

STANDARDS COMMITTEE

Minutes of a remote meeting held on 28th January, 2021.

The Committee agenda is available [here](#).

Present: Mr. R. Hendicott (Chairman); Mrs. L. Tinsley (Vice-Chairman); Mrs. P. Hallett and Mr. G. Watkins (Independent Members); Councillor M. Cuddy (Town and Community Council Representative) and Councillors B.T. Gray, O. Griffiths and A.R. Robertson (Vale of Glamorgan Council).

Also present: Community Councillor R. Eustace and Mr. D. Patterson, Clerk to St. Athan Community Council.

390 APOLOGY FOR ABSENCE –

This was received from Mr. R. Alexander (Independent Member).

391 MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 26th October and 26th November, 2020 be approved as a correct record subject to the words “admissions and” being added to the 4th paragraph of minute number 169A of the minutes of 26th October, 2020 i.e. “the Community Councillor’s **admissions and** representations at the meeting”.

392 DECLARATIONS OF INTEREST –

No declarations were received.

393 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.

An Application for Dispensation from Councillor L. Burnett to speak, vote and remain in meetings where issues were raised at meetings of the Council (including budgets) in respect of Oakfield Primary School had been received and was attached at Appendix 1 to the report.

Following agreement with the Chairman a late Application for Dispensation was also submitted for consideration as an urgent item. Community Councillor R. Eustace of St. Athan Community Council was seeking a dispensation to speak and vote at

meetings of St. Athan Community Council until 4th May, 2021 on matters relating to St. Athan Community Hub and Library (SACHal) in his capacity as the Community Council's appointed Trustee representative to SACHal. Community Councillor Eustace and the Clerk of St. Athan Community Council were both present at the meeting to respond to queries raised. It was noted that following the Community Council's Annual General Meeting in May 2021 a further application may be received from Councillor Eustace should he remain as the Community Council's Trustee representative.

The Monitoring Officer took the opportunity to apprise the Committee that the Members' Code of Conduct provided that a Community Councillor would not be regarded as having a prejudicial interest in any business where that business related to a body to which they had been elected, appointed or nominated by their Authority in relation to a grant, loan or other form of financial assistance made by their Community Council to community or voluntary organisations up to a maximum of £500.

The Monitoring Officer further stated that currently two elected Members of the Community Council had dispensation to speak only, as trustees of SACHal, it being noted that they were not Trustees' appointed by the Community Council. Following queries by the Committee, the Clerk for St. Athan advised that the Community Council's membership consisted of 12 Elected Members which included one vacancy. The Clerk also advised that previously the Community Council had provided a grant of £1,500 to SACHal and he was aware that local residents were also supporting the organisation with donations on a monthly basis. Councillor Gray enquired if the Community Council would be quorate if a dispensation to vote was not granted. Councillor Eustace advised that the Council could be split over a decision but he was aware that the majority of Councillors were supportive of SACHal and wished to see the service continue.

Following the discussions, Councillor Eustace and the Clerk for St. Athan Community Council vacated the meeting in order for the Standards Committee to consider the application in their absence.

RESOLVED –

(1) T H A T Councillor L. Burnett be granted dispensation, to speak and vote at all meetings of the Vale of Glamorgan Council where issues are raised (including budgets) in respect of Oakfield Primary School, in accordance with paragraphs (d), (e), (f) and (i) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, until the next Local Government elections.

(2) T H A T Community Councillor R. Eustace be granted dispensation to speak only at meetings of the St. Athan Community Council on matters relating to St. Athan Community Hub and Library (SACHal) until 4th May, 2021 in accordance with paragraphs (d) and (i) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Reasons for decisions

- (1) To comply with the regulations and obligations for the grant of dispensations to speak and vote.
- (2) To comply with the regulations and obligations for the grant of dispensations to speak and vote and in light of information discussed at the meeting.

