

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY ZOOM
ON MONDAY, 26 JUNE 2023**

PRESENT: Mr S Hays (Chair)

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

County Councillors: I McIntosh and L Rijnenberg

Monitoring Officer: Elin Prysor, Ceredigion County Council

Public Service Ombudsman for Wales [PSOW]:

- Gwydion Hughes, Counsel
- Leigh McAndrew - PSOW Investigator

Former Cllr Van-Rees (not in attendance but represented by):

- Philip Dayle Counsel

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Mr S Hays declared a personal interest as he had known Col Van-Rees on a professional basis, when the later has appeared before him in court.

County Councillors I McIntosh and L Rijnenberg declared a personal interest as Col Van-Rees was a county councillor in the previous Council term, when they were also councillors.

The Monitoring Officer advised that as were personal interests the above could continue to participate in the meeting.

3. EXEMPT ITEMS

The Committee considered whether to hold the hearing in public or private.

The Monitoring Officer advised the Committee it needed to consider under the Access to Information Procedure rules [paragraphs 12 and 13] as to whether it proceeds in private, provided that it is satisfied that one of the exemptions applies. The Committee needed to consider whether:

- Information may be heard which either identifies or might identify individuals,
- conducting deliberations in public, if this hearing was to continue in a full public session, might inhibit full and frank discussion to the detriment of the Committee.

The Committee needs to consider whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In addition, the hearing falls under Section 71 (2) of the Local Government Act, 2000 which relates to reports presented to the Committee by the Ombudsman. Paragraph 18(a) refers to information which is subject to any obligations of confidentiality and also (c) it will include the deliberations of the Committee. The Monitoring Officer advised the Committee it may feel that these additional exemptions also apply.

Mr Dayle, counsel for former Councillor Van-Rees had no observations.

Mr Hughes counsel for the Ombudsman had no observations.

Concerns were raised about the risk of exposure for the complainant. The Monitoring Officer advised that if the meeting proceeds in public it would probably be inevitable that some information would be disclosed which may identify the individual and some personal circumstances. The Committee may feel that paragraphs 12 and 13 are made out.

Counsel for the Ombudsman advised that when an individual makes a complaint they are advised that the investigation may culminate in a public hearing and they are asked to confirm that they are content to proceed.

The above was noted but comment was made that information connected with the complainant could become public and affect them personally and so it was suggested that it would be better to hold the meeting in private.

It was moved and duly seconded that the meeting should be in private.

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.	CONSIDERATION OF REPRESENTATIONS AND FINAL DETERMINATION OF A REPORT PREPARED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTION 71(2)(C) OF THE LOCAL GOVERNMENT ACT 2000 - REF: 202002322
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1. The Committee considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing submissions from the Ombudsman's counsel and former Councillor Tim Van-Rees who was not in attendance, but represented by counsel, in respect of the findings of the investigation and any allegation that former Councillor Tim Van-Rees had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Councils Constitution, at Section 18. Former Councillor Tim Van-Rees had signed an undertaking to abide by this Code of Conduct. Section 18 of the

Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.

3. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
4. The Standards Committee on the 15 July 2022 and in accordance with Section 18.4.5.1 of the Constitution, determined that;
the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct. (Section 18.4.6.4(b)).
5. At the preliminary hearing on 27 January 2023, the Committee considered preliminary issues including initial correspondence and a medical report. The Committee then issued procedural Directions. A Hearing was arranged for 26 June 2023.
6. At a hearing on the 26 June 2023, the Standards Committee concluded that the former Member had breached the County Council's Code of Conduct for Members, namely paragraphs:
 - 4 You must (a) - carry out your 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;
(b) show respect and consideration for others
 - 6 (i)(a) 1 You must – (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - 7 (b) (i) use, or authorise others to use, the resources of your authority - imprudently;
(iv) 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 you have been elected or appointed;
(vi) improperly for private purposes.
- 8 The Committee concluded that the former Member's conduct amounted to a breach of the Code of Conduct.
- 9 Accordingly, the Committee decided to exercise its power under Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, that Col Van-Rees should be censured.

Mr S Hays (Chair)