

**IN THE MATTER OF THE LOCAL GOVERNMENT ACT 2000
& THE LOCAL GOVERNMENT (FUNCTIONS OF MONITORING OFFICERS &
STANDARDS COMMITTEES(WALES) REGULATIONS 2001 (AS AMENDED)**

AND

**IN THE MATTER OF COUNCILLOR ANDREW PHILLIPS,
A MEMBER OF LLANSANTFFRAED COMMUNITY COUNCIL**

**CEREDIGION COUNTY COUNCIL
ETHICS & STANDARDS COMMITTEE**

NOTICE OF DETERMINATION

15 November 2024

Background

1. The Council' Ethics & Standards Committee ("the Committee") considered a report of the Deputy Monitoring Officer, together with its enclosures, and also received submissions from the Ombudsman' representatives , Councillor Andrew Phillips and relevant witnesses in respect of the findings of the investigation (case reference 202208582) and any allegation that Councillor Andrew Phillips had failed or may have failed to comply with the respective Codes of Conduct of Ceredigion County Council contained in the investigation report of the Public Services Ombudsman for Wales dated 12 January 2024 undertaken under Section 69 of the Local Government Act 2000, and the Committee made a final determination.
2. In accordance with Part III of the Local Government Act 2000, Ceredigion County Council, respectively adopted a Code of Conduct for Members, which was contained within the Ombudsman report dated 12 January 2024.
3. Councillor Andrew Phillips ("the Member) had signed undertakings to abide by the Council's Code of Conduct.
4. Part 5 Document S of the Ceredigion County Council' ("the Council") Constitution sets out the procedure ("the Hearings Procedures") for dealing with allegations made against Councillors and referred (by the Ombudsman) to the Ethics & Standards Committee.
5. 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 relevant Standards Committee for determination, and if deemed necessary, to impose a sanction.

- 6 The Ombudsman had determined that the Member may have breached the Ceredigion County Council Code of Conduct, in particular, paragraphs 6 (1) (a) which provides
:

“6. You must —
(a)” *not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*”;

7. The Ombudsman referred her investigation report to the Deputy Monitoring Officer of Ceredigion County Council for consideration by the Standards Committee.
8. On the 11 July 2024 the Committee, in accordance with para 22 of the Hearings Procedure , and in accordance with Rule 7 of the 2021 Regulations the Committee also determined that
;
- that there was evidence which might amount to a failure to comply with the Ceredigion County Council Code of Conduct, and 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.

The Hearing

- 9 At the Final Hearing on 15 November 2024, the Council’s Deputy Monitoring Officer who was advising the Committee, presented her report. The Member was also present in person. The Ombudsman also presented her report and was present remotely.

First Stage- Preliminary issues

The Committee considered preliminary issues including correspondence and relevant documentation and witnesses in accordance with the Committee's Hearing procedure (para 37).

The Committee decided:

- a) to adopt the Ceredigion County Council’s procedure as set out in Part 5 Document S of the Constitution (the “Hearings Procedure”)
- b) following application of the public interest test

- i) that the hearing should take place in public (para 33 Hearings Procedure) having taken into account of representations by the Member, and the Ombudsman' representative, the remainder of the hearing should take place in public,
- ii) to defer the decision as to whether to hear evidence from the Member' witness until the Finding of Fact stage.

Second Stage- Findings of Fact

The Committee considered the Ombudsman's written report, and further correspondence and documents submitted by the Member and the Ombudsman in accordance with the Committee's Hearing procedure (paras 38-44)

The Committee also considered the oral submissions from the Ombudsman' representative (who attended remotely), and the Member who attended in person.,

The Committee made findings of fact in relation to undisputed facts on the balance of probabilities in accordance with the Committee's Hearing procedure (paras 45-51).

Third Stage - Code of Conduct for Members

The Committee found on balance of probabilities that the Member's conduct had breached the following paragraph of the Ceredigion County Council's Code of Conduct for Members,:

"6 (1) You must-;

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

10 Action to be taken /Sanction

In accordance with the Committee's Hearing procedure (paras 52-56), the Committee decided that.

a) In respect of the matter relating to Ceredigion County Council', the Committee accordingly decided to exercise its power under Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, that the Member should be censured.

11) Appeal

The Member has the right to appeal against the determination of the Ceredigion Ethics & Standards Committee. The appeal must be instigated by giving notice seeking permission to Appeal in writing within 21 days of receipt of this letter to the Adjudication Panel at the following address:-

Registrar to the Panel
Adjudication Panel for Wales
Government Buildings
Spa Road East
Llandrindod Wells
Powys
LD1 5HA

Upon receipt of the Notice of Appeal, the President of the Adjudication Panel for Wales will decide whether permission to appeal should be given. The basis of an appeal must specify the grounds for appeal and whether you consent to the appeal being conducted by way of written representations

The APW can increase as well as decrease a sanction.

In accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) ("the Regulations") and para 67 of the Hearings Procedure, the Member, the Complainant and the Public Services Ombudsman for Wales are notified of the Committee's decision by this Notice of Determination.

Signed

Gail Storr
Chair, on behalf of the Ceredigion County Council Ethics & Standards Committee

Dated 3 December 2024