

Meeting of:	Standards Committee
Date of Meeting:	Friday, 20 September 2019
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Joint Working Arrangements for Standards Committee
Purpose of Report:	To seek approval of proposed joint working arrangements for Standards Committee, when conflicts of interest and/or personal and prejudicial interests result in the Vale of Glamorgan Council's Standards Committee being inquorate
Report Owner:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Elected Member and Officer Consultation:	Councillor Neil Moore, Leader
Policy Framework:	This is a matter for Standards Committee at this stage, with Council's approval required to amend the Constitution.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Monitoring Officer was requested by Standards Committee to hold discussions with a neighbouring Monitoring Officer to explore the possibility of joint working arrangements for Standards Committee, when Independent Members have conflicts of interest and/or personal and prejudicial interests resulting in the Vale of Glamorgan Council's Standards Committee being inquorate. • On the rare occasions when such a situation would arise, it would enable business of the Standards Committee to be dealt with in a timely manner. • Cardiff Council's Monitoring Officer and Chairman of their Standards Committee have indicated that they would be agreeable to such arrangements and have requested that a reciprocal arrangement be put in place. • This report sets out the proposed governance arrangements to progress the proposed joint working arrangements for Standards Committee with Cardiff Council. 	

Recommendation

1. That the Standards Committee recommend to Council that section 8 of the Council's Constitution is amended by adding a paragraph 8.1 (aA) as follows:

"(aA) That in the event of independent members having conflicts of interest and/or personal and prejudicial interests resulting in the Vale of Glamorgan Council's Standards Committee being inquorate (and subject to paragraph 8.1(a) of the Constitution), that independent members from Cardiff Council's Standards Committee be invited to sit on the Vale of Glamorgan Council's Standards Committee subject to the maximum number of independent members at any given time at a meeting of the Standards Committee being five. In such circumstances the independent members from Cardiff Council's Standards Committee will be regarded as Vale of Glamorgan Council appointed independent members for the purposes of this Constitution and any procedures adopted by the Vale of Glamorgan Council's Standards Committee."

Reason for Recommendation

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

1. Background

- 1.1 At the Standards Committee meeting on 21st March, 2019 the Monitoring Officer was requested to explore the potential for joint arrangements with a neighbouring Principal Authority, to apply should conflicts of interest arise or Independent Members have personal and prejudicial interests in a matter to the extent that the Standards Committee would be inquorate.
- 1.2 Independent Members of the Vale of Glamorgan Council's Standards Committee undertake to abide by the Council's Members' Code of Conduct which is contained in the Council's Constitution. If an Independent Member has a 'close personal association' with an individual that is the subject of a matter before the Committee, the Independent Member (as would a Vale of Glamorgan Councillor who sits on the Standards Committee) is required to declare such a personal interest and its nature. Given the nature of the business before the Committee such a personal interest may equate to a prejudicial interest, and the Member would then need to withdraw from the meeting.
- 1.3 Guidance is issued from time to time by the Public Services Ombudsman for Wales, with the current guidance providing (in part) as follows:

"Who is a close personal associate?
Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as member or your work in the local community.

Close personal associates can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging. For example, being a member of the same golf club as another person would not of itself constitute a close personal association but having that person as a weekly golf partner might well do. If you are in doubt, you should ask your Monitoring Officer."

- 1.4 In light of the above guidance the occasions on which a Standards Committee would be inquorate would be rare, particularly given that a meeting of the Standards Committee will be quorate if at least 3 members are present (including the Chairman) and at least half the members present (including the Chairperson) are Independent Members. It being noted that the Vale of Glamorgan Council's Standards Committee comprises 5 Independent Members.

2. Key Issues for Consideration

- 2.1 The Monitoring Officer has had initial discussions with Cardiff Council's Monitoring Officer who in turn has liaised with Cardiff Council's Standards Committees Chairman, and they are both agreeable to such an arrangement and albeit they have not come across such a situation previously resulting in their Standards Committee being inquorate, they have requested that reciprocal arrangement be put in place.
- 2.2 The benefits of such arrangements include greater capacity to deal with matters when required; and timely decision making.
- 2.3 The governance arrangements to progress the proposed joint working arrangement entail amending the Council's Constitution to permit inviting Cardiff's Independent Standards Committee Members to sit on the Vale's Standards Committee to join the non-excluded Vale Independent Members. This arrangement does not equate to creating a joint committee but extends the pool of Independent Members that may sit on the Vale's Standards Committee.
- 2.4 The Council's Constitution will require to be amended by Council as set out in the Recommendation of this report.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The report has regard to the future business of the Standards Committee and references a collaborative approach should the need arise.

4. Resources and Legal Considerations

Financial

- 4.1 None as a direct result of this report.

- 4.2** The allowances for Independent Members of Standards Committee (for both Councils) are set by the Independent Remuneration Panel for Wales and will be funded from the existing budget.

Employment

- 4.3** None as a direct result of this report.

Legal (Including Equalities)

- 4.4** The Council has a statutory duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committee Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 4.5** Subject to Council's resolution to accept this Committee's recommendations a letter will be sent in consultation with Cardiff Council's Chairman of the Standards Committee and Monitoring Officer, to each of the Cardiff Council's Independent Members to formalise the arrangement.
- 4.6** Cardiff's Independent Members will be required to undertake and adhere to the Vale of Glamorgan Council's Members' Code of Conduct and submit their register of interest forms. Similarly the Vale's Independent Members will be required to do likewise with regard to Cardiff Council in line with the reciprocal arrangements.

5. Background Papers

Vale of Glamorgan Council's Constitution - sections 8 and 18.