

Minutes of a Meeting of the **ETHICS & STANDARDS COMMITTEE**
held remotely by videoconference on
19 May 2021

PRESENT:

Mr Hywel Wyn Jones (Chair), Mrs Caroline White, Mr John Weston and Mr Rif Winfield (Independent Members);
Councillor Odwyn Davies and Councillor Dai Mason (Elected Members)
Councillor Julian Evans and Councillor Gill Hopley (Town and Community Council representatives)

IN ATTENDANCE:

Councillor Ellen ap Gwynn
Councillor Ceredig Davies
Councillor Dafydd Edwards
Councillor Rowland Rees-Evans
Councillor Mark Strong
Ms Elin Prysor (Monitoring Officer)
Mrs Lisa Evans (Scrutiny and Standards Officer)
Ms Nia Jones (Corporate Manager – Democratic Services)

(10:00am – 12:45pm)

S1 Apologies and personal matters

Ms Carol Edwards, apologised for her inability to attend the meeting.
The Chair extended his sympathies to Rif Winfield on his recent bereavement.

S2 Disclosure of Personal Interests / Prejudicial Interests

S3 Minutes of the meeting held on 18 November 2020

It was RESOLVED to confirm as a true record of the minutes of the meeting of the Committee held on 18 November 2020

Matters Arising

None.

S4 S 62 Local Government and Election (Wales) Act 2021

Duties of leaders of political groups in relation to standards of conduct

Consideration was given to the Report upon the S 62 Local Government and Election (Wales) Act 2021 Duties of leaders of political groups in relation to standards of conduct. It was reported that the Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees.

In relation 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.

It was noted that Welsh Government were yet to produce guidance regulations in relation to this matter, and that a separate discussion would be required with regards to the monitoring of compliance. It was also noted that "reasonable steps" was undefined.

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

S5 Discussion with party leaders as to the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council

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

It was noted that returning and new Members are provided with training and guidance in relation to the code of conduct, and especially in relation to quasi-legislative committees such as planning and licensing to ensure that members are appraised of the legal requirements. It was

also noted that Members are governed by the expectations of political parties, monitoring by the public and the Council's Constitution, and that the regular group meetings are an important forum for discussing any problems that may arise.

There followed a discussion about the vetting of nominees prior to selection, and the need for Leaders to brief potential candidates as to what is expected in terms of standards. It was noted that guidance is provided by the Electoral Commission, as well as information available to prospective candidates. It was noted that there is currently lack of clarity as to what form this would take for independent members, and that it was hoped that this would be clarified by Welsh Government guidance.

The Chair also reminded group Leaders of the procedure in relation to granting dispensation, as matters of Code of Conduct often relates to this, noting the role of group leaders in liaising with their members to ensure compliance with the code of conduct. It was noted that there were no issues with the current application form.

It was agreed that guidance would be provided in relation to the format for group leaders to report and to demonstrate compliance with the requirement to 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.

The Leader of the Council emphasised the importance of the Committee's work in promoting high standards of conduct and thanked the Committee members for their work.

Councillor Odwyn Davies noted that he would have to leave the meeting at this point And John Weston stepped down to ensure that the meeting was quorate.

S6 Applications for dispensation

(i) Councillor Rowland Rees-Evans, Ceredigion County Council

An application for dispensation dated 27 March 2021 was received from Councillor Rowland Rees-Evans, as a constituent has a planning application which may need to come before the Development Control Committee for consideration.

The applicant was known to him personally, and had a member of Penrhos Golf Club of which Councillor Rowland Rees-Evans is a Director. The parents of the constituent who own a garage locally are also well known to him. He noted that he had no gain in the application, however he wished to have the opportunity to represent the constituent at the Development Control Committee, should the planning application arise.

Councillor Rees-Evans was present at the meeting to present his application and answered 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** 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;; (regulation **2 (d)** of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of **12 months**.

At this point – John Weston left the meeting, and in order to ensure compliance with quorum, Councillor Julian Evans volunteered to stand down from the meeting, and did not take any further part during the meeting until John Weston was able to return, remaining as an observer only.

(ii) Councillor Mark Strong – Ceredigion County Council

An application for dispensation dated 08 May 2021 was received from Councillor Mark Strong. He had submitted an application to enable him to discuss and vote on the area known as Cae Brynhyfryd and Brynymôr garages. Councillor Strong stated that his wife rented land for a garage in the Brynymôr Garages area as, but historically the two areas have always been treated separately because of the access to them and their topography. The garages are located within an area which has been quarried out to about 10 – 20 meters, and there is an area of scrub and gorse between this and the grazing field at Cae Brynhyfryd which means that you cannot easily access one area from another.

