

STANDARDS COMMITTEE

Minutes of a remote meeting held on 26th January, 2022.

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

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

Present: R. Hendicott (Chair); L. Tinsley (Vice-Chair); 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: Councillors G.D.D. Carroll, V.P. Driscoll and L.O. Rowlands.

787 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Principal Democratic and Scrutiny Services Officer 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”.

788 APOLOGIES FOR ABSENCE –

These were received from R. Alexander (Independent Member); Councillors R.M. Birch and B.T. Gray (Vale of Glamorgan Council).

789 DECLARATIONS OF INTEREST –

No declarations were received.

790 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR L.O. ROWLANDS IN RESPECT OF THE VALE OF GLAMORGAN COUNCIL AND BARRY TOWN COUNCIL (DMO) –

The report was presented to consider the allegations (as referred to in paragraph 2.1 of the report) made against Councillor L.O. Rowlands in respect of the Ombudsman’s Investigation report regarding a complaint against Councillor Rowlands in respect of the Vale of Glamorgan Council and Barry Town Council.

Prior to commencement of consideration of the report, the Chair following introductions advised of the procedure for the hearing. In referring to the disputed facts as contained within the report on page 18 of 25, having confirmed with all present that they had read the papers, Ms. S. Cook, representing the Ombudsman’s office advised that fact 88 was not disputed. Following which it was subsequently agreed that fact 88, (Did Councillor Rowlands allow an image of

himself wearing the Mayor's Chains to be used to endorse his business?) be not considered as the Ombudsman had concluded there was insufficient evidence to indicate that Councillor Rowlands had allowed the image to be displayed.

With regard to the remaining facts an analysis of the evidence showed that Councillor Rowlands had been a member of the Planning Committee for almost two years and had attended a meeting where a similar matter had been considered. Councillor Rowlands had also spoken to the Senior Planning Officer who had explained the differences between the Licensing and Planning processes and the Ombudsman had therefore been satisfied that Councillor Rowlands had received a clear explanation of the position.

Councillor G.D.D. Carroll, representing Councillor Rowlands, in referring to points 86 and 87 contained within the report although acknowledging that the Ombudsman was aware that a meeting had been held with the Senior Planning Officer who had advised Councillor Rowlands accordingly, Councillor Rowlands had not thought he had done anything wrong. In response the representative from the Ombudsman's Office stated that they felt that Councillor Rowlands should have been aware of the situation and that he had not sought any further guidance in relation to the matter. Furthermore in the interview with the Ombudsman's Office Councillor Rowlands had also stated that in hind sight he considered that he should have left the business earlier.

There being no further questions at this stage, the Chair asked Councillor Rowlands to respond.

In referring to point 87 within the report, Councillor Rowlands stated that he had been a new Councillor, he had also thought that the "training provided had not been adequate and that like for any member of the public planning and licensing rules were complicated and that when he had sought advice it had been "very grey". Councillor Rowlands commenting that he was sorry and should have taken more steps also acknowledged that in hindsight he should have asked the Monitoring Officer for further advice stating that he put this down to his naivety.

Mrs. Hallett asked Councillor Rowlands "Can you say you are more competent now as a member of the Planning Committee?" to which he responded, "I was advised by the Ombudsman to have more training and the Monitoring Officer provided this on the Code of Conduct". Councillor Rowlands also advised the Committee that had also been reading books on planning.

Mrs. Tinsley commented that as a Councillor, Councillor Rowlands had to be accountable, as well as the fact that he was a member of a number of Committees of the Council and took the opportunity to ask Councillor Rowlands why he had not sought further training. In response Councillor Rowlands stated that he had raised the issue many times with officers, including the Head of Democratic Services, but that it had never materialised. He also suffered from dyslexia and was trying to understand the process. Mrs. Tinsley in referring to the Ombudsman's report queried with Councillor Rowlands that there had been three distinct opportunities where he had expressed confusion and lack of understanding referring to the meetings held with Planning Officers in March and

May 2019 and enquired why Councillor Rowlands had not sought assistance at those opportunities. Councillor Rowlands in response advised that he had been advised by others that everything would be fine but stated that again in hindsight he should have asked for advice and regretted now not seeking that advice.

Councillor Robertson asked Councillor Rowlands what he would have done differently if he had to do it again, to which Councillor Rowlands responded that “he would not do it again, he would not want to open any business again, it had affected his confidence and that he would never be afraid to ask for advice again”.

Mrs. Hallett in referring to the fact that Councillor Rowlands had known that Barry Town Council had objected to the application enquired as to whether he had been arrogant in going ahead with the proposals and not consulting with constituents. Councillor Rowlands, in response, stated that other Councillors were actively “stirring it up” and that although he considered himself to be an honest person and that he wanted to consult on the matter, he had been told by his business partner not to, but in hindsight he wished that he had. He also stated that he did not think it was arrogance on his part as in his view it was a matter for the public to decide.

