

STANDARDS COMMITTEE

Minutes of a meeting held on 22nd November, 2018.

Present: Mr. A. Lane (Chairman), Mr. R. Hendicott (Vice-Chairman); Mr. D. Carsley, Mrs. P. Hallett, Mrs. L. Tinsley (Independent Members); Councillor M. Cuddy (Town and Community Councillor Representative) and Councillor L. Burnett.

502 APOLOGIES –

These were received from Councillors R. Crowley and B.T. Gray.

503 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 20th September, 2018 be approved as a correct record.

504 DECLARATIONS OF INTEREST –

Mr. A. Lane and Mrs. P. Hallett sought advice from the Monitoring Officer as they knew one of the applicants in respect of Agenda Item No. 4 – Applications for Dispensation. However, as it was not a close friendship, it was not considered to be a personal interest.

505 APPLICATIONS FOR DISPENSATION (MO / HLDS) –

The Standards Committees Grant of Dispensation (Wales) Regulations 2001 permitted Members to apply to Standards Committees to speak and, if appropriate, to vote on issues which due to prejudicial interests, they might not otherwise be able to speak or vote on or remain in the room. The following applications had been received:

- Application for dispensation from **Cowbridge Town Councillor Sian Vaughan** to speak and act on behalf of her Ward on issues brought to her about Clare Garden Village now that planning permission has been granted by the Vale of Glamorgan Council (paragraphs (d), (e) and (i));
- Application for dispensation from **Vale of Glamorgan Councillor Margaret Wilkinson** to speak and vote on matters relating to employees terms and conditions as a result of the Vale of Glamorgan Reshaping Services Strategy (paragraphs (d), (e) and (f));
- Application for dispensation from **Vale of Glamorgan Councillor and Barry Town Councillor Leighton Rowlands** to speak at all meetings of the Vale of Glamorgan Council and Barry Town Council on matters relating to the Youth Forum and the impact on the Forum of the Restructuring of the Youth Service and the financial arrangements (paragraphs (f), (h) and (i));

- Application for dispensation from **Dinas Powys Community Councillor Chris Franks** to speak and vote on issues relating to Dinas Powys Library and Activity Centre (paragraphs (c), (d), (e), (f) and (i));
- Application for dispensation from **Vale of Glamorgan Councillor Anne Moore** to speak and vote and take part in any discussions in relation to car parking charges which are currently being considered by Cabinet and possibly Scrutiny and Full Council (paragraphs (c), (d), (e), (f) and (i));
- Application for dispensation from **Vale of Glamorgan Councillor Neil Moore** to speak, vote and take part in any discussions in relation to car parking charges, which are currently being considered by Cabinet and possibly Scrutiny and Full Council (paragraphs (c), (d), (e), (f) and (i)).

In relation to the application from Councillor S. Vaughan from Cowbridge, Members were informed that Clare Garden Village was the new name attributed to the site which had been locally known as Darren Farm. However, when considering the application, Members felt that the application was limited in detail in relation to the applicant's specific interests and considered that granting a blanket dispensation would not be appropriate. Members were also of the view that with regard to the location of the applicant's property, as outlined on the map provided by the Democratic Services Officer at the meeting, this itself did not in their opinion constitute the requirement for a dispensation. Members felt that if that was the case, almost every Councillor in the area could be considered to have an interest if location was purely the issue. In conclusion, it was agreed that should Councillor Vaughan have a specific issue that she felt required an application to be made then at such a time a further dispensation application be submitted. The Committee further suggested that Councillor Vaughan liaise with the Clerk of Cowbridge with Llanblethian Town Council to consider in further detail the matters that could arise concerning Clare Garden Village which Councillor Vaughan was concerned may constitute a personal and prejudicial interest, so that guidance could be provided. However, should Councillor Vaughan consider herself to have a personal and prejudicial interest in respect of the site in the future, then she could make a further application at that time.

With regard to Councillor Leighton Rowlands' application for dispensation, Members considered that if Councillor Rowlands was appointed by the Local Authority as the representative on the Youth Forum, then he would be able to speak and vote on the matter in any event. In the meantime Members however agreed to approve dispensation to speak only and requested that Councillor Rowlands be informed of their views.

In respect of Councillor Chris Franks' application, it was considered that as there was no rationale in the application as to why he required to vote, it was agreed that the application be approved to speak only, seeking further clarification on the request for dispensation to vote and clarification in relation to whether any other Councillors on Dinas Powys Council were also Trustees on the Committee.

