

No.

STANDARDS COMMITTEE

Minutes of a meeting held on 20th September, 2019.

Present: Mr. R. Hendicott (Chairman); Mrs. L. Tinsley (Vice-Chairman); Mr. R. Alexander and Mrs. P. Hallett (Independent Members); Councillor M. Cuddy (Town and Community Councillor Representative); and Councillors B.T. Gray and Ms. M. Wright.

308 APOLOGIES FOR ABSENCE –

These were received from Councillor O. Griffiths (Vale of Glamorgan Council) and Mr. G. Watkins (Independent Member).

309 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 11th July, 2019 be approved as a correct record.

310 DECLARATIONS OF INTEREST –

Councillor Ms. M. Wright declared a personal and prejudicial interest in part of Agenda Item No. 11 (Part II Correspondence with the Public Services Ombudsman for Wales) and withdrew from the meeting when this item was being considered.

311 APPLICATIONS FOR DISPENSATION AND USE OF THE MONITORING OFFICER'S DELEGATED POWERS (MO/DLDS) –

The Standards Committees (Grant of Dispensation) (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:

- Application for dispensation from Pendoylan Community Councillors Gwyn Thomas, Susan Parnell, Hilary Hanmer, Robert Rees, Peter Fox, Joanna Huddart and Andrew Chiplen to speak and make decisions regarding the process of the consultation and subsequent actions for the Junction 34/M4 to A48 Sycamore Cross Transport Improvements. The Councillors were requesting dispensation in relation to paragraph (a) of the regulations due to the fact that the seven Councillors in question had an interest in the matter, five with a potential financial interest and a further two having a non-financial prejudicial interest. This would mean that the Community Council would not be quorate otherwise.

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- Application for dispensation was considered by the Monitoring Officer in respect of Vale of Glamorgan Councillor Lis Burnett to speak and vote on matters in relation to Ysgol Sant Baruc at all meetings of the Vale of Glamorgan Council when the issues arise in relation to paragraphs (c), (d), (f) and (g) of the Regulations. This was due to the change in Administration, when Councillor Burnett had become the Cabinet Member and Deputy Leader - therefore now making an application in respect of all meetings of the Council, including Cabinet.
- A late application tabled for dispensation from Councillor M. Wilson, Vale of Glamorgan Council to speak only on matters relating to Cardiff and Vale College (CAVC) at any meetings of the Vale of Glamorgan Council where matters relating to CAVC are to be discussed. Councillor Wilson was requesting the dispensation in relation to paragraphs (d), (f) and (i) of the Regulations due to the fact that they are the Chairperson of the CAVC Union (UCU) branch (Cardiff) and Chairperson of the Co-Ordinating Committee of Cardiff and Vale College, as well as being an employee of Cardiff and Vale College.

With regards to the applications for dispensation for the Pendoylan Community Councillors, the Monitoring Officer provided background information for Committee Members in relation to WelTAG (Appendix 1). The Monitoring Officer went on to say that the applications for dispensation were consistent under paragraph (a) of the Regulations where no fewer than half of the Members of the Council or a Committee of the Council (as the case may be) where business to be considered has an interest which relates to that business and this would make the Community Council in question inquorate given the number of Members of that Council with a personal and prejudicial interest in the matter. Council required applications for dispensation. The Monitoring Officer further advised that for a number of Members of the Community Council the prejudicial interest involved the location of the proposed route going through or near to their respective properties with one Councillor having wellbeing and pollution fears for the local area. The Chairman asked about the position of the 8th Councillor to which the Monitoring Officer replied that the Councillor in question did not have a personal or prejudicial interest with confirmation from the Clerk to that effect. The Monitoring Officer stated that in July 2018 six applications from Pendoylan Community Councillors for dispensation regarding Stages 1 and 2 of WelTAG were granted under paragraph (a) of the Regulations.

Both the Chairman and another Member agreed the dispensation should be given to the Community Councillors due to the impact of the proposed route on the Pendoylan area. A Pendoylan Community Councillor in attendance at the meeting was asked if they had anything further to add to which they replied they did not but were seeking dispensation in readiness for the future WelTAG Stage 3 with the proposed Transport Route Development.

