

## STANDARDS COMMITTEE

Minutes of a remote meeting held on 25<sup>th</sup> November, 2021.

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

The Meeting recording is available [here](#).

Present: R. Hendicott (Chairman); L. Tinsley (Vice-Chairman); R. Alexander, P. Hallett and G. Watkins (Independent Members); Councillor M. Cuddy (Town and Community Council Representative) and Councillor A.R. Robertson (Vale of Glamorgan Council).

Also present: Councillor V. P. Driscoll.

### 582 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.”

### 583 APOLOGIES FOR ABSENCE –

These were received from Councillors R.M. Birch and B.T. Gray.

### 584 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 9<sup>th</sup> September, 2021 be approved as a correct record it being noted that following a query from Mr. Alexander as to whether the Standards Committee could undertake interim training prior to the induction programme in 2022 as referred to on page 281 the Monitoring Officer advised that she would liaise with the Equalities Team.

### 585 DECLARATIONS OF INTEREST –

Councillor A. R. Robertson advised the Committee that with regard to items 9 and 12 on the agenda, following advice from the Deputy Monitoring Officer having regard to the Members’ Code of Conduct, he did not consider that he had a close personal association with the Member referred to in the report.

### 586 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. An application for

dispensation from Councillor V.P. Driscoll had been included within the agenda and the Chair had agreed, with the Committee's permission, to consider three applications from Councillor L. Burnett. The applications were as follows:

Councillor V.P. Driscoll – to speak and vote on issues involving Holton Road, Barry.

Councillor L. Burnett –

- (i) To speak, vote and remain in meetings where issues were raised (including budgets) in respect of Ysgol St Baruc, Oakfield Primary and Jenner Park Primary schools.
- (ii) To speak, vote and remain in meetings where issues relating to staff terms and conditions are considered and general discussions relating to CLA (Children Looked After) and Foster Care (including budgets) are considered.
- (iii) To speak, vote and remain in meetings where issues are raised in respect of the Council's adult domiciliary care services and in relation to any arrangements or charges for blue badge holders.

Councillor Driscoll was present at the meeting and presented his application, advising that he considered he felt he had considerable knowledge and experience being an owner of properties on Holton Road that he could advise Members of when matters relating to Holton Road came before Committees of the Council that could assist in the making of decisions or recommendations. During consideration of Councillor Driscoll's representations the majority of Members of the Standards Committee considered that, having regard to the public interest and the Members' Code of Conduct, in their view it would be inappropriate for Councillor Driscoll to be granted a dispensation to vote on such matters at Committee meetings.

Having considered all the applications for dispensation presented, it was subsequently

RESOLVED –

- (1) T H A T Vale of Glamorgan Councillor and Dinas Powys Community Councillor V.P. Driscoll be granted dispensation to speak only at meetings of the Vale of Glamorgan Council where issues are raised in respect of Holton Road, Barry, in accordance with paragraph (f) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, until the next Local Government elections.
- (2) T H A T Vale of Glamorgan Councillor and Penarth Town Councillor L. Burnett be granted dispensation to speak and vote at meetings of the Vale of Glamorgan Council where issues are raised in respect of the Council's adult domiciliary care services and in relation to any arrangements or charges for Blue Badge holders, in accordance with paragraphs (d), (e) and (f) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, until the next Local Government elections.
- (3) T H A T Vale of Glamorgan Councillor and Penarth Town Councillor L. Burnett be granted dispensation to speak and vote at meetings of the Vale of Glamorgan Council where issues are raised where staff terms and conditions are considered and general discussions relating to CLA (Children Looked After) and Foster care (including budgets) are considered, in accordance with paragraphs (d) and (f) of The

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, until the next Local Government elections.

(4) T H A T Vale of Glamorgan Councillor and Penarth Town Councillor L. Burnett be granted dispensation to speak and vote at meetings of the Vale of Glamorgan Council where issues are raised (including budgets) in respect of Ysgol St Baruc, Oakfield Primary and Jenner Park Primary schools , 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.

