

Minutes of the Meeting of **ETHICS AND STANDARDS COMMITTEE**
held remotely via video-conference on Friday, 17 September 2021

PRESENT:

Mrs Caroline White (Chair) , Mr Hywel Wyn Jones, Mr John Weston and Mr Rif Winfield(Independent Members);
Councillor Odwyn Davies and Councillor Dai Mason (Elected 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)

1 Apologies

Ms Carol Edwards and Councillor Ceredig Davies apologised for their inability to attend the meeting.

Councillor Dai Mason had to leave the meeting early due to a last minute hospital appointment.

2 Personal Matters

None.

3 Disclosure of Personal / Prejudicial Interests

Councillor Julian Evans declared a personal and prejudicial interest in the applications submitted by Councillor Elizabeth Evans and left the video conference during consideration of these applications.

4 Procedure

It was agreed that due to the need to be within quorum, Councillor Elizabeth Evans applications would be considered first to await Mr Rif Winfield to join the meeting by telephone and to Councillor Julian Evans to leave the meeting; as he had declared a personal and prejudicial interest. It was also agreed that all other applications for dispensation would be considered following this application, prior to considering the minutes.

5 Councillor Elizabeth Evans, Ceredigion County Council

An application for dispensation dated 16 September 2021 was received from Councillor Elizabeth Evans to speak only on the Aberaeron Coastal Defence Scheme (to include Aberaeron harbour and Pwll Cam, Aberaeron). Councillor Evans mother lives in Market Street, Aberaeron.

Her home directly overlooks the car park adjacent to Pwll Cam. Councillor Evans family also own a building at No 18 Market Street, Aberaeron – she has no income from it nor does she have any part ownership of the property.

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

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

It was RESOLVED to grant Councillor Evans 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 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.

6 Councillor Elizabeth Evans, Aberaeron Town Council

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7 Councillor Ceredig Davies - Ceredigion County Council

An application for dispensation dated 06 September 2021 was received from Councillor Ceredig Davies to speak and vote on alterations to pedestrian and vehicular access into Aberystwyth Town Centre as he is the owner of the shop Mona Liza, 22 Great Darkgate Street, Aberystwyth.

It was RESOLVED to grant Councillor Davies 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 (regulation 2 (d) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001). The dispensation was granted for a period of 12 months.

8 Councillor Keith Evans, Ceredigion County Council (Calon Tysul Application)

An application for dispensation dated 31 August 2021 was received from Councillor Keith Evans to speak and vote on potential funding for Calon Tysul. Councillor Evans serves and advises on their Management Committee. As both their County Council and Community Council local Member, local organisations look to elected members for guidance, leadership and support.

It was RESOLVED to grant Councillor Evans a 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.

9 Councillor Keith Evans, Llandysul Community Council (Calon Tysul Application)

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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.

9 Councillor Keith Evans, Ceredigion County Council (Llandysul Sports Society Application)

An application for dispensation dated 31 August 2021 was received from Councillor Keith Evans to speak and vote on potential funding for Llandysul Sports Society. Councillor Evans serves and advises on their Management Committee. As both their County Council and Community Council local Member, local organisations look to elected members for guidance, leadership and support.

It was RESOLVED to grant Councillor Evans a 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.

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11 Councillor Keith Evans, Ceredigion County Council (Llandysul Pontweli Application)

An application for dispensation dated 31 August 2021 was received from Councillor Keith Evans to speak and vote on potential funding for Llandysul Pont-Tyweli Ymlaen Cyf. Councillor Evans serve and advise on their Management Board as a Director. As both their County Council and Community Council local Member, local organisations looks to elected members for guidance, leadership and support.

It was RESOLVED to grant Councillor Evans a 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.

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13 To confirm as a true record the minutes of the meeting of the Ethics & Standards Committee held on 19 May 2021

It was RESOLVED to confirm as a true record of the minutes of the meeting of the Committee held on 19 May 2021 subject to amending the following:-

(i)" is" to "his" in minute S1 and to add that the late Mrs Anne Winfield had also been chair of the committee; and

(ii) to remove the reference on S5 that 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” as this was incorrect

Matters arising

Minute S4- S 62 Local Government and Election (Wales) Act 2021 Duties of leaders of political groups in relation to standards of Conduct – It was reported to date that the consultation had not been received on this section of the Act.

