

STANDARDS COMMITTEE

Minutes of a meeting held on 11th July, 2019.

Present: Mr. R. Alexander, Mrs. P. Hallett, Mr. R. Hendicott, Mrs. L. Tinsley, Mr. G. Watkins (Independent Members); Councillor M. Cuddy (Town and Community Councillor Representative); and Councillors O. Griffiths and Ms. M. Wright (Vale of Glamorgan Council).

135 APOLOGIES FOR ABSENCE –

These were received from Councillor B.T. Gray (Vale of Glamorgan Council).

136 APPOINTMENT OF CHAIRMAN –

RESOLVED – T H A T Mr. R. Hendicott be appointed Chairman of the Standards Committee for the current municipal year.

137 APPOINTMENT OF VICE-CHAIRMAN –

RESOLVED – T H A T Mrs. L. Tinsley be appointed Vice-Chairman of the Standards Committee for the current municipal year.

138 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 21st March, 2019 be approved as a correct record.

139 DECLARATIONS OF INTEREST –

Councillor Ms. M. Wright declared a personal and prejudicial interest in part of Agenda Item No.13 (Part II of Correspondence With the Public Services Ombudsman for Wales) and withdrew from the meeting when this item was being considered.

140 APPLICATION FOR DISPENSATION (MO / HLDS) –

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 permitted Members to apply to the Standards Committee 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 for consideration:

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- Application for dispensation from Councillor G. Hughes, Llantwit Major Town Council, to speak at meetings of Llantwit Major Town Council meetings on matters relating to Llantwit Bowls Club and St. Illtyd's Church. Councillor Hughes was requesting dispensation in relation to paragraphs (d) and (e) of the Regulations due to the fact that she was a member of the Llantwit Bowls Club and a member of the Parish Council for St. Illtyd's Church;
- Application for dispensation from Councillor N.P. Hodges, Vale of Glamorgan Council, to speak and vote on all matters relating to Ysgol Sant Baruc at Vale of Glamorgan Scrutiny Committee and Full Council meetings (with the application referring to paragraphs (d) and (i) of the Regulations). The reason for the application was because Councillor Hodges' wife was a Local Authority Appointed Governor and Vice-Chairman of the Governing Body for Ysgol Sant Baruc.

Having fully considered the report, it was subsequently

RESOLVED –

(1) T H A T Llantwit Major Town Council Councillor G. Hughes be granted dispensation to speak only at meetings of Llantwit Major Town Council on matters relating to Llantwit Bowls Club and St. Illtyd's Church in accordance with paragraphs (d) and (e) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and granted until the next Local Government elections.

(2) T H A T Vale of Glamorgan Council Councillor N.P. Hodges be granted dispensation to speak and vote on all matters relating to Ysgol Sant Baruc at Vale of Glamorgan Council Scrutiny Committee and Full Council meetings in accordance with paragraphs (d) 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 contents contained therein.

141 OBSERVATIONS BY INDEPENDENT STANDARDS COMMITTEE MEMBERS AT VALE OF GLAMORGAN COUNCIL AND TOWN AND COMMUNITY COUNCIL MEETINGS (MO / HLDS) –

In March 2018, Independent Members of the Standards Committee agreed to undertake observations at Vale of Glamorgan Council meetings. Members also considered that in the future observations would also be undertaken of Town and Community Council meetings.

A checklist for use by Independent Members when observing Vale of Glamorgan Council and Town and Community Council meetings was attached to the report for Committee's approval.

No.

Mr. G. Watkins informed the Committee that he had attended the Vale of Glamorgan Council meeting for Public Protection Licensing on 2nd July. He was impressed overall with the way that the meeting was run, for example he was offered an agenda whilst seated in the public gallery and the meeting started punctually. The only points he wished to raise were around the difficulty to read names on the name cards due to the distance between the public gallery and the Committee tables. He could hear most of the meeting but sometimes sound levels dropped, particularly if people were reading from papers.

Mr. G. Watkins referred to some Committee members not using microphones in Council meetings. In such instances, the Principal Democratic and Scrutiny Services Officer advised that the Committee Chairmen would need to remind members to use their microphones when speaking and would email all Chairmen regarding this issue.

Mrs. Hallett advised that she would be attending a Town and Community Council meeting in the near future and queried whether the relevant Town and Community Council meeting would be informed of her presence. Following discussion, it was considered beneficial to advise Town and Community Councils of the Independent Members attendance.

The Monitoring Officer / Head of Legal and Democratic Services had also prepared a form for when Independent Members attended Town and Community Council meetings. The form would help to provide structure in terms of feedback.

All agreed the form would be very useful in undertaking observations. Mr. Watkins asked what would be done with the feedback, with the Monitoring Officer / Head of Legal and Democratic Services advising that the information would be shared with the Managing Director, relevant officers, members and the Clerks of the Town and Community Councils where appropriate.

