

STANDARDS COMMITTEE

Minutes of a remote meeting held on 15th July, 2021.

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

The Meeting recording 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 Ms. R.M. Birch, B.T. Gray and A.R. Robertson (Vale of Glamorgan Council).

226 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

227 APOLOGY FOR ABSENCE –

This was received from Mr. R. Alexander.

228 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 27th May, 2021 be approved as a correct record.

229 DECLARATIONS OF INTEREST –

No declarations were received.

230 APPLICATIONS FOR DISPENSATION (MO/HLDS) –

The Standards Committee (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 Principal Democratic and Scrutiny Services Officer drew attention to the fact that no applications had been received in time for the meeting.

RESOLVED – T H A T it be noted that no applications had been received.

Reason for decision

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

231 OBSERVATIONS AT TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO/HLDS) –

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

Mrs. Tinsley stated that due to technical difficulties with the link provided by the clerk at St. Athan she had been unable to access the St. Athan Community Council meeting in July.

Mrs. Hallett advised that as a result of the Penllyn Community Council meeting being held in a community hall, she had been reluctant to attend due to the pandemic.

Mr. Watkins advised that he had attended the virtual meeting of Ewenny Community Council on 9th June, 2021 which had been a well-managed meeting with the Chair in control.

In the absence of Mr. Alexander, the Principal Democratic Services Officer informed the Committee that Mr. Alexander had attended the virtual meeting of Peterston Super Ely Community Council on 14th June, 2021 and that the meeting had been managed well with no issues to report.

During the discussion it was accepted that if Members were uncomfortable in attending physical meetings during the pandemic then observations of such meetings would be postponed until further notice.

It being noted that a few Community Council meetings had yet to be observed, it was agreed accepted that where possible those outstanding be visited following the recess. It was subsequently

RESOLVED –

- (1) T H A T the verbal updates provided at the meeting in respect of observations made by Standards Committee Independent Members be noted.
- (2) T H A T the Principal Democratic Services Officer liaise with Independent Members to ensure that any outstanding Town and Community Council observation visits are undertaken by November 2021.
- (3) 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 and a further schedule of visits be drawn up following the Local Government Elections in 2022.

Reason for decisions

(1-3) Having regard to the observations undertaken and the role of the Standards Committee.

232 PROGRESS UPDATE FOLLOWING THE PRESENTATION OF A REPORT TO THE COMMUNITY LIAISON COMMITTEE (MO/HLDS) –

The purpose of the report was to provide the Committee with an update following the Community Liaison Committee meeting held on 5th July, 2021. The Principal Democratic and Scrutiny Services Officer informed the Committee that the report that had been presented to the Community Liaison Committee, attached as an Appendix, had provided an overview of the process with regard to observations undertaken by Independent Members of Vale of Glamorgan and Town and Community Council meetings together with an overview of discussions and meetings held between the Monitoring Officer and Clerks of Town and Community Councils. The report had also been well received by the Community Liaison Committee which had subsequently recommended, as outlined at paragraph 2.3 of the report before the Standards Committee, that further updates on future observations be presented to future meetings following the Local Government Elections in 2022.

RESOLVED –

(1) T H A T the contents of the report, the Appendix and the recommendation of the Community Liaison Committee as referred to in paragraph 2.3 of the report be noted.

(2) T H A T a summary report of the key learning points from the observations undertaken of Town and Community Council meetings, suggested areas for improvement and the introduction of an annual review report and benchmarking opportunities be scheduled to be presented to a future meeting of the Committee following the completion of the outstanding visits to TCC's by November 2021.

Reasons for decisions

(1) Having regard to the contents of the report and the Appendix.

