

No.

## STANDARDS COMMITTEE

Minutes of a Remote Meeting held on 26<sup>th</sup> January, 2023.

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

The recording of the meeting is available [here](#).

Present: R. Hendicott (Chair); L. Tinsley (Vice-Chair); R. Alexander, P. Hallett and G. Watkins (Independent Members); Councillors R.M. Birch, J.E. Charles and C.P. Franks.

Also present: Councillors M. Hooper and E. Williams (Cabinet Member for Social Care and Health).

### 655 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.”

### 656 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 24<sup>th</sup> November, 2022 be approved as a correct record.

### 657 DECLARATIONS OF INTEREST –

Councillor C.P. Franks declared an interest in Agenda Item 4 – Applications for Dispensation – in that Councillor Cowpe was a close personal associate and that he had also previously made an application for dispensation in respect of the same matter. Councillor Franks vacated the meeting when the item was to be considered.

### 658 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 Committee also agreed to consider a late application received from Councillor Lloyd-Selby.

Having regard to Councillor Cowpe’s application, Committee was informed that Councillor Cowpe had advised the Principal Democratic and Scrutiny Services Officer that the application was in respect of all meetings for both Councils. In referring to this application, the Monitoring Officer stated that her advice would be that paragraphs (d) and (f) of the circumstances when a Standards Committee may

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grant an application would be appropriate but not paragraph (e). However, she also added that having regard to the late application, which was a similar application to Councillor Cowpe's and where paragraph (h) had also been applied under, her advice would be that Councillor Cowpe's application be considered in the same way with Committee considering to grant the application to speak and vote on general matters but to speak only when matters regarding finance or property are to be discussed.

The Monitoring Officer further advised that if the Committee was minded to approve the applications having regard to her advice in respect of ground (h) above, Members who had been granted to speak only in respect of similar matters would be contacted by Democratic Services and advised to submit fresh applications in respect of those matters, should they wish to do so.

Following careful consideration of the applications and having regard to the Monitoring Officer's advice above it was

RESOLVED – T H A T dispensations as set out in the schedule below be granted up to the date of the next Local Government Elections:

<b>Member Requesting Dispensation</b>	<b>Paragraph(s) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 Under Which Dispensation is Granted and as applied for</b>	<b>Decision</b>
Councillor C.M. Cowpe	(d), (f) and (h)	To <b>speak and vote</b> on general matters relating to Dinas Powys Library and Activity Centre and to <b>speak only</b> , when matters regarding finance or property are being discussed at both Vale of Glamorgan and Dinas Powys Community Council meetings.
Councillor S.J. Haines	(d) and (f)	To <b>speak and vote</b> on matters (save for matters of finance) in relation to rented allotments at Vale of Glamorgan Council meetings having regard to the application presented.

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Councillor S.C. Lloyd-Selby	(d), (f) and (h)	<b>To speak and vote</b> on general matters relating to the Vale foodbank, and to <b>speak only</b> when matters regarding finance or property in respect of the Vale Foodbank, are to be considered at Vale of Glamorgan Council meetings.
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Reasons for decisions

To comply with the regulations and obligations for the grant of dispensations to speak and vote.

659 OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO / HLDS) –

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, Independent Members of the Standards Committee agreed to undertake observations of Town and Community Council (TCC) meetings. The feedback reports in respect of observations undertaken being presented to the Monitoring Officer and verbal generic updates of the reports being presented to the Standards Committee by Independent Members following the undertaking of the visits. It was accepted that any observations would be shared with the Clerk / Chair of a TCC undertaken by the Monitoring Officer and / or Principal Democratic and Scrutiny Services Officer.

Mr. Watkins commenced by advising that he had recently attended in person a meeting of Llanfair Community Council on 1<sup>st</sup> December, 2022. The meeting had been held in a very spacious room with easy access, everyone could be seen and heard and there was enough room for Members of the public should they wish to attend. Members had name cards in front of them so they could be identified, however, as the meeting had been short and uncontroversial there were no hard and fast views formed.

Mr. Alexander advised that he had recently attended three TCC meetings by remote means, the first being Llantwit Major Town Council on 24<sup>th</sup> November, 2022 advising that this had been an excellent meeting. It had had a substantial agenda, the meeting had been chaired by the Town Mayor and extremely well conducted. Mr. Alexander also took the opportunity to pay tribute to the administrative procedures that had been in place to support the meeting. He drew attention to the use of coloured paper within the agenda to identify each of the reports of sub-committee meetings of the Council which he stated to be an excellent way to organise a meeting.

