

STANDARDS COMMITTEE

Minutes of a meeting held on 23rd January, 2020.

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

621 APOLOGY FOR ABSENCE –

This was received from Mrs. P. Hallett (Independent Member).

622 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 20th September, 2019 be approved as a correct record.

623 DECLARATIONS OF INTEREST –

No declarations were received.

624 APPLICATIONS FOR DISPENSATION AND USE OF THE MONITORING OFFICER'S DELEGATED POWERS (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 may not otherwise be able to speak or vote on or remain in the room.

Members were requested to consider the following applications as contained within the report:

- Application for dispensation from Councillor Mrs. J.A. Moore, Vale of Glamorgan Council, to speak, vote and remain in meetings where issues are raised (including budgets) in respect of All Saints Church in Wales Primary School, given that her Grandchild attended the School, (paragraphs (d), (e), (f) and (i));
- Application for dispensation from Councillor N. Moore, Vale of Glamorgan Council, to speak, vote and remain in meetings where issues are raised (including budgets) in respect of All Saints Church in Wales Primary School, given that his Grandchild attended the school, (paragraphs (d), (e), (f) and (i));
- Application for dispensation from Councillor Mrs. M.R. Wilkinson, Vale of Glamorgan Council, to speak and vote in meetings on matters concerning Gwenfo Church in Wales Primary School and Cadoxton Primary School

where matters relating to the above schools are to be discussed, given that her Grandchildren attended the schools, (paragraphs (d), (e), (f) and (i));

- Application for dispensation from Councillor L. Burnett, Vale of Glamorgan Council, to speak, vote and remain in meetings where issues are raised (including budgets) in respect of Ysgol St. Baruc and St. Cyres Comprehensive Schools, given that her great-nieces and niece attended the schools, (paragraphs (d), (e), (f) and (i)).

The Chairman had also agreed to consider the following applications as urgent items which had been received following the despatch of the agenda:

- Application for dispensation from Councillor Mrs. C.A. Cave, Vale of Glamorgan Council, to speak and vote in meetings on matters (including budgets) concerning Ysgol Gymraeg Bro Morgannwg, given that her Grandchildren attended the school, (paragraphs (d), (e), (f) and (i));
- Application for dispensation from Councillor G.C. Kemp, Vale of Glamorgan Council, to speak, vote and remain in meetings when issues are raised (including budgets) in respect of Romilly Primary School, given that his Grandsons attended the school, (paragraphs (d), (e), (f) and (i));
- Application for dispensation from Councillor K.F. McCaffer, Vale of Glamorgan Council, to speak, vote and remain in meetings where issues are raised (including budgets) in respect of Victoria Primary School, given that her children attended the school, (paragraphs (d), (e), (f) and (i)).

During consideration of the report, the Monitoring Officer referred to the Code of Conduct for Members as detailed in the Constitution and to the Public Services Ombudsman's Guidance: The Code of Conduct for Members for Local Authorities in Wales. In referring specifically to the Ombudsman's guidance, the Monitoring Officer advised that there were exemptions to the Code, however these would not apply when the business being considered related to a determination, approval, consent, licence, permission or registration. These categories the Ombudsman advised would refer to the category of decisions such as granting planning consent and licensing decisions. Having regard to the applications before the Committee, the Standards Committee were of the view that these considerations were not appropriate in such instances and determined to grant the applications as follows:

RESOLVED –

(1) T H A T Councillors Mrs. J.A. Moore, N. Moore, Mrs. M.R. Wilkinson, L. Burnett, Mrs. C.A. Cave, G.C. Kemp and K.F. McCaffer be granted dispensation to speak, vote and remain at meetings of the Vale of Glamorgan Council as applied for until the next Local Government elections in accordance with paragraphs (d), (e), (f) and (i) of the Standards Committee Grant of Dispensations (Wales) Regulations 2001.

(2) T H A T should similar applications to the above be received the Monitoring Officer's delegated powers in consultation with the Chairman be used to determine such applications.

