

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>20 October 2022</b>
<b>Title:</b>	<b>Annual Report from the Chair of the Ethics and Standards Committee 2021/22</b>
<b>Purpose of the report:</b>	<b>For Council to note the work of the Ethics and Standards Committee during 2021/2</b>
<b>For:</b>	<b>Information</b>
<b>Cabinet Portfolio and Cabinet Member:</b>	<b>Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection</b>

### **Background**

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

### **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.

**Current Position**

The Annual Report from the Chairman of the Ethics and Standards Committee for 2021/22 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 2021/22.

The Annual Report will be published on the Council website.

<b>Has an Integrated Impact Assessment been completed? If, not, please state why</b>	N/A This report is not related to a new Policy or change in service
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**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 2021/22 (Appendix A).**

**Reasons for decision:** To inform the Council of the work of the Ethics and Standards Committee during 2021/22

**Overview and Scrutiny:** Not applicable. The Ethics and Standards Committee endorsed the report at its meeting on the 25 May 2022  
**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 2021/22

**Corporate Lead Officer:** Corporate Lead Officer: Legal and Governance & Monitoring Officer  
**Reporting Officer:** Elin Prysor  
**Date:** 14 June 2022

# Ethics and Standards Committee

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Cyngor Sir  
**CEREDIGION**  
County Council

## Annual Report 2021/22

# The Ten General Principles of Public Life

<p><b>Selflessness</b> – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p><b>Personal judgement</b> – 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><b>Honesty and integrity</b> – 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><b>Respect for others</b> – 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><b>Objectivity</b> – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p><b>Duty to uphold the law</b> – 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><b>Accountability</b> – 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><b>Stewardship</b> – 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><b>Openness</b> – 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><b>Leadership</b> – 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”**

# Contents

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	<i>Page</i>
1. Foreword by the Chair of the Committee	5
2. Terms of Reference of the Committee & Vision Statement	6
3. Roles and Functions of the Ethics and Standards Committee	8
4. Membership of the Committee 2021/22	10
5. The Committee's Work in 2021/22	17
6. Code of Conduct – Monitoring Officer Report	31
7. Local Resolution Processes	45

8. Political Group Leaders	51
9. Future Priorities	54
10. Attending the Committee / Contact us	55

# 1

## Foreword by the Chair of the Committee

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I am pleased to present the annual report of the Ceredigion Ethics and Standards Committee providing an overview of its work during the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> 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

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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

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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

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### Membership of the Ethics and Standards Committee 2020/21

1<sup>st</sup> April 2021– 26<sup>th</sup> 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	

**26<sup>th</sup> September 2021- 31<sup>st</sup> 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><b>Mr Hywel Wyn Jones</b> (Chair up to the 19/05/21 and Independent Member up to the 26/09/21)</p>	<p><b>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).</b></p> <p><b>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 &amp; West Wales Fire and Rescue Authority.</b></p>
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**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.**





**Mr John Weston  
(Vice Chair as from the  
19/05/21)**

**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.**

**John was appointed as an Independent Member of the Ethics & Standards Committee from February 2018 and was elected as Vice-Chair from May 2021.**



**Mr Alan Davies  
(Independent Member as  
from the 26/09/21)**

**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.**



**Mrs Caryl Davies  
(Independent Member as  
from the 26/09/21)**

**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.**



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

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### 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;

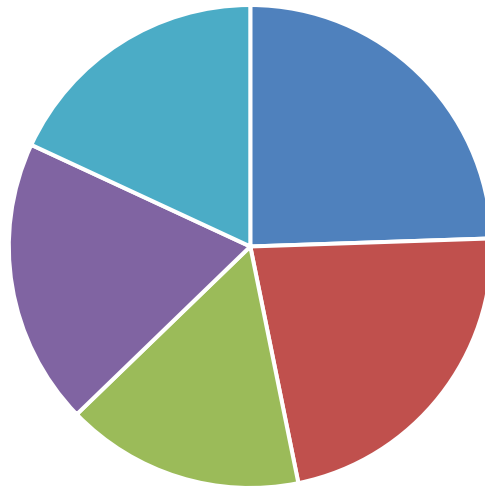
(ii)the Committee noted that the Community Council had a protocol which allows for members of the public to make representations as a member of the public at a community council meeting in relation to matters on the agenda or of concern to the Community;

