

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY ZOOM
ON FRIDAY, 27 JANUARY 2023**

PRESENT: Mr S Hays (Chair)

Independent Members: Mr N Steward, I McIntosh and L Rijnenberg

County Councillors: I McIntosh and LRijnenberg

Elin Prysor [EP], Monitoring Officer, Ceredigion County Council

In attendance: Mr L McAndrew, Assistant Investigation Manager, Public Services
Ombudsman for Wales

Carol Johnson, Democratic Services Officer, Committee Clerk

| | |
|-----------|------------------|
| 1. | APOLOGIES |
|-----------|------------------|

There were no apologies for absence.

| | |
|-----------|---------------------------------|
| 2. | DECLARATIONS OF INTEREST |
|-----------|---------------------------------|

Stephan Hays declared a personal interest as he was aware, in a professional capacity, of the former councillor who was the subject of the complaint. He also declared a personal interest as he knew of some individuals referred to in some of the correspondence contained in the Ombudsman's report.

County Councillor I McIntosh declared a personal interest as he knew of the former councillor. County Councillor L Rijnenberg declared a personal interest as he knew of the former councillor.

As none of the above interests were prejudicial the members could participate in the meeting.

| | |
|-----------|--------------------------|
| 3. | CONFIDENTIAL ITEM |
|-----------|--------------------------|

RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 8 of The Council's Access to Information Rules.

| | |
|-----------|--------------------------------------|
| 4. | PRELIMINARY HEARING - 2/CC/20 |
|-----------|--------------------------------------|

The Chair advised that the meeting was now a preliminary hearing to consider how to manage the final hearing. The Monitoring Officer advised that the Committee should consider the medical evidence received and also the request from the former councillor and his legal Representative for an adjournment. The Monitoring Officer referred the Committee to 18.4.12 of the adopted procedures, which states the following in respect of illness or incapacity

“If the Standards Committee is satisfied, based upon the medical evidence supplied, that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability

27-01-23 Standards Committee – preliminary hearing
is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter, which may include adjourning the hearing to a suitable date or proceeding with the hearing in the absence of the party if appropriate to do so in the opinion of the Standards Committee.”

The Ombudsman’s Representative advised that their report was published in February 2022 and the former councillor was legally represented throughout the investigation. The Standards Committee held an initial meeting in July 2022 and had agreed to progress to a hearing. The Ombudsman’s opinion was that the former councillor has had ample opportunity to prepare for this meeting and to make relevant submissions. Consequently, the Ombudsman’s opinion was that an adjournment was not required.

The Committee noted that as this was a preliminary meeting, if the Committee was minded to proceed, the former councillor would have an opportunity to make representations before a final hearing. It was moved and duly seconded to continue with the meeting.

Resolved that the meeting should continue.

The Ombudsman’s Representative advised that the former councillor was legally represented throughout the investigation and the report was published in February 2022. It is the Ombudsman’s opinion that the evidence submitted since this date is not relevant to the report. The former councillor has advised that he disagrees with the whole report however there are 14 undisputed facts in the report. The former councillor has had ample opportunity to provide information on the disputed facts. The recent information and details of witnesses provided is, in the Ombudsman’s opinion, irrelevant and not material. The Ombudsman’s Representative advised that the former councillor may wish to call character witnesses, but the Committee would need to consider this.

The Ombudsman’s Representative noted the medical evidence and recent health issues and advised that the proportionate way forward would be for the Committee to consider written evidence. He also advised that the complainants behaviour and actions are irrelevant.

In response to a question the Ombudsman’s Representative advised that it was still appropriate to continue to consider the case as the former councillor continues to be town councillor. The Committee, if it holds a hearing, has two actions available to it; to determine that no action is required or to agree a written censure. The Ombudsman considers that there is merit on having a decision on public record, which would assist the Standards Committee in maintaining high standards by members and assist other Standards Committees across Wales and also would be a learning point for all Council members in Wales as to their use of the resources of their authority.

In response to a question about the use of Council resources the Ombudsman’s Representative advised that the Committee would need to consider, at any hearing, whether any responsibility should be placed on the officer supporting the former member and whether they should have advised that what was requested could not be undertaken using council resources.

The Ombudsman's Representative, in response to a question, advised that potential breaches of the Code were as follows and the Committee was asked to consider all of these:

- 4(a) – to carry out his duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
- 4(b) – to show respect and consideration for others.
- 6(1)(a) – not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 7(a) – not to, in an official capacity or otherwise, use or attempt to use his position improperly to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage.
- 7(b)(i) – not to use the resources of his authority imprudently.
- 7(b)(iv) – not to use the resources of his authority other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which he has been elected.
- 7(b)(vi) – not to use the resources of his authority improperly for private purposes.

In response to a question the Ombudsman's Representative advised that they would not be calling any witnesses. The Ombudsman had not sought a witness statement from the complainant. The complaint was focused on the correspondence of the former councillor, whether he was acting as a councillor, whether he was using council resources inappropriately and also the language he used during the investigation.

The Ombudsman's Representative advised that if the Committee proceeded to a hearing, the Ombudsman would not attend if the hearing was based on written evidence. The Ombudsman would be represented at a hearing held in person and would not call witnesses.

The Chair thanked the Ombudsman's Representative for attending. The latter and the Committee Clerk left the meeting.

Mr S Hays (Chair)