Reasons for decisions

- (1) Having regard to the contents contained therein.
- (2) In order that applications of a similar nature can be determined under the use of the Monitoring Officer's delegated powers.

625 OBSERVATIONS BY INDEPENDENT STANDARDS COMMITTEE MEMBERS AT VALE OF GLAMORGAN COUNCIL AND TOWN AND COMMUNITY COUNCIL MEETINGS (MO/HLDS) –

One of the roles of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives of the Council. To assist in this process, in March 2018 Independent Members of the Standards Committee agreed to undertake observations at Vale of Glamorgan Council meetings and in March 2019 this was extended to include observations being undertaken at Town and Community Council meetings throughout the Vale of Glamorgan. Following such observations, Independent Members agreed to report on a regular basis their findings to the Standards Committee.

The Monitoring Officer / Head of Legal and Democratic Services commenced by presenting Mrs. P. Hallett's findings having attended a Community Council meeting. Mrs. Hallett noted that the Committee had worked well, she had been welcomed at the meeting although this was not mandatory. Mrs Hallett emphasised the importance of the use of name cards for members of the public and observers to differentiate between the Members of the Committee and those in attendance advising that name cards had been available although names only appeared on one side of the card. The acoustics and lighting had also been good. Mrs. Hallett had agreed that her observations could be shared with the Community Council which the Monitoring Officer / Head of Legal and Democratic Services had arranged.

The Chairman, then referred to a Community Council meeting that he had attended prior to Christmas stating that no name cards were available and he did not know who the Members of the Council were, the acoustics were poor, the meeting should have started at 6.15 p.m. but as it was inquorate those present waited until another Member arrived. The procedure for public speaking in his view was very good, with approximately 30 minutes being allocated and there were very interesting issues raised. In his opinion he considered that there was little respect shown by the Members of the Council for each other and there appeared to be animosity and despair. The Monitoring Officer / Head of Legal and Democratic Services agreed that she would share the views with the Community Council and the Clerk.

Mr. Alexander had attended a Vale of Glamorgan Council Planning Committee meeting and it had been clear who the Planning Committee Members were, however there was lots of feedback that evening from the microphones which made hearing difficult in the gallery. There were more than adequate numbers of agendas available for the public and Members showed respect for each other. In referring to the requirement for declarations of interest the Monitoring Officer / Head of Legal

and Democratic Services took the opportunity to advise all present that on all Vale of Glamorgan Council agendas at the item on Declarations of Interest Members seeking advice on the item are asked to contact the Monitoring Officer / Head of Legal and Democratic Services at least 48 hours before the meeting.

Mrs. Tinsley stated that she had attempted to attend a Town Council meeting and Community Council meeting but had been disappointed on both occasions with the Community Council dates of meetings not being available and the Town Council although having been set had been cancelled.

RESOLVED –

(1) T H A T the verbal updates of observations by Independent Members following attendance at Vale Council and Town and Community Council meetings be noted.

(2) T H A T the Monitoring Officer / Head of Legal and Democratic Services relay the outcomes of the observations with the Clerks and Chairmen of the relevant Community Councils and with the Managing Director of the Vale of Glamorgan Council.

(3) T H A T Independent Members continue to undertake observations of up to three meetings each year and advise the Principal Democratic and Scrutiny Services Officer of the dates they would be considering attending.

Reasons for decisions

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

(2) For information.

(3) In order that the attendance at Vale and Town and Community Council meetings can be co-ordinated.

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

The report provided an overview of the Local Government and Elections (Wales) Bill insofar as it directly impacted on the work of the Standards Committee.

The Local Government and Elections (Wales) Bill had been presented in November 2019 to the National Assembly for Wales and it was anticipated that subject to a successful passage through the Assembly, the Bill would receive Royal Assent by the end of the summer 2020.

