

STANDARDS COMMITTEE

Minutes of a meeting held on 20th September, 2018.

Present: Mr. A. Lane (Chairman), Mr. D. Carsley, Mrs. P. Hallett, Mrs. L. Tinsley (Independent Members); and Councillors L. Burnett and B.T. Gray.

310 APOLOGIES –

These were received from Mr. R. Hendicott (Vice-Chairman); Councillor M. Cuddy (Town and Community Councillor Representative) and Councillor R. Crowley.

311 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 12th July, 2018 be approved as a correct record.

312 DECLARATIONS OF INTEREST –

No declarations were received.

313 APPLICATIONS FOR DISPENSATION (MO / HLDS) –

One of the roles and functions of the Standards Committee, as detailed in the Council's Constitution, was to consider granting dispensations to Councillors, Co-opted Members and Church and Parent Governor Representatives from requirements relating to interests set out in the Members' Code of Conduct.

The Monitoring Officer advised that an application for dispensation had been received from St. Athan Community Councillor D.M. Crompton to speak but not vote on issues in relation to the St. Athan Community Hub and Library under paragraph (h) until the next Local Government elections.

Having considered the application and the report, it was subsequently

RESOLVED – T H A T St. Athan Community Councillor D.M. Crompton be granted a dispensation to speak only, on financial issues relating to St. Athan Community Hub and Library in accordance with paragraph (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 until the next Local Government elections insofar as this relates to the business conducted by the St. Athan Community Council.

Reason for decision

To comply with the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 governing applications for the grant of dispensations to speak and/or vote.

314 REVIEW OF COMMUNITY AND TOWN COUNCILS SECTOR IN WALES – AUGUST NEWSLETTER AND OUTLINE OF FINDINGS AND RECOMMENDATIONS (MO / HLDS) –

The Monitoring Officer took the opportunity to apprise Members of information that had been received from the Independent Review Panel on Community and Town Councils Sector in Wales. The report highlighted that the Independent Panel had published a June Newsletter which had been presented to the Committee in July 2018. A copy of the August edition was attached to the report at Appendix A for the Committee's information and attached at Appendix B was an outline of the findings and recommendations of the Independent Review Panel. The Committee was further advised that the final report of the panel would be reported to Welsh Government for consideration, following which an update report would be reported to the Standards Committee.

Following a query regarding the Well-being of Future Generations Act, the Monitoring Officer advised that legislation had been introduced in 2015 with the Vale Council having been an early adopter of that legislation. There had been extensive training for Members of the Vale of Glamorgan Council and although the legislation did not necessarily impact directly on the Standards Committee the Monitoring Officer agreed to circulate for information to the Members of the Committee a copy of the document which had been prepared which outlined the key aspects of the Act.

During further consideration of the report a Member referred to a concern that they had become aware of that in some Town and Community Councils and Local Authorities, some Members had been appointed to Committees without having been involved in an election process and as such were therefore not subject to any checks and balances. The Chairman also had reservations whether the Welsh Government would be the best organisation to oversee the findings of the Review Panel as he felt in his view the Local Authority would be best placed to do so. The Monitoring Officer however, stated that this was a matter for Welsh Government.

Following consideration of the report, it was subsequently

RESOLVED – T H A T the report be noted.

Reason for decision

To apprise Committee of the newsletter received and the outline of findings and recommendations attached at Appendix B to the report.

315 OBSERVATIONS BY INDEPENDENT STANDARDS COMMITTEE MEMBERS AT VALE OF GLAMORGAN COUNCIL MEETINGS (MO / HLDS) –

As part of the Standards Committee's work programme, it had been agreed that Independent Members would attend a number of Vale of Glamorgan Council meetings during the Municipal Year 2018/19 to observe meetings with a view to promote and maintain high standards of conduct in line with the Members' Code of Conduct. At that time it was further agreed that feedback reports would be presented to the Standards Committee on a quarterly basis following such observations.

A number of Members had undertaken such observations as follows:

- Mrs. Tinsley had attended a Cabinet meeting and a Planning Committee meeting;
- Mr. Carsley had attended an Audit Committee meeting and an Environment and Regeneration Scrutiny Committee meeting;
- Mrs. Hallett had attended a Democratic Services Committee meeting and a Planning Committee meeting;
- Mr. Lane had attended a Full Council meeting;
- Mr. Hendicott had attended a Cabinet meeting.

