

No.

STANDARDS COMMITTEE

Minutes of a remote meeting held on 17th March, 2022.

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

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

Present: R. Hendicott (Chair); L. Tinsley (Vice-Chair); and P. Hallett (Independent Members); Councillor M. Cuddy (Town and Community Council Representative) and Councillors R.M. Birch and B.T. Gray (Vale of Glamorgan Council).

971 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”.

972 APOLOGIES FOR ABSENCE –

These were received from R. Alexander, G. Watkins and Councillor A.R. Robertson.

973 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 27th January, 2022 be approved as a correct record.

974 DECLARATIONS OF INTEREST –

No declarations of interest were received.

975 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 report had been placed on the agenda to allow for consideration should any applications be received following despatch of the agenda; the Monitoring Officer confirmed that no applications had been received prior to the meeting

No.

RESOLVED – T H A T it be noted that no applications had been received.

Reason for decision

It being noted that no applications had been received.

976 OVERVIEW AND LESSONS LEARNED OF OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO/HLDS) –

In presenting the report, the Monitoring Officer commenced by advising that the purpose of the report was to provide the Committee with an overview of observations undertaken by Independent Members of the Standards Committee at Vale of Glamorgan Council Meetings and Town and Community Council (TCC) meetings.

Feedback reports in respect of the observations undertaken were presented to the Monitoring Officer with verbal generic updates of the reports being presented to the Standards Committee by Independent Members on a regular basis. Any observations that required specific discussion with the Chief Executive of the Vale of Glamorgan Council or Chair of a Committee and the Clerk / Chair of a TCC were undertaken by the Monitoring Officer and / or Principal Democratic and Scrutiny Services Officer. As outlined in the report, the Monitoring Officer confirmed that the majority of meetings had been well structured and well managed and that generic feedback was also provided at the six monthly Monitoring Officer and Clerks meetings. The observations were undertaken with the assistance of a proforma which Independent Members completed and which had previously been agreed with the Clerks of the TCCs. All clerks had recently been requested by Democratic Services to provide feedback to the Monitoring Officer in respect of the process which would also take place at the Monitoring Officer meetings with Clerks.

Councillor Cuddy commented that at the recent Standards Conference, Richard Penn had identified the observations as good practice with the Chair and other Committee Members confirming that, in their view, the observation process was seen as an important aspect of the work of the Standards Committee in raising standards and a new programme of visits would continue following the Local Government Elections in May 2022.

In referring to paragraph 2.18 of the report the Monitoring Officer advised that following a concern that had been raised the Chair and Vice-Chair of Standards Committee had observed the recording of a meeting of the Vale of Glamorgan Council's Learning and Culture Scrutiny Committee held on 10th February, 2022. Although the meeting had been well chaired, the concern referred to a verbal exchange at the meeting. Following the observations undertaken by the Chair and Vice-Chair, the Chair of the Scrutiny Committee had at the next scheduled meeting of the Scrutiny Committee on 10th March, 2022 apologised for the comments that had been made, with the apology being duly accepted.

No.

Having considered the report and the verbal information provided at the meeting, it was subsequently

RESOLVED –

- (1) T H A T the report and the feedback received in respect of observation visits undertaken by Independent Members be accepted.
- (2) T H A T it be accepted that following the Local Government Elections in May 2022 a new schedule of Vale of Glamorgan Council and Town and Community Council meetings would be prepared for observations to be undertaken by Independent Standards Committee Members over the next two years.
- (3) T H A T it be accepted that at any time during the two years the Monitoring Officer may advise that additional Vale of Glamorgan Council and Town and Community Council's meetings be also observed.
- (4) T H A T the report and the verbal update provided at the meeting regarding the observations undertaken by the Chair and Vice-Chair of the Committee, in respect of the Vale of Glamorgan Council Scrutiny Committee meeting held on 10th February 2022, be noted.
- (5) T H A T the observations checklist attached as an Appendix to the report be amended to include, at the end of the document, a general comments box and that each question be numbered to aid future analysis.

Reason for decisions

- (1-4) Having regard to the observations undertaken, the role of the Standards Committee and following requests by the Monitoring Officer for additional meetings to be observed.
- (5) Having regard to discussions at the meeting.