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The second meeting Mr. Alexander attended was at Pendoylan Community Council on 8<sup>th</sup> December, and advised the Standards Committee that out of all the meetings he had attended whilst undertaking observations this had been the most enjoyable for him there was a real sense of community spirit and wanting to do the best for the community. There were however, no nameplates that he could see and some background noise during the meeting from a Member's house caused some distraction which he thought the Chair should have addressed, but otherwise he considered it to be a well conducted meeting.

On 18<sup>th</sup> January, 2023 he had attended a meeting of Llanmaes Community Council, again he could not see if there were nameplates but had been impressed with the very clear protocol for public speaking which he had not seen set out in such a clear way before. There had been a slight tendency for Members of the Council to stray from the agenda but they were quickly brought back to the business of the meeting by the Chair and again he felt it had been a well conducted meeting.

Mrs. Tinsley advised that she had attended a meeting of Barry Town Council on 12<sup>th</sup> December, 2022 by remote means and that there had been a couple of interesting points she had noted, one being when the Members spoke they stood, which assisted those viewing. The other being in respect of an issue where a sub-committee, due to the number of members having a prejudicial interest in matters, were unable to make decisions. In order to manage the situation, the terms of reference of the sub-committee were proposed to be revised in order to allow recommendations to be referred to the main committee for a decision to be made, which she considered to be a good way of addressing the issue. In conclusion, Mrs. Tinsley advised the Standards Committee that it had been a very well run meeting.

Mr. Hendicott informed the Committee that he had attended remotely, a meeting of Sully and Lavernock Community Council on 17<sup>th</sup> January, 2023 where the Clerk had taken a very active part in the meeting by effectively chairing the meeting and although the meeting had been well run, in his view the respective roles of the Chair and Clerk needed to be reconsidered. The meeting had been a short and uncontroversial meeting and although personal interests were mentioned their nature was not provided, as was required.

Following a query from the Chair as to whether there were any outstanding visits that needed to be undertaken, the Principal Democratic and Scrutiny Services Officer advised that there were a few TCCs which required observation visits and these would be addressed with the Independent Members via email.

RESOLVED –

(1) T H A T the report and the verbal feedback provided by Independent Members of the Standards Committee in respect of observations undertaken of Town and Community Council meetings since the last meeting of the Committee be noted.

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(2) T H A T having regard to Resolution (1) above, feedback be provided to the Clerks and Chairs of the respective Town and Community Councils by the Monitoring Officer and / or Principal Democratic and Scrutiny Services Officer.

(3) T H A T any remaining outstanding visits of Town and Community Councils be allocated to the five Independent Members in due course.

Reason for decisions

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

660 UPDATE ON NATIONAL STANDARDS COMMITTEE FORUM (MO / HLDS) –

The Monitoring Officer / Head of Legal and Democratic Services apprised the Committee on the progress being made in respect of establishing a National Standards Committee Forum for Independent Standards Committee Members, it being noted that the first meeting of the National Standards Committee Forum had been re-arranged for 27<sup>th</sup> January, 2023. The report also sought the Committee's views on a proposal for the harmonisation of the threshold for the declaring of gifts / hospitality, within the Vale of Glamorgan Council, to be harmonised in line with the Local Authorities in Wales which was to be considered at the National Forum meeting on 27<sup>th</sup> January, 2023.

Appendix 1 to the report provided details of the agenda that was to be considered at the National Forum on 27<sup>th</sup> January, 2023 and Appendix 2 detailed the proposed Terms of Reference for the Forum. Further discussion was also to take place at that meeting in relation to the new duty under Section 62, of the Local Government and Elections (Wales) Act 2021 for Group Leaders, as to how the duty would be reported as part of the Standards Committee's Annual Report.

The Chair of Standards Committee and the Monitoring Officer would provide the Standards Committee with an update of discussions following the Forum meeting in due course.

Having considered the report, it was subsequently

RESOLVED –

(1) T H A T the report, together with the Terms of Reference of the National Standards Committee Forum as outlined at Appendix 2 to the report, be noted.