In general Members considered the meetings they had attended to have been well run and well managed by the Chairmen of the Committees. The Members of the Committees although allowing for debate had also been respectful to each other. Declarations had also been made as appropriate. The Members of the Standards Committee who had attended also took the opportunity to thank the Democratic Services Officers for providing them with the agendas in time for the meetings and for the courteous way in which they had been welcomed at the meetings. Observations were also made regarding the discussions at certain meetings and opportunities to address some issues in advance of formal meetings.

It was subsequently

RESOLVED –

(1) T H A T further observations be undertaken in the forthcoming months, with verbal reports being presented to the Standards Committee as appropriate.

(2) T H A T the observations by Independent Standards Committee Members at Vale of Glamorgan Council meetings be noted and shared by the Monitoring Officer with relevant officers.

Reason for decisions

(1&2) Having regard to the observations undertaken.

316 STANDARDS CONFERENCE WALES: 14TH SEPTEMBER 2018 (MO / HLDS) –

The Monitoring Officer advised that, as the notes of the Standards Conference Wales of 14th September, 2018 had not yet been published, she suggested that the item be deferred to the next meeting.

RESOLVED – T H A T the 2018 Standards Conference Wales update be deferred to the next meeting of the Standards Committee.

Reason for decision

In order that the notes of the Conference can be received and considered by the Standards Committee.

317 ADJUDICATION PANEL FOR WALES SANCTIONS GUIDANCE (MO / HLDS) –

The Guidance had been issued by the President of the Adjudication Panel for Wales (APW) using powers available to her under the Local Government Act 2000. Its primary purpose was to assist the APW's case, appeal and interim case tribunals when considering the appropriate sanction to impose on a Member, or former Member, who was found to have breached their Authority's Code of Conduct. The Guidance, was attached at Appendix 1 to the report, and had come into effect on 1st September, 2018.

The Guidance described:

- (i) the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of Councils, Fire and Rescue Authorities, and National Park Authorities in Wales;
- (ii) the role of the APW and the purpose of the sanctions regime;
- (iii) the approach to be taken by its tribunals in determining sanction following a finding that the Code has been breached.

The purpose of sanctions and the Guidance being to build on the values that underpinned the Code of Conduct, in particular the fundamental importance of promoting the highest standards in local public life. The Guidance aimed to assist tribunals in determining sanctions that were, in all cases, fair, proportionate and consistent.

The Guidance had been developed by members of the Adjudication Panel for Wales in consultation with the Public Services Ombudsman for Wales, Monitoring Officers and other interested parties, stating that the approach to be taken by case, appeal and interim case tribunals of the Adjudication Panel for Wales in order to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to individuals in breach of the local Code of Conduct.

The Monitoring Officer informed the Committee that should Standards Committee consider any sanctions, they would be directed to the relevant provisions of the Guidance and relevant case law. The Standards Committee Members agreed that it was extremely useful to have the examples identified in the document with it subsequently being

RESOLVED – T H A T the Adjudication Panel for Wales Sanctions Guidance be noted.

Reason for decision

Having apprised the Committee.

318 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO / HLDS) –

The report outlined that the Monitoring Officer would provide an update for Members of the Committee, at the meeting, under Part II of the agenda in relation to recent correspondence and matters arising in line with the procedures of the Ombudsman which were confidential at this stage.

The item was a standing item on the agenda in order that the Monitoring Officer could apprise Members as appropriate.

RESOLVED – T H A T the contents of the report be noted having regard to the fact that an update on the correspondence received from the Public Services Ombudsman for Wales and any matters arising under the Part II report would be considered under any matters arising under the Part II report on the agenda.

Reason for decision

To apprise Members of the Committee.

319 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

320 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO / HLDS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

As outlined at Part I of the agenda, it had been agreed by the Standards Committee that a standing item appear on the Committee's agenda in order for the Monitoring Officer to be able to apprise Standards Committee Members of correspondence

received from the Public Services Ombudsman for Wales (the Ombudsman) on any matters arising. The items were confidential at this stage, in line with the Ombudsman's Procedure.

The Monitoring Officer proceeded to apprise the Committee verbally of recent correspondence that had been received.

RESOLVED – T H A T the information provided by the Monitoring Officer be noted.

Reason for decision

Having regard to the correspondence received from the Ombudsman and noting that this was confidential at this stage.