(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

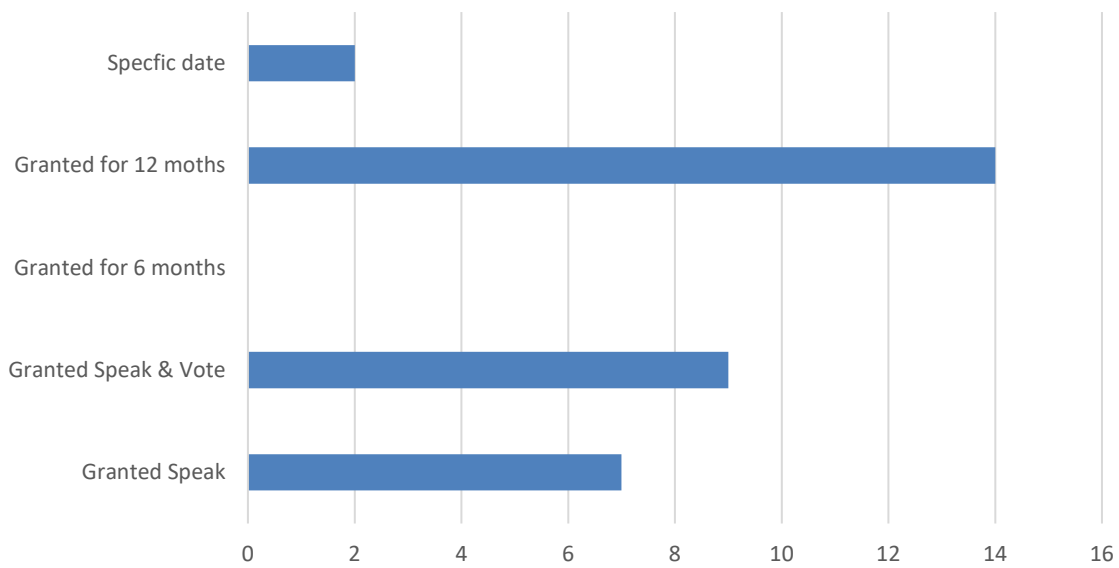
(v) that paragraph 14(2) of the Code of Conduct for Members applies

Dispensation Applications Received 2017-2022



■ 2017/18 ■ 2018/19 ■ 2019/20 ■ 2020/21 ■ 2021/22

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 5<sup>th</sup> 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 4<sup>th</sup> 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 17<sup>th</sup> June 2021 that these appointments would be for a term of 6 years from 27<sup>th</sup> September 2021.

The new Members attended their first workshop on the 17<sup>th</sup> November 2021 and meeting on the 19<sup>th</sup> 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 15<sup>th</sup> 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 19<sup>th</sup> 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:-

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

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

- 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:

<b>Ref</b>	<b>Requirement</b>	<b>Knowledge and Skills</b>	<b>Effective behaviours</b>
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 – SUCESSION 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 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. 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:

<b>County Councillors</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
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
	<b>Total: 13</b>	<b>Total: 11</b>	<b>Total:16</b>
<b>Town/ Community Councillors</b>			
Member on Member	0	2	1
<u>Public on Member</u>	4	2	4
	<b>Total: 4</b>	<b>Total:13</b>	<b>Total:5</b>