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

Councillor Mark Strong noted that the Estates Department had denoted under a local development plan to include both areas as one parcel to be used either for renewable energy or housing.

He noted that Cae Brynhyfryd leads on to the entrance to Parc Natur Penglais, of which he is a volunteer board member in his capacity as councillor or Ceredigion County Council. He noted that he has previously made representations on behalf of Parc Natur Penglais for this land to be included within the curtilage of the park for recreation purposes. He also noted that if plans ensue it could affect circa 100 households, and probably more if access is required via Trevor Road, Bryn Road and the Penygraig area, and Councillor Mark Strong was concerned that he may be precluded from speaking or voting on matters relating to Cae Brynhyfryd, because his wife rents a garage at Brynymôr garages.

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

It was RESOLVED to grant Councillor Strong 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 interest is common to the member and a significant proportion of the general public; (regulation 2 (d) and (e) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of **12 months**.

(iii) Councillor Mark Strong – Aberystwyth Town Council

An application for dispensation dated 08 May 2021 was received from Councillor Mark Strong. He had submitted a duplicate application to that submitted to Ceredigion County Council above in relation to Aberystwyth Town Council.

It was RESOLVED to grant Councillor Strong 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 interest is common to the member and a significant proportion of the general public; (regulation 2 (d) and (e) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of **12 months**.

S7 Recruitment of Independent Members- update

Consideration was given to the Report of the Recruitment of Independent Members update. It was reported as Members were aware, 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 are 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.

It was reported that 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.

It was proposed that these appointments would be for a term of 6 years from 27th September 2021.

It was AGREED that the Ethics and Standards Committee recommend that Council on 17th June 2021 resolves:
(i) to approve the appointment of the following independent members of the Ethics & Standards Committee:
• Caryl Davies;
• Alan Davies
from 27th September 2021 to 26th September 2027

John Weston returned to the meeting at this point, and Julian Evans was able to rejoin the meeting also.

S8 Update on Code of Conduct matters

The Monitoring Officer presented an update in relation to recent press articles, for information.

It was AGREED to note the matters outlined in the report.

S9 Corporate Joint Committees (General) (Wales) Regulations 2021 Consideration was given 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

S10 Update on Adjudication Panel for Wales matters

It was noted that the Monitoring Officer would continue to provide this information to group leaders for dissemination to members.

It was AGREED to note the following:--

(i) report dated 23 December 2020 on the decision of the Case Tribunal to suspend Councillor Kevin O'Neill of Merthyr Tydfil Borough Council for a period of seven months or, if shorter, the remainder of his term of office; and

(ii) report dated the 12 January 2021 reports on the decision of the Case Tribunal to disqualify Councillor Baguley, Former Community Council for Sully and Lavernock Community Council for 15 months. Attention was drawn to the fact the Councillor had not undertaken training, and to para 3.2.4 which may be useful in future training.

S11 Update on the Public Services Ombudsman matters - Consultation on revisions of Code of Conduct Guidance's

It was noted that Casebook 24 was issued after the publication of the agenda reports, and that it would be included in the next agenda. The reports will be used for training purposes.

It was AGREED to note the current position in relation to the revised Code of Conduct Guidance, and that the final Guidance was awaited.

S12 Ethics and Standards Committee Annual Report, 2020/21

The Chairman thanked officers for preparing the 2020/21 Annual Report.

The Committee agreed to approve the draft Ethics and Standards Committee Annual Report, 2020/21, for presentation to Council on 17/6/21.

S13 Training

It was reported that the Chair would be training Members of Llanwenog Community Council on 8 June 2021. Training would also be provided by the Monitoring Officer on 27 September 2021 for the new members of the Ethics and Standards Committee. Post the May 2022 elections training will also be provided for new Members with refresher training for returning Members.

Consideration will be given to remote training in future.

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

S14 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.

S15 To appoint a Chair and Vice-Chair for the Committee

Consideration was given to the Report upon the appointment of a Chair and Vice-Chair of the Committee. 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.
A report will be presented to Council on 17 June to endorse these appointments.

S16 Any other Business

If there are no substantive matters for consideration at the meeting of 9 July 2021, it is proposed that this meeting is postponed.
Caroline White noted her appreciation on behalf of the Committee to both Hywel Wyn Jones and Rif Winfield for their contribution to the Ethics and Standards Committee over the years.

Confirmed in the Meeting of the Ethics & Standards Committee held on XX

CHAIRMAN: _____

DATE: _____