Having fully considered the report, the following was subsequently

RESOLVED –

- (1) T H A T Cowbridge Town Councillor Sian Vaughan be informed that due to the limited information contained within the application, the matter be not considered at this stage. The Committee was of the view that the location of Councillor Vaughan's property to the site did not in itself constitute a personal and prejudicial interest and therefore were unable (based on the application) to determine whether there was a requirement for dispensation.
- (2) T H A T the Clerk of Cowbridge Town Council be advised of the decision of the Standards Committee in respect of Resolution (1) above.
- (3) T H A T Vale of Glamorgan Councillor Margaret Wilkinson be granted a dispensation to speak and vote on matters relating to employee terms and conditions as a result of the Vale of Glamorgan Council's Reshaping Services Strategy in accordance with paragraphs (d), (e) and (f) 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 Vale of Glamorgan Council.
- (4) T H A T Vale of Glamorgan Councillor and Barry Town Councillor Leighton Rowlands be granted a dispensation to speak only at all meetings of the Vale of Glamorgan Council and Barry Town Council on matters relating to the Youth Forum and the impact on the Forum of the restructuring of the Youth Service and the financial arrangements and that the application be granted in accordance with paragraphs (f), (h) and (i) of the Standards Committees Grant of Dispensations (Wales) Regulations 2001 until the next Local Government elections.
- (5) T H A T the application for dispensation from Dinas Powys Community Councillor Chris Franks be granted to speak only, on issues relating to Dinas Powys Library and Activity Centre at Dinas Powys Community Council meetings in accordance with paragraphs (c), (d) and (f) of the Standards Committees Grant of Dispensations (Wales) Regulations 2001 until the next Local Government elections, and that further clarification on the request for dispensation to vote on such matters be sought from Councillor Franks and whether any other Councillors on Dinas Powys Community Council were also Trustees on the Committee.
- (6) T H A T Vale of Glamorgan Councillor Anne Moore be granted a dispensation to speak and vote and take part in any discussions in relation to car parking charges which are currently being considered by Cabinet and possibly Scrutiny Committee and Full Council. Dispensation has been granted in accordance with paragraphs (d), (f) and (i) of the Standards Committees Grant of Dispensations (Wales) Regulations 2001 and granted until the next Local Government elections.
- (7) T H A T Vale of Glamorgan Councillor Neil Moore be granted a dispensation to speak and vote and take part in any discussions in relation to car parking charges which are currently being considered by Cabinet and possibly Scrutiny Committee and Full Council. Dispensation has been granted in accordance with paragraphs (d), (f) and (i) of the Standards Committees Grant of Dispensations (Wales) Regulations 2001 and granted until the next Local Government elections.

Reasons for decisions

(1&2) Having regard to the limited information available on the application and the comments made at the meeting as outlined above.

(3) To comply with regulations and obligations for the grant of dispensations to speak and vote.

(4) Having regard to the contents contained within the application.

(5) Having regard to the information contained within the application and to advise Councillor Franks of the Committee's view.

(6&7) To comply with the Standards Committees Grant of Dispensation (Wales) Regulations 2001.

506 REVIEW OF COMMUNITY AND TOWN COUNCILS SECTOR IN WALES – INDEPENDENT REVIEW PANEL'S FINAL REPORT (MO / HLDS) –

The Monitoring Officer commenced by advising that the report had been presented to apprise Members of information received from the Independent Review Panel on Community and Town Councils in Wales.

As part of the Standards Committee work programme agreed at the meeting on 22nd March, 2018, a report was presented to the Committee on 17th May, 2018 regarding the Independent Review that was being undertaken of the Community and Town Councils Sector in Wales.

The Independent Review Panel had been commissioned by Welsh Government to undertake the review with the following remit:

- To explore the potential role of local government below principal Councils;
- To draw on best practice;
- To define the most appropriate models / structures to deliver this role; and
- To consider how these models and structures should be applied across Wales, this to include consideration of any situation to which it would not be necessary or appropriate.

All Group Leaders of the 22 Local Authorities in Wales had at that time been advised of the review which was to focus on what was required to ensure the most local level of government was effective, efficient and delivering benefits to local communities.

The review had commenced in July 2017 and the Council had been informed that the Panel had heard the views and gathered evidence through a range of stakeholders.

At the last meeting of the Standards Committee on 20th September, 2018 Members had been provided with a copy of the Independent Review Panel's August edition newsletter and a copy of their outline findings and recommendations.

A copy of the final report that had been published on 3rd October, 2018 and presented to the Cabinet Secretary for Local Government and Public Services was attached for the Committee's information at Appendix A to the report.

Councillor Cuddy, a representative on One Voice Wales, advised that he had attended a meeting recently where delegates had been informed that the Welsh Government's Cabinet had recently met and there was likely to be a short statement on attitudes in the near future.

RESOLVED – T H A T the report be noted.

Reason for decision

Having regard to the contents contained therein.

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

As part of the Committee's work programme it was 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.

