice
- Members of the Ethics and Standards Committee attend Committee meetings of the Council to observe and familiarise themselves with proceedings and conduct.
- Recruitment of two independent members-to be in place by 25/9/21
- Consider and implement changes set out in Local Government & Elections (Wales) Act 2021-matters relevant to the Ethics and Standards Committee:
Part 4 sections S62 Conduct of members imposed additional duties on political group leaders as follows:

County and county borough councils: duties of leaders of political groups in relation to standards of conduct

(1)A leader of a political group consisting of members of a county council or county borough council in Wales—

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

(2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.

(3) "(2A) 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."

These provisions will become effective from May 2022.

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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:

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