

STANDARDS COMMITTEE

Minutes of a remote meeting held on 25th March, 2021.

The Committee agenda is available [here](#)

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

532 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 28th January, 2021 be approved as a correct record.

533 DECLARATIONS OF INTEREST –

No declarations were received.

534 APPLICATION 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 L. Burnett to speak, vote and remain in meetings where issues were raised in respect of the Council's telecare services had been received and was attached as an appendix to the report.

Having fully considered the report and the application attached, it was subsequently

RESOLVED – T H A T Councillor L. Burnett be granted dispensation to speak and vote at all meetings of the Vale of Glamorgan Council where issues are raised in respect of the Council's telecare services in accordance with paragraphs (d), (e) (f), of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, until the next Local Government elections.

535 REPORT FOLLOWING OBSERVATIONS AT TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO / HLDS) –

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

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, in March 2018, the Standards Committee had agreed that Independent Members of the Committee undertake observations at Vale of Glamorgan Council meetings. In March 2019 this had been extended to include observations of Town and Community Council meetings.

Following such observations, Independent Members reported verbally on a regular basis their findings to the Standards Committee.

Mr. Alexander advised that he had attended two Town and Community Council meetings, held remotely, which in his view had both been purposeful and well run, as well as being well structured, coherent, punctual, with members and attendees showing high levels of courtesy and respect to each other. However, he wished to point out that at one of the meetings it was not made clear who was in attendance and he would suggest for the purpose of anyone viewing the meeting that relevant introductions were made and if possible titles of Councillor and Proper Officer were displayed on screens and / or cameras turned off until the person is invited to speak which was similar to the “in house “ style adopted for Vale of Glamorgan Council meetings. At one of the meetings Part II was moved in order for confidential business to be dealt with but there was no clear guidance on how and when Mr. Alexander could re-join the meeting once Part II had been concluded.

Mrs. Hallett informed the Committee that the Community Council meeting she had attended had been both cordial and ‘pleasant’ and she had been introduced by the Chairman to the attendees at the meeting beforehand. The agenda for the meeting had been made available online and in good time, with all attendees being informed that the meeting would be recorded. The only other comment she wished to make was that the meeting was quite lengthy (over two hours) and suggested that the Council may wish to consider adopting a reduced approach in future.

Mr. Hendicott spoke about his experience at attending a recent Town and Community Council meeting, which he described as very good and well-run. Despite there being a large agenda, the items were dealt with timely and efficiently, resulting in the meeting only being 1.5 hours long. In part, this seemed to be due to much of the work on the agenda items having been dealt with at an earlier sub-committee meeting. The discussion between members was courteous and the meeting itself well-chaired, reminding Mr. Hendicott of a well-run board meeting of a private company. He was also asked for feedback at the end of the meeting in question by its members. Overall, he felt that the majority of

Community Councils' meetings he had attended were generally well-run and professional.

Mrs. Tinsley updated the Committee on her experience with attending a recent Community Council meeting, where a large agenda combined with some controversial or difficult items had led to impassioned debate and with considerable pressures being placed upon the Chairman of the meeting. Overall, the running of the meeting was not as smooth as it should have been, with there being some confusion or lack of understanding around who should stay or withdraw at the relevant parts of the meeting. However, these matters were ultimately resolved. Mrs. Tinsley stated that she would like to revisit this Community Council meeting at a later date to see how it fared with less contentious items on its agenda.

Mr. Watkins referred to the Community Council meeting he attended, advising that it had been easy to access and the agenda had been available on the Community Council website, which was also comprehensive. The meeting had started on time, with a good working relationship between the committee members and the Chairman. Overall, the Chairman had managed the meeting well. However, he noted that the Clerk to the meeting did not join the meeting until much later which raised the question if the meeting should have started in their absence as it was not clear who was taking minutes, checking if the meeting was quorate and so on.

Mr. Hendicott and Councillor Robertson asked if a substitute Clerk had been appointed to take on the role in their absence and if any reason had been given for the official Clerk's absence, to which Mr. Watkins replied that there had been no formal announcement of a replacement Clerk, only that the Clerk would be delayed.

The Monitoring Officer advised that on occasions when Town and Community Councils did not have a clerk, a councillor would be permitted to take on the role of Clerk to the meeting as outlined in the 'Good Councillor Guide'. The meeting could however have been adjourned until the Clerk had been able to join it and the Monitoring Officer stated that she would also speak to the relevant Clerk on this matter.