Minute S9- Corporate Joint Committees (General) (Wales) Regulations 2021 Consideration was given to the Corporate Joint Committees (General) (Wales) Regulations 2021 – It was reported that the consultation had closed on the 06 September 2021. The Chair stated that she had circulated comments to committee members stating that it should be mandatory that Co-opted Members should sign up to the Code of Conduct, and not optional.

Minute S15 it was confirmed that Council had endorsed the appointments of the Chair and Vice-Chair accordingly

14 Review of Local Dispute Resolution protocol

Consideration was given to the Report upon the Review of Local Dispute Resolution protocol. It was reported that at a recent Monitoring Officer Network meeting authorities were requested to share their Local Resolution Procure 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. 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 in (iii)

15 PSOW revised guidance on the Code of Conduct

It was reported that the Public Services Ombudsman for Wales had released two new draft Guidance documents on the Code of Conduct for members of County and Community/Town Councils on the 5th February 2021. The Committee members had 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 group leaders. The Council had submitted a response to the consultation comprising of comments from the Ethics and Standards Committee, Group Leaders and the Monitoring Officer.

The final guidance on the Code of Conduct for members of County and Community/Town Councils has now been published by the Public Services Ombudsman for Wales. The guidance and summary of changes has been shared with group leaders, County Councillors and Town and Community Council clerks.

A Summary of the Report of the Consultation on Revised Guidance on the Local Government Member Code of Conduct was also considered.

It was AGREED to note the guidance for information.

16 The Public Services Ombudsman Code of Conduct Casebook

At the previous meeting of the Committee, it was noted that Casebook 24 was issued following the publication of the agenda reports, and that it would be included in this agenda.

It was AGREED:-

- (i) to note casebook 24 for information;
- (ii) 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; also 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

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

It was AGREED to note the article presented for information.

18 Update on Adjudication Panel for Wales matters

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. Attached is the recent Decision Report in relation to Councillor David Poole, Caerphilly County Borough Council.

The nature of allegation was breach of paragraphs 6(1)(a), 7(a), 11(1) and 14(1)(a) of the Council's Code of Conduct. The tribunal decision was that Councillor Poole was suspended for 5 months.

It was AGREED

- (i) to note the report for information; and
- (ii) to note that all Adjudication Panel for Wales matters were now circulated to all Party Leaders for information due to their new responsibilities next year in relation to the requirement of high standards of their group Members

19 Update on the Public Services Ombudsman matters - Annual Letter data 2020/21

For information, the following statistics have been received from PSOW regarding the number of complaints closed regarding the code of conduct of Ceredigion County Council and the number of complaints received regarding Town and Community Councils.

It was AGREED to note the information presented.

20 Training

The following was reported:-

- The Chair was due to receive feedback from Councillor Hazel Thomas, Chair of Llanwenog Community Council on the training they had recently received by Mr Hywel Jones
- The two new Independent Members would be receiving training on Monday
- That County Council Members would be receiving Data Protection/Equalities and Code of Conduct breach 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 training on the Code of Conduct following the May 2022 elections
 - That all Members of the Committee could now provide bilingual training to Town and Community Councils on the Code of Conduct as they all 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.

21 Forward Work Programme

It was AGREED to note the Forward Work Programme as presented subject to the following:-

- (i) that the Job specification for Members of the Committee were being considered by the Democratic Services Committee on the 12 October, it was agreed that these would also be presented at the next meeting for consideration;
- (ii) the need to change the next meeting date from the 11 October 2021 to a date in November 2021;
- (iii) that Party Leaders attend the meeting in January 2022 to update the Committee upon their methods of promoting and maintaining high standards of conduct by the members of their groups; and
- (iv) that the North and Mid-Wales Forum be placed as a standing item on the agenda, the next meeting was due to be held in November 2021.

22 Any other matter which the Chair decides is for the urgent attention of the Committee

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.

**Confirmed at the Meeting of the Ethics and Standards Committee held on
1xxxx**

Chairman:_____

Date:_____