Regarding the application for dispensation by Councillor Burnett, the Monitoring Officer stated that this application had been ratified by both herself and the Chairman of the Standards Committee. The Monitoring Officer went on to say that Councillor Burnett had originally received dispensation to speak and vote and take part in any discussion in relation to Ysgol Sant Baruc which had been granted by

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the Standards Committee on 24th January, 2019 which related to the Learning and Culture Scrutiny Committee and Full Council meetings. Following the change in Administration Councillor Burnett had become the Cabinet Member and Deputy Leader and had made the application in relation to those capacities.

With regards to the application for dispensation by Councillor M.R. Wilson the Monitoring Officer stated that this had come in as a late item. A Member added they could see no reason why the dispensation could not be granted - in particular now that two new sites for CAVC were proposed and therefore Councillor Wilson in his role with the college would need to have dispensation in order to discuss this issue.

Having fully considered the item, it was subsequently

RESOLVED –

(1) T H A T the Pendoylan Community Councillors Gwyn Thomas, Susan Parnell, Hilary Hanmer, Robert Rees, Peter Fox, Joanna Huddart and Andrew Chiplen be granted dispensation to speak and vote in relation to the process of consultation and any subsequent actions from the consultation regarding Junction 34/M4 to A48 Cross Transport Improvements to Sycamore Cross Consultation in accordance with paragraph (a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 until the date of the next local government elections.

(2) T H A T the use of delegated authority granting Vale of Glamorgan Councillor L. Burnett dispensation to speak and vote on matters relating to Ysgol Sant Baruc at all meetings of the Vale of Glamorgan Council when issues arise in accordance with paragraphs (c), (d), (f) and (g) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 be endorsed until the next local government elections.

(3) T H A T the Vale of Glamorgan Councillor M.R. Wilson be granted dispensation to speak only on matters relating to Cardiff and Vale College (CAVC) at any meetings of the Vale of Glamorgan Council where matters relating to CAVC are to be discussed 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.

Reason for decisions

(1-3) Having regard to the contents contained therein.

312 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 had agreed to undertake observations at Vale of Glamorgan Council meetings. Members at that

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time also considered future observations should be undertaken at Town and Community Council meetings. The report therefore provided a calendar of meetings for forthcoming Town and Community Council meetings for the Independent Member's consideration, as part of their role to ensure that high standards of conduct were maintained by Councillors, Co-Opted Members and Church and Parent Governors.

Mr. R. Hendicott (Chairman) and Mrs. P. Hallett reported back to the Committee in relation to the Town/Community Council meetings they had attended. The general observations raised were as follows:

- The meetings were run in a structured and professional way, with civil discussions between members and the public.
- Meeting agendas and papers were readily available for the public
- Greater use of identification for Officers and Members was required at meetings in order for the public to be aware of who these were, for example, through the use of name cards and introductions.
- It would be beneficial for Chairmen and Clerks to get further support and training in terms of running and supporting meetings, in order to build upon their current levels of knowledge and expertise.

A Member pointed out that training for code of conduct matters for Vale of Glamorgan Councillors had been provided by the Monitoring Officer following the Local Government elections and who also arranged for similar training to be provided by One Voice Wales for Town and Community Councillors and Clerks. He also went on to say that advice and guidance on a broad range of issues could also be obtained through One Voice Wales and the Association of Town and Community Clerks.

Mr. R. Alexander and Mrs L. Tinsley reported back to the Committee following their attendance at Vale of Glamorgan Council meetings and made the following observations:

- An agenda and supporting papers had been provided within the public gallery.
- The meetings were well-run and purposeful.
- Name cards for Members and Officers could not always be seen - for example, name cards for Members/Officers with their backs to the public gallery could not be clearly seen.
- They could not always hear what Members/Officers were saying – for example, if Members/Officers were looking at their papers whilst speaking through the microphone then they could not always be heard as their voices were dropping in and out.

The Monitoring Officer advised where there were specific matters relating to a particular Town or Community Council, these would be referred back directly to the Clerk and Chairman of the relevant Town or Community Council and the Managing Director of the Vale of Glamorgan Council. The Monitoring Officer also suggested that Chairmen could ask Committee Members and Officers attending meetings to introduce themselves in order that members of the public in the

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gallery or in the public areas of the relevant rooms were made aware of who was at the meeting and what their roles were.