There being no further questions or representations from either party, the Standards Committee retired to consider the matter in private.

On return to the meeting, the Chair advised that the Standards Committee had determined that they were satisfied that Councillor Rowlands had been aware of the consequences of opening The Watering Hole prior to a Change of Use Application being approved and of his failure to comply with the Members’ Codes of Conduct.

In line with the Procedure the Chair asked the Ombudsman’s representative to make her representations following the Committee’s decision.

The Ombudsman’s representative stated that it was a matter for the Standards Committee to determine, but that it was the Ombudsman’s view that a breach had occurred. However they acknowledged that Councillor Rowlands had taken swift action by not taking any further part in the business and in doing so had lost his investment.

Councillor Carroll, in response, stated that Councillor Rowlands accepted that he had breached the Members’ Codes of Conduct and had been naïve in doing so.

The Chair, in referring to the Procedure at paragraph 10.8.2, referred to the Committee’s ability to apply a sanction and enquired as to the Ombudsman’s Officer’s view as to whether a sanction should be applied and in what form.

The Officer stated that she considered the breach to be serious, especially as the matter had been played out in the public domain. The Ombudsman had however, noted that the Councillor had acknowledged that his actions had not been appropriate and that the matter had received much public interest. Again, the officer stated that it was a matter for the Standards Committee to determine and although Councillor Rowlands had removed all connection to the business and

appeared to be remorseful, however he had not considered the wider risk and potential impact on his role. It was also an aggravating factor in their view that the Member was an experienced politician, was also a member of a number of Committees and had a lot of experience.

In response, Councillor Carroll stated that Councillor Rowlands was extremely remorseful and acknowledged that he had not conducted himself in the manner that he should have, he had been naïve and had accepted the report of the Ombudsman. In referring to his experience as a Councillor, Councillor Carroll stated that Councillor Rowlands had first been elected in 2017 and like many Members had not had much experience prior to his election and like a member of the public he would not have had previous experience of Committee work. The incident referred to in the report had taken place in 2019 and that he was more aware now than he had been then, it had caused him reputational damage and he also regretted the fact that the report had been released into the public domain. When he had first become aware of the matter, he had taken immediate steps to rectify the situation and had also lost out financially. In conclusion, Councillor Carroll stated that Councillor Rowlands had learned his lesson and that given his lack of experience, he sought leniency from the Committee in administering a sanction, with a request that taking all the above factors into account if a sanction was determined, it be a censure as opposed to a suspension.

Councillor Robertson enquired as to whether either party was aware of any new evidence that had come to light since the original decision had been made by the Ombudsman which in response the Committee was informed that no other evidence had been received.

Mr. Watkins sought clarification in relation to Councillor Rowlands having been a previous member of the Standards Committee to which Councillor Rowlands responded that he had previously been a member of the Standards Committee Appointments Panel and also a member of the Standards Committee but had come off the Committee because of the planning application.

There being no further representations, the Committee adjourned to consider the matter in private and in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("2001 Regulations").

Upon return the Chair advised that the Standards Committee had

RESOLVED –

(1) T H A T Councillor L.O. Rowlands failed to comply with paragraph 6(1)(a) of the Model Code; paragraph 18.2.6(a) of the Vale of Glamorgan Council's Members' Code of Conduct; and paragraph 6(1)(a) of the Barry Town Council's Members' Code of Conduct in respect of:

- His actions relating to the opening of a coffee shop and wine bar, 'The Watering Hole', without the correct change of use planning permission being in place;

- His conduct in failing to consider the situation appropriately; and
- Seeking advice about his role and position, which suggested a significant lack of judgment on his part, which had the potential to impact on the mutual relationship of trust that existed between the Council and the Town Council, its elected Members, and the public;

and that Councillor L.O Rowlands be suspended from being a Member of the Vale of Glamorgan Council and Barry Town Council for a period of one month.

(2) T H A T Councillor L.O Rowlands be advised of his right to appeal against the Committee's determination within a period of 21 days of receiving notification, by giving notice in writing to:

The Registrar
 Adjudication Panel for Wales
 Government Buildings
 Spa Road East
 Llandrindod Wells
 Powys
 LE1 5HA

and that the notice of appeal must specify:

- the grounds for appeal, and
- whether or not the person giving notice of the appeal consents to the appeal being conducted by way of written representations.

(3) T H A T, subject to an appeal (if any) the findings of the Standards Committee as detailed in Resolution (1) above be publicised in accordance with the requirements of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended ("the Regulations").

Reasons for decisions

(1) Having regard to all the evidence submitted to the meeting of the decisions of the Committee, the mitigating factors presented by Councillor G.D.D Carroll on Councillor Rowlands' behalf and the mitigating and aggravating factors presented by the Ombudsman's representative, Ms. S. Cook, at the meeting, and in the interests of promoting and maintaining Ethical Standards in Public Life.

(2&3) To comply with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended.