

**Minutes of the Meeting of ETHICS AND STANDARDS COMMITTEE
held Hybrid at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron / remotely
via video conference on Wednesday, 25 January 2023**

PRESENT: Mrs Caroline White (Chair) Mr Alan Davies, Miss Caryl Davies and Ms Carol Edwards (Independent Members)

Councillor Caryl Roberts (Elected Members)

Councillor Delyth James and Jan Culley (Town and Community Councillors)

Other Elected Members in attendance: Councillor Bryan Davies, Elizabeth Evans and Gareth Lloyd (Group Leaders) together with Councillor Sian Maehrlein

IN ATTENDANCE:

Ms Elin Prysor (Monitoring Officer)

Mrs Lisa Evans (Scrutiny and Standards Officer)

Mrs Dana Jones (Democratic and Standards Officer)

(10.00am-12:45pm)

1 Apologies

Councillor Gwyn Evans and John Weston apologised for their inability to attend the meeting.

2 Disclosure of Personal / Prejudicial Interests

Miss Caryl Davies declared a personal and prejudicial interest in item 11 on the agenda.

Mrs Dana Jones, Democratic Services and Standards Officer declared a personal and prejudicial interest in item 5(i) to 5 (vi) on the agenda and left the meeting during consideration of these applications. Mrs Lisa Evans, Scrutiny and Standards Officer took the minutes during consideration of those applications.

3 Procedure

It was AGREED that the late dispensation application by Councillor Sian Maehrlein, the item in relation to party leaders 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 and Political Group Leaders Compliance Template be consider be considered first on the agenda.

4 Councillor Sian Maehrlein, Ceredigion County Council

An application dated 19 January 2023 was received from Councillor Sian Maehrlein, Ceredigion County Council requesting a dispensation regarding the tarmac in Maesglas Estate Cardigan. She had three relatives living on the estate. The estate had more than 200 houses and bungalows, it's was

a bus route and has been requested many times to ask the Council regarding tarmac.

It was RESOLVED to grant Councillor Maerlein a dispensation to speak and vote limited to **the issue of road tarmac** on the grounds that:
the nature of the members' interest was 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)) and,
(e) the interest is common to the member and a significant proportion of the general public. (Regulation 2(e)).
The dispensation was granted for a period of 12 months.

5 To discuss with party leaders 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 Bryan Davies (Leader of the Council and Leader of the Plaid Cymru Group), Councillor Gareth Lloyd (Leader of the Independent Group) and Councillor Elizabeth Evans (Leader of the Liberal Democrats) 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 reported on their group meetings in which issues of standards were discussed; and the need to respect Council officers and vice versa.

It was also agreed that arrangements be given to providing refresher training on the Code soon, as the amount of training provided on all aspects of the Council following the election was vast.

It was also noted that advice was always available to Members from the Monitoring Officer and Standards Officers on email and in person.

The Chair thanked the Leaders for attending the meeting.

6 Political Group Leaders Compliance Template

It was reported that Political group leaders were subject to two new statutory duties under the Local Government & Elections Wales Act 2021:

- To take reasonable steps to promote and maintain good standards of behaviour amongst their group members
- To co-operate with the Standards Committee in the exercise of the standards committee's functions.

The Ethics & Standards Committee was under a duty to:

- monitor compliance by leaders of political groups on the council with their duties, and
- to advise, train or arrange to train leaders of political groups on the council about matters relating to those duties.

The Ethics & Standards Committee was also under a duty to prepare an annual report which:

- a) must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties, and
- b) may include recommendations or comment on levels of compliance with these new duties.

It was reported that Appendix presented provided detail of the legislation and statutory guidance and the proposed template which was based on examples in the WG Guidance to prompt group leaders on the matters to be covered in their reports. The Chair, Vice Chair and Political Group Leaders had contributed to the drafting of the protocol and template.

It was AGREED to APPROVE the draft Political Group Leaders Compliance Template as presented.

7 To confirm as a true record the minutes of the meeting of the Ethics & Standards Committee held on 13 October 2022

It was RESOLVED to confirm as a true record of the minutes of the meeting of the Committee held on 13 October 2022.

Matters Arising

Minute 12 - Ombudsman Annual Letter 2021/22- the request for an additional column in the table within the Ombudsman Annual Letter where a case had been referred but not been investigated had been sent to the Ombudsman office. They had reported that they would consider this in their next Annual letter.

Minute 13- Update on Ethics and Standards Committee recruitment and appointments to the Mid Wales Corporate Joint Committee Standards Sub Committee- a report would be presented to the Council meeting the following day, confirming the approval the appointment of Gail Storr as independent / lay person of the Ethics and Standards Committee with effect from 30 July 2023 up to 27th July 2029.