Following consideration of the report and the comments made at the meeting, it was

RESOLVED –

- (1) T H A T the verbal update from Independent Members of the Standards Committee following attendance at meetings be noted.
- (2) T H A T the checklist for attendances at Vale of Glamorgan Council and Town and Community Council meetings be approved.
- (3) T H A T all Town and County Council Clerks be informed when an independent member would be in attendance at Council meetings.

Reasons for decisions

- (1) Having regard to the observations undertaken and the role of the Standards Committee.

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(2) To assist Independent Members of the Standards Committee to record observations.

(3) For information.

142 TIMETABLE OF MEETINGS 2019/20 (MO / HLDS) –

The timetable of future meetings of the Committee was presented for approval:

- 12th September, 2019
- 28th November, 2019
- 23rd January, 2020
- 19th March, 2020.

In noting that Mrs. Tinsley could not make the revised date of 12th September, 2019, the Chairman asked that the date be rearranged and circulated to all members for their availability.

It was

RESOLVED – T H A T the timetable of meetings be approved as below, subject to the September meeting date being reviewed:

- 28th November, 2019
- 23rd January, 2020
- 19th March, 2020.

Reason for decision

To agree dates for future meetings and for uploading to the Council's website.

143 JOINT STANDARDS COMMITTEE ARRANGEMENTS (MO/ HLDS) –

The Monitoring Officer / Head of Legal and Democratic Services had held discussions with the neighbouring Monitoring Officer for Cardiff in order to explore the possibility of joint working arrangements for the Standards Committee when Independent Members may have conflicts of interest and / or personal and prejudicial interests resulting in the Vale of Glamorgan Council's Standards Committee being inquorate.

Cardiff Council's Monitoring Officer and the Chairman of their Standards Committee had indicated that they would be agreeable to explore such reciprocal arrangements.

The Monitoring Officer / Head of Legal and Democratic Services advised that a report on governance arrangements would be brought to the next meeting of the Committee.

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Following a query from Councillor Griffiths that as he was a Cardiff Council Officer, this could potentially be a conflict of interest, the Monitoring Officer referred to the fact that the joint arrangements would be in respect of Independent Members only and therefore there would be no implications regarding his role.

A Committee Member in referring to the numbers needed for the Standards Committee to remain quorate, was informed by the Monitoring Officer this would require 3 members - 2 of whom would need to be Independent Members.

Having fully considered the report, it was subsequently

RESOLVED – T H A T a report be presented to the next meeting of the Committee following discussions between the Vale of Glamorgan Council and Cardiff Council with regard to the joint Standards Committee arrangements.

Reason for decision

To ensure that the business of the Standards Committee is conducted in a timely manner.

144 ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2017-18 (MO / HLDS) –

The Monitoring Officer / Head of Legal and Democratic Services introduced the report which was to apprise Members of the Adjudication Panel for Wales' Annual Report 2017/18 and which provided details of the performance and progress for the 2017/18 period.

The Adjudication Panel for Wales (APW) was an independent tribunal set up to determine alleged breaches of an Authority's Statutory Members' Code of Conduct by Elected and Co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.

The APW had two statutory functions in relation to breaches of the Members' Code of Conduct:

- To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales following the investigation of allegations that a Member has failed to comply with their Authority's Members' Code of Conduct; and
- To consider appeals from Members against the decisions of Local Authority Standards Committees that they may have breached the Members' Code of Conduct.

The APW Report was attached at Appendix 1 to the report, Section 2 (at pages 8-11) provided details of the performance and progress from 2013 to 2018 and detailed the number of references and appeals that had been received each year. Summaries of

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case tribunal hearings could be found at Section 3 (pages 12 and 13) of the APW Report.

The Chairman stated that although the overall figures were quite low, these did not seem to be going down. Mrs. Tinsley mentioned that the sanction or suspension seemed to be too light for such cases, however the Monitoring Officer / Head of Legal and Democratic Services stated that a number of cases had been dealt with by way of disqualification which was the next level of sanction from suspension.

A Committee Member stated that the figures did not appear to be broken down by Council, however the Monitoring Officer / Head of Legal and Democratic Services stated that such cases were monitored by the principal Authority so local Council figures would be known.

Following consideration of the report, it was

RESOLVED – T H A T the Adjudication Panel for Wales' Annual Report 2017/18 be noted.

Reason for decision

In view of the contents of the report.

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

The report outlined that the Monitoring Officer / Head of Legal and Democratic Services would provide an update to 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 in nature.

The item was a standing item on the agenda in order that the Monitoring Officer / Head of Legal and Democratic Services 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 Part II of the report would be considered under Part II of the agenda.

Reason for decision

To apprise Members of the Committee.

146 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 items of

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business on the grounds that they involve 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.

147 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 that the Monitoring Officer / Head of Legal and Democratic Services 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 being confidential in nature in line with the Ombudsman's procedure.

The Monitoring Officer / Head of Legal and Democratic Services proceeded to apprise the Committee verbally of recent correspondence with the Ombudsman.

RESOLVED – T H A T the information provided by the Monitoring Officer / Head of Legal and Democratic Services be noted.

Reason for decision

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