For the Committee's information the proposals would have far reaching implications for Local Government and included provisions relating to:

- Local Government electoral arrangements;
- Disqualification criteria to stand as a Councillor;
- Governance arrangements, Chief Executives, Local Authorities Executive, Standards Committees and Town and Community Councils;
- Collaboration / mergers;
- Public engagement;
- Finance and Miscellaneous Reforms;
- Renaming of Audit Committee and Terms of Reference amendments;
- Local Authority Executives, Members, Officers and Committees.

Under Part 4 of the Bill, Clauses 67, 68 and 69 referred specially to areas that would directly impact on the work of the Standards Committee as follows:

- Duties of leaders of political groups in relation to standards of conduct (Clause 67);
- Duty of standards committee to make annual report (Clause 68);
- Certain investigations by the Public Services Ombudsman for Wales (Clause 69).

Following a query regarding the provision of establishing Joint arrangements between Local Authorities the Monitoring Officer informed the Committee that there were long standing powers in existing legislation that enable Joint Committees to be developed. For Members' information the Monitoring Officer was currently in discussions with the Monitoring Officer in Bridgend regarding reciprocal arrangements when dealing with potential conflict of interest matters.

RESOLVED –

- (1) T H A T the report be noted.
- (2) T H A T an update report be presented to the Committee on the details of the finalised Bill, once known.

Reason for decisions

(1&2) To apprise Committee.

627 MONITORING OFFICER MEETINGS WITH CLERKS OF TOWN AND COMMUNITY COUNCILS (MO/HLDS) –

The Committee was provided with an update in respect of the meetings undertaken between the Monitoring Officer and Clerks of Town and Community Councils. The report highlighted that to date two meetings had been held, the first on 22nd March, 2019 and the second on 10th October, 2019. Topic areas covered included

- the sharing of good practice,
- the use of the Local Dispute Resolution Procedure,
- the use of Standing Orders to regulate meetings,

- training,
- current Community Council Charter with the Vale of Glamorgan Council,
- the process for applications for dispensations to the Standards Committee,
- the ability to access legal and general advice through One Voice Wales as all Town and Community Councils within the Vale of Glamorgan subscribed to the organisation,
- reference to the Public Services Ombudsman for Wales Guidance on the Code of Conduct for Members of Community Councils and queries and discussions took place,
- the process for observing Town and Community Council meetings by Independent Standards Committee Members,
- Wales Audit Office reports in respect of audit arrangements and governance for Town and Community Councils.

The Standards Committee commended the Monitoring Officer on establishing regular meetings with Clerks of Town and Community Councils to promote and maintain high standards of conduct and to share good practice.

RESOLVED – T H A T the contents of the report be noted.

Reason for decision

In recognition of the meetings that were taking place between the Monitoring Officer and Clerks of Town and Community Councils.

628 LOCAL AUTHORITY'S REGISTER OF GIFTS AND HOSPITALITY (MO/HLDS) –

Under the Local Government Act 2000 section 51 provided that the mandatory provisions in the (then) New Model Members' Code of Conduct be adopted within six months of 1st April, 2008 by all County, County Borough and Town and Community Councils in Wales. In addition to this the Standards Committee also requested that the Council set a value for the registration of any gift, hospitality, material benefit or advantage in accordance with the Model Code of Conduct. The Vale of Glamorgan Council on 23rd April, 2008 (Minute No. 1049 refers) resolved that the following values for the registration of any gift, hospitality, material benefit or advantage be set to take effect from 5th May, 2008 – gifts £50 and hospitality £25.

The Committee on Standards in Public Life Guidance to Local Government in England dated January 2019, recommended:

"Local Authorities should be required to establish a Register of Gifts and Hospitality, with Councillors required to record any gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. The requirement should be included in an updated Model Code of Conduct."

Having regard to the above guidance of January 2019 the Standards Committee was therefore requested to consider an amendment to the Council's Gifts and Hospitality Policy as follows:

That the following values for the registration of any gift, hospitality, material benefit or advantage be:

- Gifts, material benefits or advantages – £50.00 or totalling £100.00 over a year from a single source;
- Hospitality – £25.00 or totalling £100.00 over a year from a single source.