Minute 16- This had been adapted and considered accordingly under item 7 on the agenda, the Vision Statement and Training for Town and Community Councils were on the Forward Work Programme for consideration.

Minute 17- The All Wales Chair Standards Forum had been postponed prior to the Christmas period, and was now to be held on 27/1/23. Ceredigion CC and Powys CC Monitoring Officers were providing alternative support to the Committee.

8 Action Log

It was AGREED to note the Action Log as presented subject to considering an additional column with the RAG status of all items.

9 To consider applications for dispensation from the following Councillors:

The Monitoring Officer advised the Committee in relation to the applications for dispensations received from New Quay Town Council in relation to further information the Committee may seek before considering the applications.

In relation to dispensation ground a), advice was given as follows:

PSOW Guidance para 3.51:

“3.51 Only the Standards Committee can grant the dispensation and will do so at its discretion.

The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the Council.

If failure to grant a dispensation will result in a council or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.”

Following discussion the Committee agreed to **defer** determination of these applications and request the following information from the Clerk:

- How many Councillors are there on New Quay Town Council?
- How many Councillors are required to be present for the Council to be quorate?
- What is the history and context of these applications?
- Has there been a problem with quorum?
- Were all remaining councillors who were not applying for dispensation able to vote?
- If dispensation sought for good of community to state why
- Are there guidelines for Town and Community Councils responding to planning applications as statutory consultees?
- To consider separating planning and Council tax/business rates matters within dispensation applications
- Does the Town Council need to address any matters urgently?
- What is the democratic deficit if dispensation not granted?

The Committee requests that a response be provided by the clerk through email and also welcomes the clerk or the Town Councillors to attend the next meeting

9(i) Councillor Brett Stones, New Quay Town Council

9(ii) Councillor Jennifer Davies, New Quay Town Council

9(iii) Councillor Julian Evans, New Quay Town Council

9(iv) Councillor Sioned Davies, New Quay Town Council

9(v) Councillor Tomas Davies, New Quay Town Council

9(vi) Councillor Ywain Davies, New Quay Town Council

10 The Ombudsman Code of Conduct Complaints Guidance and Process
It was AGREED to note the content of the letter.

11 Harmonisation of gifts/hospitality thresholds across all Welsh Authorities

It was reported that consideration was being given amongst Monitoring Officers in Wales whether it was appropriate to seek the views of Standards Committees upon agreeing a common threshold figure amongst all Welsh authorities for consistency. Many authorities had shown an interest in a unified approach. The views of Standards Committee was being sought as to whether there was any support for such a move, and

what the common value should be. As the Ceredigion County Council level (£21) was currently less than the common denominator (£25), the views of the Committee were sought as to the merits in agreeing an in-principle view on increasing the Ceredigion County Council threshold from £21 to £25.

The committee voted:

- 1 Against
- 2 Against
- 3 Against
- 4 Against

Following discussion, it was also AGREED that:

Whilst consistency agreed in principle, local variation was acceptable.

The Committee discussed whether any gifts should be accepted by Members as well as the cumulative impact of gifts which individually fall below the threshold. The threshold for acceptance of gifts by Council Members and Officers should be in-line with each other.

Further consideration would be given to this proposal by the Committee and would also be placed on the Forward Work Programme for consideration. Also potentially by the Democratic Services Committee as necessary. Changes to the Code could only be made by Council.

12 Monitoring Officer Code of Conduct Update-Q3 (September - December 2022)

An update was provided to the Committee on the complaints activity and recent trends. It was AGREED to note the content of the report.

13 The Public Services Ombudsman Code of Conduct Findings

It was AGREED to note the content of the report.

Where there is a breach of the Code, It would be useful if a letter went to the Councillor even if no further action required.

14 Self Evaluation of the Ethics and Standards Committee

It was agreed at the Ethics and Standards Committee on 13th October that a paper on the self evaluation of the Ethics and Standards Committee would be considered at the next meeting.

The Chair, Vice Chair and Officers have met and drafted a questionnaire in order to self-evaluate the Ethics and Standards Committee annually. The proposed questionnaire was presented and it was proposed that a self-evaluation was undertaken annually at the end of the municipal year by the members of the Ethics and Standards Committee.

It was AGREED that further consideration be given to the self evaluation in relation to the removal of the middle option on the self evaluation and that a question be added in relation to the effectiveness of the Committee in considering the workload of the committees' agenda. Feedback on the self

evaluation was requested to be sent by Members of the Committee prior to the next meeting.

15 Town and Community Council training plans

It was AGREED to note the content of the report.

16 Forward Work Programme

It was AGREED to note the content of the Forward Work Programme

17 Any Other Business

None.

Confirmed at the Meeting of the Ethics and Standards Committee held on

Chair:_____

Date:_____