394 REPORT FOLLOWING OBSERVATIONS AT VALE OF GLAMORGAN COUNCIL AND TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO / HLDS) –

The purpose of the report was to provide the Committee with an update of the observations made by Independent Standards Committee Members at Vale of Glamorgan Council and Town and Community Council meetings.

One of the roles of the Standards Committee was to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives of the Council. To assist this process, in March 2018, the Standards Committee had agreed that Independent Members of the Committee undertake observations at Vale of Glamorgan Council meetings. In March 2019 this had been extended to include observations of Town and Community Council meetings.

Following such observations, Independent Members reported verbally on a regular basis their findings to the Standards Committee.

Mrs. Hallett advised that she had attended two Community Council meetings which in her view had been very good meetings, a couple of comments were raised in that one of the Councils did not have all Members' names on screen, which she considered would be useful, there had been an issue in relation to a Part 11 matter which she had raised with the Principal Officer for Democratic Services and who had agreed to provide advice to the Town / Community Council. Mr. Hendicott advised that he had also attended a Community Council meeting which he considered to have been a very pleasant meeting that had been well chaired.

It was agreed that all observations received would be shared with the Clerk and / or Chairman of the Community Councils by the Principal Democratic Services Officer on behalf of the Monitoring Officer.

Mr. Hendicott also requested that the Principal Officer advise him of a further Town / Community Council meeting to attend before April 2021.

RESOLVED –

- (1) T H A T the verbal updates provided by Standards Committee Independent Members at the meeting be noted.

(2) T H A T the intention to continue to undertake observations of Town and Community Council and Vale of Glamorgan Council meetings by Standards Committee Independent Members be noted.

Reason for decisions

(1&2) Having regard to the observations undertaken and the role of the Standards Committee.

395 LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL – UPDATE (MO / HLDS) –

The report set out the various elements of the Local Government and Elections (Wales) Bill (the Bill). The Monitoring Officer advised that the report had been considered by the Council's Cabinet and the Corporate Performance and Resources Scrutiny Committee and drew the Standards Committee's attention to the Action Plan at Appendix A to the report which listed the relevant provisions and the work undertaken to date to ensure that the Council was prepared for the introduction of various elements of the Bill in due course. The Committee was further informed that the Bill had received Royal Assent on 20th January, 2021 with part of the Act to come into force the day after the Bill received Royal Assent, with others two months after, some sections on 1st April, 2021, 5th May, 2022 and 6th May, 2022 with others when appointed by the Welsh Ministers.

In referring to paragraph 2.8 of the report, the Monitoring Officer advised that Sections 62, 63 and 64 of the Bill specifically referred to areas that would directly impact on the work of the Standards Committee.

RESOLVED –

(1) T H A T the contents of the report and the appended Action Plan be noted.

(2) T H A T further reports detailing progress against the Action Plan in relation to Sections 62, 63 and 64 of the Local Government and Elections (Wales) Bill be submitted to the Committee in due course.

Reasons for decisions

(1) Having regard to the contents of the report and discussions at the meeting.

(2) To keep the Committee apprised of progress.

396 ADJUDICATION PANEL FOR WALES – CODE OF CONDUCT DECISION (MO / HLDS) –

The report apprised Committee of a recent Case Tribunal decision of the Adjudication Panel for Wales in respect of a former Community Councillor P. Baguely and advised Members of the decision of the Adjudication Panel for Wales

in accordance with Section 79(8) of the Local Government Act 2000. There being no further discussion on the matter, it was

RESOLVED – T H A T the decision of the Adjudication Panel for Wales be noted.

Reason for decision

Having regard to the information contained therein.

397 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.

398 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.

399 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.

Although a Member referred to the information that had been placed in the public domain by the press that day, the Monitoring Officer advised that as it may be a matter that could come before the Standards Committee or the Adjudication Panel for Wales to determine in the future, it would be inappropriate to comment upon it.

RESOLVED – T H A T the confidential 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 it was confidential at this stage.