#### Reason for decisions

(1-4) To comply with the regulations and obligations for the grant of dispensations to speak and vote.

N.B. Councillor V.P. Driscoll vacated the meeting when the Committee discussed and determined the application.

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

The Independent Standards Committee Members who had observed Town and Community Council meetings since the last meeting of the Committee presented their findings as below.

Mr. Alexander referred to his attendance at a meeting of the Michaelston Le Pit with Leckwith Community Council, advising that it had been a purposeful and well run meeting and that he wished to express his thanks to the Chair and the Clerk for the courtesy extended to him. He had joined the meeting via a software platform that he had not used previously and had some difficulties in obtaining the link which an officer in the Democratic Services team had obtained for him. As this had been a difficulty for himself to obtain and although this was not in relation to the actual running of the meeting, he was concerned that it may be difficult for the public to gain access.

Mrs. Hallett advised that she had attended remotely a meeting of the Community Council of Welsh St. Donats. However, the meeting had been held virtually through the Zoom platform with access to the meeting being provided via three separate links which meant that every half an hour the Members and users would have to access a different link. Although this had been managed as well as possible, Mrs. Hallett suggested that the Community Council may wish to consider other platforms as it was a cumbersome exercise. Members were courteous to each other at the meeting and had been actively involved in discussions in relation to the business on the agenda. The Clerk had also supported the meeting excellently. Councillor Cuddy commented that the cost of various virtual meeting platforms was an issue for some smaller Community Councils.

Mr. Watkins, who had attended a St. Donats Community Council in person meeting at Atlantic College, commented that the meeting room used had been rather small and in his view would be difficult to accommodate large numbers of members of the

public. He was also concerned about how members of the public could attend a meeting in public in light of the college campus controls to enter the premises and that he himself had had difficulty in establishing the premises where the meeting was actually taking place which had taken some considerable time to ascertain. The Monitoring Officer advised that at her recent meeting with Clerks, she had raised the issue with the relevant Clerk who had apologised for the miscommunication which they would ensure was rectified for future meetings. In conclusion Mr. Watkins stated that the meeting had been conducted very well and had been an amicable meeting.

The Chair, who had attended an in person meeting of the St. Athan Community Council, commented that although the meeting had been well conducted, in his view the room layout did not lend itself for members of the public to easily identify who the members of the Community Council were. The meeting room was also not very well lit.

At the meeting there had been an item of business which he determined should have been discussed under Part II in view of its content and should not have been discussed in the presence of the Clerk. The Monitoring Officer advised that she had raised the issue at the recent Clerks meeting advising that such matters should always be dealt with confidentially and in light of the content should not be discussed in the Clerk's presence, given the Clerk's conflict of interest. The Monitoring Officer further advised that this matter would also be raised with the St. Athan Community Council Clerk and Chair directly. The Chair concluded his report by advising that a Planning matter on the agenda had been managed and conducted well with the public having the opportunity to speak.

Having received the observations of the Independent Members, the Chair commented that in his view the observation visits were indeed beneficial and there were lessons to be learnt. The Principal Democratic and Scrutiny Services Officer advised that a lessons learnt report would be presented for the Committee's consideration to either the January or March 2022 meeting.

Following a discussion on whether the observations of Town and Community Council meetings would continue to the end of the current Municipal year (as all Town and Community Councils had now been visited), the only Town and Community Councils considered by the Monitoring Officer that may require a further visit be undertaken, with the intention that a new schedule of visits to Vale of Glamorgan Council and Town and Community Council meetings be prepared for consideration by the Committee following the Council's Annual Meeting in May 2022.

RESOLVED –

- (1) T H A T the verbal updates provided by Standards Committee Independent Members, at the meeting, be accepted and the observations shared with the Chairs and Clerks of the relevant Town and Community Councils.
- (2) T H A T prior to a new schedule of Vale of Glamorgan Council and Town and Community Council meetings being established following the May 2022 Local Government Elections it be accepted that some Town and Community Council meetings may be requested by the Monitoring Officer to be observed further as deemed appropriate.