Having considered the report, it was subsequently

RESOLVED –

(1) T H A T the Standards Committee recommend to Full Council that the Vale of Glamorgan Council's threshold for registering gifts, material benefits or advantages and hospitality be amended to read as follows:

Gifts, material benefits or advantages - £50.00 or totalling £100.00 over a year from a single source;

Hospitality - £25.00 or totalling £100.00 over a year from a single source.

(2) T H A T all Town and Community Councils within the Vale of Glamorgan be recommended to adopt the same as outlined in Resolution (1) above for the registration of gifts, hospitality, material benefit or advantage within their Councils.

Reasons for decisions

(1) To seek Council approval having regard to the Committee on Standards in Public Life's recommendation in their guidance entitled Local Government Ethical Standards: A Review by the Committee on Standards in Public Life dated January 2019.

(2) To inform Town and Community Councils of the views of the Standards Committee and to raise the profile of standards in public life having regard to the Committee on Standards in Public Life's recommendation in their guidance entitled Local Government Ethical Standards: A Review by the Committee on Standards in Public Life dated January 2019.

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

The Monitoring Office stated that she would provide a verbal overview of the correspondence under the Part II report on the agenda.

It was subsequently

RESOLVED – T H A T the contents of the report be noted and the update of the correspondence with the Public Services Ombudsman for Wales and matters arising be considered under the Part II report on the agenda.

Reason for decision

To apprise Members.

630 REPORT RELATING TO A COMPLAINT AGAINST COUNCILLOR A IN RESPECT OF B COMMUNITY COUNCIL (DMO) –

The Public Service Ombudsman for Wales ('the Ombudsman') received a complaint that a Member of B Community 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. The Ombudsman had made findings in relation to all except one aspect of the complaint received and had referred the matter to the Council's Monitoring Officer / Head of Legal and Democratic Services for consideration by the Council's Standards Committee. The Monitoring Officer / Head of Legal and Democratic Services had referred the matter to the Deputy Monitoring Officer to consider given the fact that comments had been provided by herself during the course of the investigation.

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

In order that the Part I and Part II reports can be considered together.

631 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 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.

632 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO/HLDS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 18C) –

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 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 item was confidential in nature in line with the Ombudsman's procedure.

The Monitoring Officer / Head of Legal and Democratic Services therefore provided the Committee with a verbal update in respect of recent confidential correspondence

with the Ombudsman in line with the above. There being no questions in relation to the information, it was

RESOLVED – T H A T the information provided by the Monitoring Officer / Head of Legal and Democratic Services be noted.

Reason for decision

To apprise Members noting that the matters were confidential at this stage.

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

Attached as an appendix to the report was a copy of the Public Services Ombudsman for Wales' Investigation Report in respect of an investigation into a complaint against Councillor A in respect of B Community Council.

The Standards Committee was requested to make an initial determination as to whether or not there was evidence that Councillor A failed, or may have failed, to comply with the Community Council's Members' Code of Conduct. A copy of the Community Council's Members' Code of Conduct was attached at Appendix B for the Committee's information.

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.

The Deputy Monitoring Officer, who was present at the meeting, presented the report, advising that as the Monitoring Officer / Head of Legal and Democratic Services had provided comments to the Ombudsman during the investigation, the Deputy Monitoring Officer would therefore advise the Standards Committee in respect of the matter.

Having considered the report, it was subsequently

RESOLVED –

(1) T H A T Councillor A be given the opportunity to make representations to a future meeting of the Standards Committee either orally or in writing in respect of the findings of the Investigation and complaint that he failed or may have failed to comply with their Community 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 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 and the Chairman to draft an allegations document for approval by Standards Committee Members.

Reasons for decisions

(1&2) To comply with the provision 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.