#### **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:

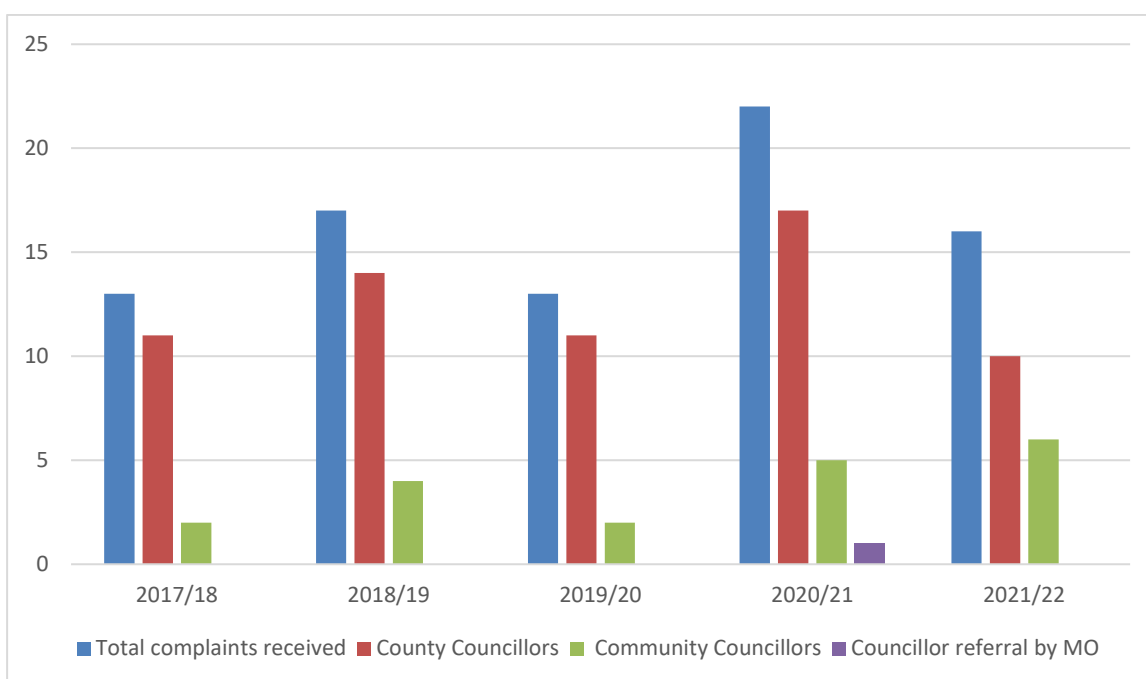
- 10 were against County Councillors
- 6 were against Town/ Community Councillors.

**Source of complaints:**

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

**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**

		<b><u>2018/19</u></b>	<b><u>2019/20</u></b>	<b><u>2020/21</u></b>
	Complaints received from PSOW	7	6	4
<b>County Council</b>	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	
<b>Community Council</b>				
	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			
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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)	<b>1 Town/ Community Council</b>
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	County Council	Town/ Community Council
<b>Of these: Declined to Investigate/Closed after initial consideration:</b>	<b>4</b>	<b>1</b>
<b>Investigation: Discontinued: No further action necessary</b>	<b>0 0</b>	<b>0 0</b>
<b><u>Ongoing:</u> <u>Recorded as pre-assessment</u></b>	<b>2 1</b>	<b>0</b>
<b>Outcomes:</b> • No evidence of breach	<b>3</b>	<b>1</b>

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

	<b>County Council</b>	<b>Town and Community Councils</b>
<b>2017/18-2019</b>	The majority of complaints against County Councillors related to:	Complaints included:

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



	<ul style="list-style-type: none"> <li>•Lack of respect for the Chair of a public meeting-Scrutiny Committee</li> <li>•inappropriate comment regarding Officers.</li> </ul>	
<b>2020/21</b>	<ul style="list-style-type: none"> <li>•Social Media postings</li> <li>•Inappropriate behaviour</li> <li>•Lack of respect/consideration/attitude</li> <li>•Planning decision</li> <li>•swearing</li> <li>•Bringing Council into disrepute</li> <li>•Poor culture</li> <li>•Failure to declare interest</li> <li>•Nuisance/harrassment</li> <li>•Physical assault</li> <li>•failure to disclose prejudicial interests</li> <li>•disclosure of confidential information</li> <li>•failure to take action</li> </ul>	<ul style="list-style-type: none"> <li>•perception of lack of transparency in Council meetings,</li> <li>•improper meeting procedures eg voting, quorum, failure to adequately record decisions, failure to publish minutes and register of interests</li> <li>•failure to disclose personal/prejudicial interests</li> <li>•Discrimination-sexism, ageism</li> <li>•Criminal conviction</li> <li>•Failure to self-report criminal allegations/convictions</li> <li>•Poor culture</li> <li>•swearing</li> <li>•Lack of respect/consideration/attitude</li> <li>•Threatening behaviour</li> </ul> <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. Some issues considered by the Monitoring	1							1

		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.

# 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 17<sup>th</sup> 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

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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

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### Attending meetings of the Ethics and Standards Committee

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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

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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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**The Ombudsman (PSOW)**

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