The Monitoring Officer also took the opportunity to inform the Committee that the Monitoring Officer meetings with Town and Community Council Clerks had been reinstated, following its disruption by COVID-19, with the next meeting to be held on 19th May. Although individual feedback of the observations outlined above would be provided by the Principal Democratic Services Officer on behalf of the Monitoring Officer to Town and Community Councils, generic feedback would also be provided to the Clerks at the meeting with the Monitoring Officer together with discussions on any training issues and the sharing of best practice.

Councillor Cuddy wished to add that as part of his role within One Voice Wales he advocated strongly that the majority of Welsh Town and Community Council meetings functioned extremely well but unfortunately the Media's (social and otherwise) attention was often drawn to those few instances when meetings did not work so well. Also, in Wales, unlike England, such issues occurring within

Town and Community Council meetings could be escalated to both the relevant Monitoring Officer and ultimately to the Ombudsman in order to deal with these more effectively.

Councillor Gray echoed Councillor Cuddy's comments stating that in his view the majority of council meetings ran well but that unfortunately the spotlight was thrown on those minority of meetings which fell short, adding that Town and Community Councils held meetings that did occasionally raise emotive subjects. He also asked the Monitoring Officer for training or guidance to be given to Town and Community Council Clerks covering these types of issues. The Monitoring Officer in response advised that her sessions with Clerks would draw out such issues for training purposes and that advice or support could also be sought from One Voice Wales which she understood that all councils within the Vale now subscribed to.

The Chairman commented that the observations on the Town and Community Council meetings were well made and would have a positive effect on the functioning of the meetings in question. He asked Councillor Cuddy if One Voice Wales had feedback from councils on independent observers attending their meetings. Councillor Cuddy replied he was not aware that there had been any such response from councils, but he and Councillor Robertson suggested that the topic be referred to the Community Liaison Committee in order to raise wider Town and Community Council awareness of observations being undertaken. The Monitoring Officer agreed to consider the suggestion and report back to the Standards Committee on any suggested way forward.

Councillor Robertson stated that the overall feeling from the Community Council he was a member of was they had appreciated the independent observer's presence and the importance of their observations on ensuring that meetings were running correctly.

The Principal Democratic and Scrutiny Services Officer added that the majority of Town and Community Councils where observations had been made, the Clerk or Chairman had been in contact with her for feedback and were taking on board any comments or issues raised by observers. For information, the Officer further advised that all TCCs were made aware by Democratic Services when observers would be attending their meetings.

Following a request for a programme of dates for observations of Town and Community Councils to be undertaken in the new Municipal year, the Principal Democratic and Scrutiny Services Officer replied that this would be shared with Members in due course.

RESOLVED –

(1) T H A T the verbal updates provided by Standards Committee Independent Members at the meeting and to be shared with individual Town and Community Councils be noted.

(2) 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 that a programme of dates for observations to be undertaken be forwarded to Independent Members in due course.

Reason for decisions

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

536 STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2021/22 (MO – HLDS) –

The purpose of the report was to present to Members the suggested Forward Work Programme for the Municipal Year 2021/22.

The Monitoring Officer stated that the Programme contained a mix of ‘business as usual’ items and less routine ones, which included:

- Feedback on a report to the Community Liaison Committee regarding the work undertaken by the Standards Committee (as outlined in the last agenda item);
- Update report on the meeting between the Monitoring Officer and Town and Community Council Clerks, again for the meeting on the 27th May 2021;
- A report on a proposed Standards Conference (Wales) (to be held remotely if required) for the Committee meeting on the 15th July 2021;
- An update on changes to the Standards Committee due to legislation under the Local Government and Elections (Wales) Act 2021 for the meeting on 15th July 2021;
- An update regarding the Senedd Order on electoral arrangements for the Vale of Glamorgan Council for the 9th September 2021 meeting; and
- A report on the proposed Induction Training Programme for Vale of Glamorgan County Councillors elected in the Local Government Elections in May 2022. This should be going to the Committee meeting on the 27th January 2022.

Following consideration of the work programme and in noting that the next meeting of the Committee after the Council’s AGM would include the appointment of Chairman and Vice Chairman of the Committee it was subsequently

RESOLVED – T H A T the Forward Work Programme attached at Appendix 1 to the report be approved.

Reason for decision

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

537 ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2019/20 (MO / HLDS) –

The purpose of the report was to apprise Members of the Annual Report of the Adjudication Panel for Wales 2019/20 attached at Appendix 1 to the report which provided details of the performance and progress for 2019/20.