977 STANDARDS COMMITTEE FORWARD WORK PROGRAMME
(MO/HLDS) –

The purpose of the report was to present the Forward Work Programme for the Municipal Year 2022/23.

The Standards Committee had agreed to establish a Forward Work Programme for the Committee in March 2018 and attached to the report at Appendix 1 was the suggested Forward Work Programme for the Municipal Year 2022/23 for Committee's consideration. The Monitoring Officer also informed the Committee that following the Local Government Elections in May, the agenda for the meeting on 23rd June, 2022 would also include the items for the appointment of the Chair and Vice-Chair of the Committee.

No.

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

Reason for decision

Having considered the contents of the Forward Work Programme.

978 AMENDMENTS TO THE COUNCIL'S CONSTITUTION AND STANDARDS COMMITTEE TERMS OF REFERENCE (MO/HLDS) –

The purpose of the report was to apprise and update Committee of amendments to the Council's Constitution and amendments to the Standards Committee Terms of Reference as a result of the Local Government and Elections (Wales) Act 2021 which would come into force on 5th May, 2022.

Having regard to paragraphs 2.3 and 2.4 of the report the Monitoring Officer drew attention to the recommendation that following the Local Government Elections in May 2022 the current Chair and Vice-Chair of the Standards Committee would meet with the newly appointed Group Leaders of the Council as soon as possible following the elections having regard to the duty to monitor compliance by political leaders in relation to standards of conduct. Councillor Cuddy queried the provision of the duty in relation to Independent Members, with the Monitoring Officer advising that although the duty outlined within the Act was not incumbent upon Independent Members, Monitoring Officer guidance would be issued and training provided to all Members having regard to the requirements for Political Group Leaders so that there was an understanding of the expectations under the Act.

RESOLVED -

(1) T H A T the amendments to the Council's Constitution and the Standards Committee Terms of Reference to be effective from 5th May, 2022, as a result of the provisions of the Local Government and Elections (Wales) Act 2021, be noted.

(2) T H A T a meeting, as outlined in paragraphs 2.3 and 2.4 of the Report, with Richard Hendicott, Lorna Tinsley, the Monitoring Officer and newly appointed Group Leaders, following the Local Government Elections, be scheduled to take place asap following the Local Government Elections.

Reason for decisions

(1&2) Having regard to current and pending statutory provisions.

No.

979 LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021:
STANDARDS OF CONDUCT STATUTORY GUIDANCE (MO/HLDS) –

The purpose of the report was to apprise Committee in respect of the Welsh Government's consultation relating to guidance on duties set out under the Local Government and Elections (Wales) Act 2021.

Welsh Government were consulting on the draft guidance relating to standards of conduct under the Local Government and Elections (Wales) Act 2021. These duties included:

- Promoting and maintaining high standards of conduct;
- Co-operating with the Council's Standards Committee;
- Providing advice and training;
- Making an Annual Report.

The consultation had been launched on 21st February, 2022 and was scheduled to end on 16th May, 2022. The Monitoring Officer had prepared responses to the consultation as outlined in paragraph 2.2 of the report and advised that the response would also be considered by the Corporate Performance and Resources Scrutiny Committee with a view to report to Cabinet in April 2022 prior to the submission deadline.

Following consideration of the report, the Chair commented that with regard to question 3 he recommended that the response be amended to read "The Standards Committee view is that it would have neither an adverse or positive effect, be approved".

Following consideration of the report and the comments at the meeting, it was subsequently

RESOLVED –

- (1) T H A T the consultation be noted.
- (2) T H A T the Monitoring Officer's response to the consultation, as contained in paragraph 2.2 of the report subject to the response to Question 3 being amended to read the Standards Committee view is that it would have neither an adverse or positive effect, be approved.
- (3) T H A T the Welsh Government consultation and the suggested response, subject to the inclusion as referred to in resolution 2 above, be forwarded to the Council's Cabinet for consideration and thereafter to Welsh Government as part of the consultation prior to the submission deadline of 16th May 2022.

Reasons for decisions

- (1) For Committee's consideration.

No.

(2&3) To respond to the Welsh Government consultation by 16th May, 2022 and to apprise Cabinet.