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

233 ETHICAL STANDARDS FRAMEWORK REVIEW (MO/HLDS) –

The purpose of the report was to provide Members with an update in respect of a discussion held on 22nd June, 2021 to date in respect of the review being undertaken of the Ethical Standards Framework in Wales. The Deputy Monitoring Officer, in presenting the report, advised that the independent review report was likely to be available by the Autumn of 2021. The Chair of the Standards

Committee, the Monitoring Officer and Deputy Monitoring Officer had met with Richard Penn, who had been appointed by Welsh Government to undertake the review, on 22nd June, 2021. The report outlined the discussions held at that meeting at paragraph 2.2 of the report.

The Chair advised the Committee that in his view it had been positive meeting and that he felt Mr. Penn had been impressed with the initiative of observations being undertaken by Independent Members, that had been agreed by the Standards Committee.

Councillor Cuddy drew attention to the last bullet point of the discussions at paragraph 2.2 of the report stating that in his view greater powers being afforded to the Public Services Ombudsman for Wales and the Adjudication Panel for Wales would also need to have due regard to the time investigations took to complete.

Having considered the report, it was subsequently

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T a further update report be presented to the Committee following receipt of a report and/or any findings relating to the review.

Reason for decisions

(1&2) To apprise Members of the review of the Ethical Framework in Wales and a recent meeting held with the Monitoring Officer / Head of Legal and Democratic Services, Deputy Monitoring Officer and Chair of the Standards Committee with the Independent Consultant.

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

The report outlined that the Monitoring Officer 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 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.

235 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT –

RESOLVED – T H A T the following matter which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

236 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR A IN RESPECT OF B COMMUNITY COUNCIL (MO/HLDS) –

(Urgent by reason of the need to consider in advance of the next Standards Committee)

The purpose of the report was to present for consideration, under cover of the linked Part II report on this matter later on the agenda, a copy of the Public Services Ombudsman for Wales' Investigation Report in respect of an investigation into a complaint against Councillor A of B Community Council and to enable the Standards Committee to make an initial determination whether or not there was evidence that Councillor A failed, or may have failed, to comply with B Community Council's Members' Code of Conduct.

RESOLVED – T H A T the report be noted and the recommendations and the report be considered in connection with the Part II report later in the agenda.

Reason for decision

To allow Part I and II reports to be considered together.

237 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 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.

238 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 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 therefore provided the Committee with a verbal update in respect of recent confidential correspondence with the Ombudsman. There being no questions in relation to the information provided at the meeting, it was

RESOLVED – T H A T the confidential information provided by the Monitoring Officer at the meeting be noted.

Reason for decision

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

239 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT –

RESOLVED – T H A T, the following matter, which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

240 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR A IN RESPECT OF B COMMUNITY COUNCIL (MO/HLDS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 18C) –

(Urgent by reason of the need to consider in advance of the next Standards Committee)

The purpose of the report was to present for consideration a copy of the Public Services Ombudsman for Wales' Investigation Report in respect of an investigation into a complaint against Councillor A of B Community Council and to enable the Standards Committee to make an initial determination whether or not there was evidence that Councillor A failed, or may have failed, to comply with B Community Council's Members' Code of Conduct.

RESOLVED –

(1) T H A T it be determined that Councillor A be given the opportunity to make representations at a future meeting of the Standards Committee, either orally or in writing in respect of the findings of the investigation and any complaint that he has failed, or may have failed, to comply with Community Council B's Members' Code of Conduct.

(2) T H A T the Public Services Ombudsman for Wales' Investigating Officer be requested to attend a future meeting of the Standards Committee in line with Regulations 8 (3A) and 8 (3C) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

(3) T H A T delegated authority be granted to the Monitoring Officer in consultation with the Chair of Standards Committee to finalise a draft document setting out the allegations for approval by Standards Committee Members.

(4) T H A T the future meeting of the Standards Committee to consider the matter comprise of 5 Members of the Standards Committee to include 3 Independent Members, a Vale of Glamorgan Councillor and the Town and Community Councillor representative on the Standards Committee.

Reasons for decisions

(1&2) To comply with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

(3) In order that Members of the Standards Committee can consider and approve a draft allegations document.

(4) Having regard to the contents of the report.