Mrs. Hallett enquired as to the meaning of the terms ‘cross-ticketing’ and “judgecraft” within the document and was advised by the Monitoring Officer that the former term referred to lay members sitting on other tribunals who would be allocated to sit on the Adjudication Panel as well. The Chairman explained that the terminology “judgecraft” referred to the means of putting lay people within a judicial environment ‘at ease’, with the intention to move away from the usual formalities and to explain clearly to lay people what the judicial process entailed. The Monitoring Officer added that this also entailed Independent Lay Members being able to observe or ‘shadow’ more experienced members (with regard to judicial matters) in order to learn ‘best practice’ from them.

Mr. Alexander commented that the Adjudication Panel had only considered a small number of cases which seemed to indicate that, generally speaking, standards of behaviour and performance had been good.

RESOLVED – T H A T the Adjudication Panel for Wales Annual Report 2019/20 attached at Appendix 1 to the report be noted

Reason for decision

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

538 PUBLIC SERVICES OMBUDSMAN FOR WALES REVISED GUIDANCE (MO / HLDS) –

The purpose of the report was to advise the Committee of the Public Services Ombudsman for Wales’ proposed consultation on his revised guidance on the Code of Conduct for members of Local Authorities in Wales.

The Monitoring Officer explained that there had been a ‘refresh’ of this guidance, which would assist her and Elected Members to interpret the Members Code of Conduct more effectively. It was noted that more information had been added around the two-stage process that the Ombudsman applied together with useful examples of cases brought before the Standards Committee and the Adjudication Panel for Wales. The changes sought to improve layout and clarity rather than alter current advice on the meaning of the Code.

The Monitoring Officer also suggested an additional recommendation for the Committee to consider that following receipt of the final version of the guidance that it be shared with all Members of the Vale of Glamorgan Council and Town and Community Council Clerks.

There being no further comments it was subsequently

RESOLVED – T H A T the proposed changes to the Guidance be noted and that, following receipt of the final version of the document, all Members of the Vale of Glamorgan Council and Town and Community Council Clerks receive a copy of the Guidance.

Reason for decision

Having regard to the contents of the report.

539 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2019/20 (MO / HLDS) –

The purpose of the report was to present to Members extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31st March, 2020 in respect of Members' Code of Conduct matters.

The Public Services Ombudsman for Wales report was a combined report relating to the dual functions of the Public Services Ombudsman for Wales (the Ombudsman).

The report drew Members' attention to the Appendix to the report which detailed at pages 10 and 11 a snapshot of the year 2019/20, complaints of Members of Local Authorities who had breached their Authorities' Members' Code of Conduct at pages 12,13 and pages 28-36.

Councillor Robertson enquired about a passage within the report where it stated that more complaints had been closed than opened and what this meant. It was clarified that this referred to outstanding cases from the previous year which had now finally being completed and closed and hence 'overlapping' with the current year's totals.

Mrs. Hallett in referring to the Key Performance Indicators (KPIs) in the report relating to Human Resources and Staff Attendance enquired as to the number of staff involved in order to provide the context when assessing the statistics provided. The Monitoring Officer agreed to obtain this information from the Ombudsman's Office.

Following a query from Mr. Watkins as to what 'Compliance Visits' were, the Monitoring Officer stated that the Vale had not had such a visit but believed this was a visit by the Ombudsman's Office to any Local Authority where concerns had been raised, but she would seek clarification on this and report back to the Committee.

Councillor Cuddy in commenting on the 'tone' of the Foreword with the Ombudsman's report said he felt this could have been improved upon and that the importance of evidence should have been emphasised more within the report. He also sought clarification if the Standards Committee should be meeting in public,

which the Monitoring Officer confirmed was currently the standard position, unless a meeting had to be held in private for specific reasons.

Councillor Robertson suggested the 'tone' set by the Ombudsman reflected a change in attitudes with people being much more sensitive in terms of dealing with people within society now and he felt that the Ombudsman was trying to avoid the submission of complaints to his office which were so low level that they should not be construed as bullying.

Mr. Alexander and Mrs Tinsley echoed Councillor Robertson's comments, adding that the Ombudsman was entitled to provide such observations based on his experiences and in line with the Nolan Principles and Public Services Values.

Having therefore considered the report it was subsequently

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

Reason for decision

Having regard to the contents of the report.

540 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.

541 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.

542 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 be noted.

Reason for decision

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