Following a query as to whether Members of the Standards Committee should be announced prior to the relevant meetings via the Chairman or Clerk, both the Chairman and another Member agreed that any decision should be made with the Nolan Principles on Public Life in mind. A Member went on to suggest sending an email briefing note to Clerks advising them and the Chairman of the attendance of a Member of the Standards Committee, but then giving them the option of whether they wanted to announce this or not to the wider Committee or Council. After further discussions between Committee Members on this matter, it was agreed that the Standards Committee would continue to inform the relevant Town or Community Council Clerk (via the Democratic Services Officer) if a Member of the Committee was attending and that they would be attending in an observer capacity only. It was further agreed that observations of Town and Community Council(s), and the Vale of Glamorgan Council, meetings should continue, with copies of the observations checklist to be provided via Democratic Services to Independent Members as and when required.

Members commended the Monitoring Officer and her team on the observation checklist forms which they considered to be well structured and good for monitoring purposes.

The Monitoring Officer advised that six monthly sessions were being held with the Clerks of the Town and Community Councils on topical issues with generalised details from the observations checklist also being provided to the attendees. A Member asked what the attendance was like for these meetings, to which the Monitoring Officer stated that in March 2019, for example, there were 10 Clerks and 1 Chairman at the meeting; but she also went on to say that the take up for the meeting in October appeared to be much higher.

A Member stressed that in their role as observers of standards they should be seen as a help and not a hindrance to Town and Community Councils.

It was

RESOLVED –

- (1) T H A T the verbal update from the Independent Members of the Standards Committee following attendance at meetings be noted and that such updates would continue.
- (2) T H A T all Town and Community Council Clerks be informed when an Independent Member would be in attendance at their respective Council meetings.

Reasons for decisions

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

No.

- (2) For information.

313 STANDARDS COMMITTEE FORUM (MO/HLDS) –

A Member explained that in North Wales the Standards Committee Forum had been seen as a good mechanism, and it was unfortunate that this could not be replicated as yet in the South Wales area. The Monitoring Officer stated that this had been raised at the last All-Wales Monitoring Officer Group meeting where it was outlined that a lack of resources and capacity were currently seen as barriers to establish a similar Forum in South and South East Wales by the Monitoring Officers in attendance at the meeting. Cardiff Council's Monitoring Officer had suggested the possibility of exploring joint training between the Vale of Glamorgan Council and Cardiff Council's Standards Committee in place of a Committee meeting (subject to the agreement of the Cardiff Council Standards Committee). It was

RESOLVED –

- (1) T H A T the update regarding the North Wales Standards Committee Forum be noted.
- (2) T H A T joint training be considered with local authorities in South and South East Wales as the need arises.

Reasons for decisions

- (1) For information.
- (2) To consider the merits of a collaborative approach to training

314 JOINT WORKING ARRANGEMENTS FOR STANDARDS COMMITTEE (MO/HLDS) –

The report had been withdrawn with the agreement of the Chairman of the Committee.

315 STANDARDS COMMITTEE – FORWARD WORK PROGRAMME (MO/HLDS) –

The Monitoring Officer outlined the suggested Forward Work Programme for the municipal year 2019/20 for the Committee's consideration and approval.

The Monitoring Officer went on to say that the report concerning Joint Working Arrangements which had been withdrawn at this meeting would be reassigned to a future meeting of the Committee. The Monitoring Officer informed the Committee that she would be producing a report concerning the registration of gifts.

No.

It was

RESOLVED – T H A T the Forward Work Programme be noted and amended as outlined above.

Reason for decision

To identify a programme of work for the remainder of municipal year 2019/2020

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

The Monitoring Officer stated that she would provide a verbal overview of the correspondence under the Part II report on the agenda.

It was

RESOLVED – T H A T the contents of the report be noted and the update on the correspondence with the Public Services Ombudsman for Wales and matters arising be considered under the Part II report on the agenda.

Reason for decision

To apprise Members.

317 EXCLUSION OF THE 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.

318 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.

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

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

Reason for decision

To apprise Members, noting that this was confidential at this stage.