## Reason for decisions

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

### 588 INDEPENDENT REVIEW OF ETHICAL STANDARDS FRAMEWORK IN WALES (MO/HLDS) –

The Monitoring Officer commenced by advising that the purpose of the report was to update Members on the first phase of the Independent Review of the Ethical Standards Framework in Wales.

In March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales that was established by the Local Government Act 2000. The review sought to ensure that it remained fit for purpose, was open and transparent, and that it commanded the confidence of all involved with the framework.

Richard Penn, an Independent Consultant, was commissioned to undertake the review with the aim to report to Welsh Government Ministers by the end of June 2021 with the intention that any agreed changes be made ahead of the Local Government elections in May 2022.

The review was to be undertaken in two phases and the findings and recommendations of the first phase of the review were attached at Appendix 1 to the report.

Having regard to the reference to interim suspensions contained within the review report at Appendix 1, the Chair raised concern regarding the limited timescale for suspensions compared with the timescale that criminal matters take to come before the Court and the reference made to “for the protection of members of the public” in the proposed criteria for interim suspension with the need for clarity that the criteria listed in sub-paragraph (c) on page 49 were to stand alone rather than all having to apply. Councillor Robertson commented that people were innocent until proven guilty, this was acknowledged by both the Chair and the Monitoring Officer who referred to suspensions as a neutral act, with the Chair stating that in employment matters a person would normally be suspended pending an investigation.

Councillor Cuddy, aware that the report highlighted complaints about some Community Councillors in Wales, wished to draw the Committee’s attention to the fact that there were approximately 735 Town and Community Councils within Wales with a total of over 8,000 Community Councillors. He also highlighted the length of time the investigations took but concurred that Standards Committees should have more scope when determining what sanctions, if any, were to be applied in such instances. The Committee also felt that the use of the Local Dispute Resolution Procedures should also be seen to have a higher priority going forward. It was agreed that the Monitoring Officer refer the above Committee’s comments to Richard Penn for consideration.

Having considered the report and the review findings it was

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T following the second phase of the review a further report be presented to the Standards Committee for consideration as and when available

Reason for decisions

(1&2) Having regard to the contents of the report.

589 AUDIT WALES REPORT: INADEQUACIES IN GOVERNANCE AND FINANCIAL MANAGEMENT – SULLY AND LAVERNOCK COMMUNITY COUNCIL (MO/HLDS) –

The Monitoring Officer, in presenting the report, referred to the purpose of the report which was to inform Standards Committee of the publication of a public interest report undertaken by Audit Wales which was attached at Appendix 1 to the report and which had been considered by the Auditor General for Wales to be issued in the public interest under Section 22 of the Public Audit (Wales) Act 2004 ('the 2004 Act').

The report detailed nine recommendations that had been made to the Sully and Lavernock Community Council with the aim to help the Council to improve its financial management and governance arrangements. The Monitoring Officer also advised that she had written to the author of the report highlighting the Committee's programme of observing Community Council meetings and the proforma that was used, the six monthly meetings held with Clerks that were arranged to share the advice and discuss topical issues and areas of concern which supplemented individual discussions with Chairs and Clerks and to advise of the training that was provided by the Vale Council on Code of Conduct. The Monitoring Officer further stated that in the response she had highlighted that she had held meetings with the Chair and Clerk of the Community Council and that previously meetings had also been held with the Chair of the Standards Committee.

The Audit Wales report at paragraph 26 also referred to the fact that the Community Council must arrange a meeting within one month of the issuing of the recommendations which must be advertised by placing a notice in the local newspaper. The notice having to set out the date, time, and purpose of the meeting.

The Principal Democratic and Scrutiny Services Officer advised that on checking the Community Council website, the meeting and purpose had not clearly been displayed but that the Clerk had confirmed by email since the despatch of the Standards Committee agenda that the matter had been considered at the last meeting of the Council on 9<sup>th</sup> November, 2021 and a reply to the report had been sent to the Audit Office. The Clerk was awaiting a response from the Audit Office prior to publication in the press.