980 STANDARDS CONFERENCE WALES: FEBRUARY 2022 – UPDATE REPORT (MO/HLDS) –

The report referred to the Standards Conference that had been held on 9th February, 2022 with the Monitoring Officer advising that it had been well attended and that a recording of the proceedings had been made which was to be circulated to all attendees in due course. The Monitoring Officer also drew attention to the fact that the Welsh Government Officer present at the Conference had advised that with regard to the recommendations of Richard Penn's report in respect of the Code of Conduct, the original timetable for consideration by Welsh Government was not now possible and that this would be addressed later in the year with a view to possible legislative changes being implemented in 2023. The Chair concurred that it had been a well rounded Conference with Mrs. Hallett commenting that Richard Penn's report highlighted the possible future increases of the use of the Local Dispute Resolution Procedure and the pressure for Local Authorities and, in particular, for the Monitoring Officer, Standards Committee and Democratic Services of the Vale of Glamorgan Council.

At the Conference Members had also been introduced to the new Public Services Ombudsman for Wales, Michelle Morris.

RESOLVED – T H A T the contents of the report and the verbal updates provided at the meeting be noted.

Reason for decision

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

981 UPDATE FOLLOWING A MEETING WITH REPRESENTATIVES OF SULLY AND LAVERNOCK COMMUNITY COUNCIL AND THE MONITORING OFFICER RE AUDIT WALES REPORT INADEQUACIES IN GOVERNANCE AND FINANCIAL MANAGEMENT (MO/HLDS) –

The report provided an update in respect of the Committee's recommendation on 25th November, 2021 that a meeting be held with the Chair, Vice-Chair, Clerk of Sully and Lavernock Community Council and the Chair of the Standards Committee and the Monitoring Officer of the Vale of Glamorgan Council regarding the recommendations detailed in the Audit Wales Report Inadequacies in Governance and Financial Management.

Although the Chair of Standards Committee had been unable to join the meeting held on 31st January, 2022, he had however, had discussions with the Monitoring Officer prior to the meeting regarding the agenda and issues to be considered. The Monitoring Officer confirmed that the meeting took place with the Chair, Vice-Chair, Clerk of the Community Council, the Monitoring Officer and her Personal

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Assistant. Discussions at the meeting included conduct of Members of the Community Council, the recommendations of the Wales Audit report, follow up action by the Community Council to the recommendations, the training plan requirement as referred to in the Local Government and Elections (Wales) Act 2021 and an overview of meetings with the Monitoring Officer and Clerks of Town and Community Councils. The Monitoring Officer further advised that in her view the Community Council had indeed turned a corner and a number of positives could be seen, with the Vice-Chair of the Community Council confirming they were working through the Action Plan. The Monitoring Officer had also made a commitment to the Community Council to roll out Ethical Standards training to all Members of the Sully and Lavernock Community Council following the Local Government Elections, which had been well received. The Clerk had also attended the recent Monitoring Officer meeting with Clerks. In conclusion the Monitoring Officer advised Committee that following the meeting on 31st January 2022 she had come away with a feeling that the Community Council had reflected on the Auditors' report and previous experiences.

Committee agreement was also sought for the Principal Democratic and Scrutiny Services Officer to liaise with an Independent Member of the Standards Committee on a suitable date for an observation visit of a meeting of the Sully and Lavernock Community Council to be undertaken over the forthcoming months.

RESOLVED –

(1) T H A T the outcome of the meeting held with the Chair, Vice-Chair and Clerk of Sully and Lavernock Community Council and the Vale of Glamorgan Council's Monitoring Officer/Head of Legal and Democratic Services as referred to in the report and the verbal update provided by the Monitoring Officer at the meeting, be noted.

(2) T H A T the Principal Democratic and Scrutiny Services Officer be requested to liaise with an Independent Member of the Standards Committee to make arrangements for an observation visit of a meeting of Sully and Lavernock Community Council to be undertaken as soon as reasonably practicable.

Reasons for decisions

(1) Having considered the report of the Monitoring Officer/Head of Legal and Democratic Services.

(2) In order that an observation visit is undertaken and a report can be made to the Standards Committee in line with the Committees observation process.

982 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

No.

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.

983 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.

984 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 at the meeting be noted.

Reason for decision

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