A number of Members had undertaken such observations as follows:

- Mrs. Tinsley had attended a meeting of the Learning and Culture Scrutiny Committee;
- Mr. Hendicott had attended a Full Council meeting.
- Mr. Lane had attended a Learning and Culture Scrutiny Committee Special meeting held on 1st October and a Cabinet meeting on 15th October.

In general, Members considered the meetings they had attended to have been well run and well managed by the Chairmen of the Committees with the necessary declarations having been made as appropriate.

The Monitoring Officer advised that she would share with the Managing Director some of the comments made, with it being subsequently

RESOLVED –

(1) T H A T Independent Members of the Committee undertake further observations 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 the Managing Director.

Reason for decisions

(1&2) Having regard to observations undertaken.

508 STANDARDS CONFERENCE WALES: 14TH SEPTEMBER 2018
(DEFERRED FROM 20TH SEPTEMBER, 2018) (MO / HLDS) –

The item had been deferred from the last meeting as the notes of the Standards Committee Conference for 14th September had at that time not yet been published.

In presenting the report, the Monitoring Officer advised that she would arrange for the presentation slides that had been presented at the Standards Conference to be forwarded to all Members of the Committee. The Monitoring Officer had attended the Standards Conference with the Deputy Monitoring Officer and Councillor L. Burnett and Mrs. P. Hallett, members of the Standards Committee.

At the Conference, the Monitoring Officer advised, Nick Bennett, the Public Services Ombudsman, had provided a presentation advising that since 2011 there had been an increase in respect of public service complaints but that complaints in relation to Members' Code of Conduct had decreased. Claire Sharp, Chair of the Independent Adjudication Panel for Wales, also presented at the Conference and talked about building continuity and service resilience, the project in relation to reviewing sanctions guidance that had been undertaken and the balance between political expression and freedom of speech. The Chief Executive of Ceredigion talked about challenges facing his Council regarding Brexit and austerity measures. There had been five workshop sessions. Mrs. Hallett had attended the Sharing Good Practice session which covered Whistle Blowing Policies; with the Monitoring Officer attending and Councillor Burnett and the Deputy Monitoring Officer attending. The Monitoring Officer advised that she was pleased that having attended the Conference she could say that there was nothing significant to report that the Vale was not doing. Reference was made to the fact that English Authorities had commented on the Standards approach in their area and as such, the Welsh Model was being used to highlight issues that needed to be addressed.

In referring to the Local Dispute Resolution (LDR) procedure, the Monitoring Officer stated that Powys Council which had adopted a similar format to the Vale of Glamorgan Council, also included that when evidence was presented, that witnesses swore an oath and this was similar for a number of Authorities. Both the Monitoring Officer and Mr. Hendicott had reservations with this approach given that the LDR procedure was not a court procedure. Some Authorities also gave more responsibility to the Monitoring Officer in conjunction with the Chairman to consider whether applications for dispensation contained sufficient information to enable the Standards Committee to consider and determine, which Members of the Standards Committee considered would be a good idea for the Vale of Glamorgan Council, with it subsequently being

RESOLVED –

(1) T H A T the information presented by the Monitoring Officer in respect of the Standard Committee Conference Wales 2018 be noted.

(2) T H A T the Chairman in conjunction with the Monitoring Officer agree whether applications for dispensation should be placed on an agenda or further information be requested prior to submission to the Standards Committee.

Reasons for decisions

(1) Having regard to the information provided at the meeting.

(2) In order to ensure that as much information as possible is presented to the Standards Committee in order to make an informed decision.

509 UPDATE RE ADVERT FOR INDEPENDENT MEMBERS OF STANDARDS COMMITTEE VACANCIES (MO / HLDS) –

The Monitoring Officer advised that the purpose of the report was to provide the Committee with an update on the current advert for independent Members of the Standards Committee, it being noted that adverts for two vacant positions had been placed in the Western Mail and local Gem. Copies of the adverts were attached at Appendix A to the report and attached at Appendix B was a more detailed advert together with the application form which had been placed on the Council's website.

The closing date for all applications was 23rd November, 2018 and the shortlisting of applicants was due to take place on 26th November, 2018. The interviews were anticipated to take place in the first two weeks of December 2018 and to date six applications had been received.

The Monitoring Officer also advised that under the Regulations, the Council was required to appoint a number of Members to the Appointments Panel to include a Member appointed by the Monitoring Officer and that the representative she had asked to attend was Mrs. Sally Chapman, the Monitoring Officer for the South Wales Fire Service.

RESOLVED – T H A T the report be noted.

Reason for decision

To advise Standards Committee Members of the current advertising process for the appointment of Independent Members of the Standards Committee.