It was suggested that with regard to the issue of the agenda not being clearly displayed by the Community Council that the matter be taken up with the Community

Council if the Committee determined as detailed in Recommendation (2) of the covering report on the agenda that arrangements be made for the Chair of the Standards Committee and the Monitoring Officer to meet with the Chair, Vice-Chair and Clerk of Sully and Lavernock Community Council to discuss matters arising from the Audit Wales report relating to Code of Conduct matters.

Councillor K. Mahoney (Vale of Glamorgan Councillor with permission to speak) commented on the Audit Wales Report and associated concerns relating to the Community Council.

RESOLVED –

(1) T H A T the contents of the Audit Wales report: Inadequacies in Governance and Financial Management – Sully and Lavernock Community Council be noted.

(2) T H A T arrangements be made for the Chair of the Standards Committee and the Monitoring Officer to meet with the Chair, Vice-Chair and Clerk of Sully and Lavernock Community Council to discuss matters arising from the Audit Wales report relating to Code of Conduct matters.

(3) T H A T the Standards Committee noted that the matter had been raised by the Monitoring Officer at the Monitoring Officer's meeting with Clerks of Town and Community Council's on 24<sup>th</sup> November, 2021 and that a copy of the report be emailed to all Clerks of Town and Community Councils in the Vale of Glamorgan for information.

#### Reasons for decisions

(1&2) Having regard to the contents of the report.

(3) In order that the contents of the report can be shared to raise awareness.

#### 590 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.

591 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR A IN RESPECT OF THE VALE OF GLAMORGAN COUNCIL AND X TOWN COUNCIL (DMO/OMLS) –

The purpose of the report was to inform Committee that under cover of the linked Part II report on the 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 the Vale of Glamorgan Council and X Town Council was to be presented, 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 the Vale of Glamorgan Council's and X Town Council's Members' Code of Conduct

The Public Service Ombudsman for Wales ('the Ombudsman') received a complaint that a Member of the Vale of Glamorgan Council and X Town Council had breached the Members' Code of Conduct. The Ombudsman had investigated the complaint under Section 69(1)(a) of the Local Government Act 2000 had made findings in relation to the complaint and had referred the matter to the Council's Monitoring Officer for consideration by the Council's Standards Committee.

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

Reason for decision

To allow Part I and Part II reports to be considered and in compliance with the provisions of the 2001 Regulations and the Procedure for Dealing with Allegations Made against Councillors and Referred to the Standards Committee.

592 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.

593 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO/HLDS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) -

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

594 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR A IN RESPECT OF THE VALE OF GLAMORGAN COUNCIL AND X TOWN COUNCIL (DMO/OMLS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 18C) -

The purpose of the report was to present to Committee a copy of the Public Services Ombudsman for Wales' Investigation Report in respect of an investigation into a complaint against Councillor A of the Vale of Glamorgan Council and X Town Council, 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 the Vale of Glamorgan Council's and X Town Council's Members' Code of Conduct

The Public Service Ombudsman for Wales ('the Ombudsman') received a complaint that a Member of the Vale of Glamorgan Council and X Town Council had breached the Members' Code of Conduct. The Ombudsman had investigated the complaint under Section 69(1)(a) of the Local Government Act 2000 had made findings in relation to the complaint and had referred the matter to the Council's Monitoring Officer for consideration by the Council's Standards Committee. Following the Committees consideration of the report it was

RESOLVED –

(1) T H A T 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 Councillor A had failed, or may have failed, to comply with the Vale of Glamorgan Council's and the X Town Council'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 having regard to Resolution (1) above 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 Deputy Monitoring Officer, in consultation with the Chair of Standards Committee, to finalise a draft document setting out the allegations for approval, by email, by Standards Committee Members.

### Reasons for decisions

- (1) To comply with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the 2001 Regulations).
- (2) In line with the provisions of the 2001 Regulations.
- (3) In order that Members of the Standards Committee can consider and approve a draft allegations document.

N.B. The Monitoring Officer withdrew from the meeting when Items 9 and 12 were being considered.