(2) T H A T the Committee's view that the harmonisation of the threshold for declaring gifts / hospitality be in accordance with other Local Authorities in Wales, currently recommended to be £25 be agreed, and the view conveyed to the National Standards Committee Forum at its meeting on 27<sup>th</sup> January 2023.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) In order that the views of the Committee can be considered at the National Standards Committee Forum on 27<sup>th</sup> January, 2023 with further feedback to be presented to the Cabinet and Full Council of the Vale of Glamorgan Council in due course.

661 APPOINTMENT OF A STANDARDS COMMITTEE PANEL (MO / HLDS) –

The Monitoring Officer / Head of Legal and Democratic Services advised that the report sought the Standards Committee's views in relation to the appointment of a Standards Committee Panel to consider undertaking a review having regard to the comments made at the Full Council meeting on 5<sup>th</sup> December, 2022, where the Leader of the Council had been asked whether she would be prepared to undertake an inquiry following the conviction of former Vale of Glamorgan Councillor who had recently been found guilty of offences before Newport Crown Court on 25<sup>th</sup> November, 2022.

Paragraph 2.1 of the report advised that having regard to the discussions at Full Council on 5<sup>th</sup> December, 2022, there was no legal basis for the Council to undertake an inquiry of its own volition as this was a matter for Ministerial authorisation. The report also suggested that should the Standards Committee consider appointing a Panel it may also wish to consider that the Panel consists of three Independent Members of the Standards Committee and that the Panel be convened to determine its Terms of Reference with those Terms of Reference being reported to the next meeting of the Standards Committee for its consideration and / or approval. The Monitoring Officer also advised the Committee that prior to 5<sup>th</sup> December, 2022 she had not been contacted with regard to any concerns in respect of the matter prior to it being raised at the Council on 5<sup>th</sup> December.

The Chair enquired as to whether an appeal had been made against the conviction, to which the Monitoring Officer replied that the timescale had now lapsed for an appeal, being 28 days from 25<sup>th</sup> November, 2022. It was her understanding that no appeal had been lodged. A member of her team would however, be touching base with the Court in the next week or so to confirm that that was still the case. The Monitoring Officer also took the opportunity to advise the Committee of the current procedures that were in place within the Authority which included the Code of Conduct and Whistleblowing Policies.

Mrs. Tinsley stated that she was of the view that if there was anything the Committee could consider it would be what processes and procedures the Council had in place. However, two other members of the Standards Committee were of the opinion that it did not seem appropriate for a review to be undertaken as this had been a matter for criminal proceedings. Mrs. Hallett did however, advise that she had herself looked at the report that had been prepared by Dame Janet Smith in relation to the Jimmy Saville Investigation which had looked at the policies which had been in place at the BBC and the culture of the organisation. Mrs. Hallett was also of the view that the

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Council had very robust systems in place and that if a Panel was agreed to be established, it would be those such systems that should be considered although again she felt that in her opinion the culture of the Council was that it was well placed with its policies and procedures.

Having regard to the proposal within the report that a Panel of three Independent Members be established, the Chair stated that this had been considered having regard to keeping party politics out of such a review. Mr. Alexander thought there was merit in forming a Panel and that if it was found that the processes in place were appropriate, the review could be wound up very quickly.

Having regard to the discussions at the meeting, it was subsequently

RESOLVED –

(1) T H A T a Panel of Independent Members of the Standards Committee to consider conducting a review having regard to paragraph 1.1 of the report be approved.

(2) T H A T the Panel consist of three Independent Members of the Standards Committee, namely the Chair of the Standards Committee, Mr. R. Hendicott, the Vice-Chair of the Standards Committee, Mrs. L. Tinsley and Mr. R. Alexander, be approved.

(3) T H A T the Panel as outlined in Resolutions (1) and (2) above, be convened over the forthcoming weeks to consider the Terms of Reference for such a review and that the Terms of Reference be reported to the next meeting of the Standards Committee for approval.

#### Reasons for decisions

(1&2) Having considered the contents of the report and discussions at the meeting.

(3) In order that the Terms of Reference of the Panel can be considered and agreed by the Standards Committee.

#### 662 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 Public Services Ombudsman for Wales which were confidential in nature.

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.

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Reason for decision

To apprise Members of the Committee.

663 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.

664 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 would 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.