510 UPDATE ON REVIEW OF THE VALE OF GLAMORGAN COUNCIL'S LOCAL DISPUTE RESOLUTION PROCEDURE (MO / HLDS) –

The report noted that at the Full Council meeting on 25th June, 2014 a Local Dispute Resolution Procedure (the Procedure) had been approved and incorporated into the Council's Constitution. The Procedure had been subject to review and changes had been considered by the Standards Committee.

On 25th January, 2018 the Committee had received a copy of a proposed revised Procedure for consideration which included a copy of a procedural document to be used at Local Dispute Resolution Hearings and an administrative procedure for dealing with Local Dispute Resolution process (Local Dispute Resolution Procedure - Procedure for Dealing With Paperwork and Timescales) and recommended consultation with Group Leaders.

Following further consideration by the Standards Committee on 12th July, 2018, having been shared with Group Leaders, it was subsequently recommended that the Draft Local Dispute Resolution Procedure and appendices be amended as outlined below and the documents re-shared with Group Leaders, with delegated authority being given to the Monitoring Officer to amend any typographical errors in consultation with the Chairman, in order that the final report could be presented to Full Council in September 2018:

- That support to witnesses in preparing statements be provided by officers of the Council as appropriate;
- That for paragraph 25 – should both parties agree that witnesses do not need to attend the hearing, this must be made in writing to the Monitoring Officer;
- The reference to paragraph 27 to Members having the right to be accompanied by a representative, which may be a legal representative or otherwise, meant that only one representative was to accompany the Members;
- That a representative should not be a witness and a representative;
- Paragraph 30 – if an apology was recommended this to take the format of a formal apology and made in the same way, including the place, as the dispute arose with failure to apologise in a specified manner being referred back to the Standards Committee for consideration.

The Monitoring Officer advised that the Procedure had subsequently been presented to Full Council on 26th September, 2018 with it being resolved (Minute No. 344) that the revised Local Dispute Resolution Procedure as set out in Appendix 1 to the report, the Application Form at Appendix A and the Local Dispute Resolution Procedure Conduct of Stage 3 Hearings set out at Appendix B be approved and replace the existing Procedure in the Council's Constitution.

RESOLVED – T H A T the report be noted.

Reason for decision

Having regard to the fact that the decision of Full Council in respect of the Vale of Glamorgan Council's Local Dispute Resolution Procedure on 26th September, 2018 to approve the document.

511 PUBLIC SERVICES OMBUDSMAN FOR WALES' ANNUAL REPORT AND ACCOUNTS 2017/18 (MO/ HLDS) –

Standards Committee Members were presented with extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31st March, 2018 in respect of Members' Code of Conduct matters.

The Annual Report was a combined report addressing matters relating to the dual functions of the Public Services Ombudsman for Wales (the Ombudsman). The link to the full Annual Report can be found at <https://www.ombudsman.wales/wp-content/uploads/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018.pdf>.

There were two elements to the role of the Ombudsman, which were to consider complaints about public service providers in Wales and to consider complaints of Members of Local Authorities who had breached their Authority's Members' Code of Conduct.

With particular reference to Members' Code of Conduct complaints, it was noted that the Ombudsman may consider complaints about the behaviour of:

- County and County Borough Councils;
- Community Councils;
- Fire Authorities;
- National Park Authorities;
- Police and Crime Panels.

The Annual Report also noted that all the Authorities' Members' Code of Conduct set out in detail how Members must follow recognised principles of behaviour in public life. The Ombudsman further stated that if a County Council wished to make a complaint about another County Council in their own Authority, he would expect them first of all to make their complaint to that Authority's Monitoring Officer as it may be possible to resolve the matter locally without the Ombudsman's involvement.

The Monitoring Officer drew Members' attention to pages 1-27 of the Annual Report which were attached at Appendix 1 to the report and provided a snapshot of the year 2017/18.

Annex B to the Annual Report, attached at Appendix 2 to the report, provided details of Code of Conduct Complaints that had been closed with a statistical breakdown of outcomes by Local Authority, with a summary of the statistical breakdown specific to the Vale of Glamorgan Council and the Town and Community Councils within the Vale of Glamorgan as detailed at Appendix 3.

The Full Annual report had not been reproduced in its entirety as the remaining sections referred primarily to internal governance arrangements and financial matters.

Having regard to the report, Councillor Cuddy stated that it was worth noting that there were 8,000 Community Councillors in Wales and that the report should be read in that context. Mrs. Hallett also advised that she had attended a Democratic Services Committee meeting earlier in the year and had been extremely impressed by the training programme that had been provided for Members of the Vale of Glamorgan Council.

RESOLVED – T H A T the contents of the report be noted.

Reason for decision

Having regards to the contents contained therein.

512 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.

513 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.

514 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.