

No.

STANDARDS COMMITTEE

Minutes of a Remote Meeting held on 8th June, 2023.

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

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

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

76 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”.

77 APPOINTMENT OF CHAIR –

RESOLVED – T H A T R. Hendicott be appointed Chair for the Municipal year.

78 APPOINTMENT OF VICE-CHAIR –

RESOLVED – T H A T L. Tinsley be appointed Vice-Chair for the Municipal year.

79 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 23rd March, 2023 be approved as a correct record.

80 DECLARATIONS OF INTEREST –

No declarations of interest were received.

81 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. During the discussion, in referring to Councillor Payne’s application and the reference to a previous

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complaint by another Member, the Monitoring Officer / Head of Legal and Democratic Services advised that she was not aware of any complaint with it being likely that the matter may be referring to a comment made not a formal complaint.

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:

Member Requesting Dispensation	Paragraph(s) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 Under Which Dispensation is Granted and as applied for	Decision
Councillor G. John	(d) and (f)	To speak and vote at Vale of Glamorgan Council and Llantwit Major Town Council meetings when matters concerning Llantwit Major Royal British Legion are being considered
Councillor L. Green	(d), (e) and (i)	To speak only at meetings of Llanmaes Community Council when matters relating to the neighbour's field are discussed in respect of the replacement Local Development Plan and its updates/ consultations.
Councillor H. Payne	(c, d, f and (h)	To speak only at Vale of Glamorgan Council meetings when matters regarding housing and homelessness are discussed relating to finance and property given the Councillors role for Llanmau.

Reason for decisions

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

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82 OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL 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.

Feedback reports in respect of observations undertaken by Independent Members of Town and Community Councils (TCCs) were presented to the Monitoring Officer and verbal generic updates of the reports were 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. An overview and lessons learned report of all visits undertaken had been presented to the Standards Committee meeting in March 2022.

Independent Members of the Standards Committee had been forwarded a list of dates of future meetings of TCCs in order that further observation visits could be undertaken for 2022/23. With regard to Vale of Glamorgan Council meetings, as Senior Officers and Democratic Services Officers attend the Council meetings the Monitoring Officer had requested that any matters were reported to her by officers.

Mrs. Hallett commented on two visits that she had observed, the first being Penllyn Community Council on 3rd April, 2023 (in person) and in advising Standards Committee she stated that that this had been one of the best meetings she had ever observed. Members in the meeting had been respectful and courteous and the meeting had been extremely well chaired.

The next observation was in respect of St. Donats Community Council on 5th April, 2023. This was undertaken remotely , however it had been difficult to see who was present at the meeting, the name cards were too far away to be seen on camera. During the discussion it was not always clear what the results of the decisions were and there was hardly any seconding or proposing of recommendations. There was also some confusion in relation to personal and prejudicial interests and in Mrs. Hallett's view a lack of understanding. The Clerk also appeared to be unclear on providing advice. Mrs. Hallett recommended that further training was provided to Members in relation to such issues and once training had been completed that a further observation of a meeting of the Community Council be undertaken.

Mr. Watkins drew attention to his visit to St. Brides Community Council on 17th May, 2023. This had been an amicable and well conducted meeting however there had been no reference to declarations of interest on the agenda and no mention of declarations in the previous minutes. Although the Chair declared an interest it was not clear what the declaration was. He noted that in the report to the Standards Committee later in the agenda that the last meeting between the Monitoring Officer / Head of Legal and Democratic Services and Clerks of Community Council's held on

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20th April, 2023, such matters had recently been discussed however, it appeared that the understanding of declarations of interest was still an issue.

Mr. Alexander drawing Committee's attention to his observation of Llandow Community Council on 1st June, 2023 advised that this meeting had been chaired with precision. The meeting had been held on a remote / hybrid basis, however it had not been possible to identify the Clerk and the five people that had also attended remotely could not be identified. There were no name cards however he commented that he had received the papers well in advance. Decisions were properly moved and seconded, and it had been a purposeful and focused meeting. He referred to an issue that he had relayed to Democratic Services which did not specifically relate to the meeting itself which Democratic Services were investigating the issue.

Mrs. Tinsley reported in respect of to her visit to Llangan Community Council on 3rd May, 2023. Discussion had taken place on returning to "in person" meetings, however, there was no appetite indicated for a return to "in person" meetings. The names on the screen did not correspond to who was speaking in the meeting, one Councillor had sound issues during the meeting with the Chair stepping in and repeating what was said. The meeting was very tense with two Members having a heated discussion across the room. During the meeting it was commented that following a complaint, Democratic Services in the Vale had requested to receive a recording of the previous meeting together with the recording of the meeting that evening, however this was not acceded to. The Monitoring Officer / Head of Legal and Democratic Services advised the Standards Committee that she had requested the recordings of the meetings be forwarded to her having been approached following a concern. To date the meeting recordings had not been received however the Clerk of the Community Council had informed her that the recordings had only been made in order to assist with the preparation of the minutes (albeit clarification would be sought regarding their availability). Mrs. Tinsley concluded by saying that the Chair, who had been appointed at the meeting, had chaired well in the circumstances, however, she recommended that a further observation visit be undertaken to the Community Council as soon as possible.

Mr. Hendicott in referring to his observation of a meeting of Peterston-Super-Ely Community Council on 15th May, 2023, advised that it had been an interesting experience. He had been sent the agenda for the Annual Meeting but not for the meeting on 15th May, and therefore the meeting had been difficult to follow, the layout of the room did not lend itself to his knowing who was at the meeting, with it also being very difficult to identify who were Members and who were members of the public. It was also difficult to hear everything that was going on. This was an "in person" meeting. The meeting took place in a large room where at the other end of the room a group of people were playing table tennis which made the hearing of the meeting very difficult. No name cards were available. Although an item e.g. "speeding within the locality" was discussed and dealt with, this was also brought up time and time again during the meeting. The meeting ended at 21:45 which, in his view, was far too long. He hoped that future meetings would be held on a more professional basis and recognised that the Chair had been appointed to the position of Chair on the night without any prior knowledge and as such little preparation. However, he appreciated that she had conducted the meeting as best as she could in the circumstances.

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In acknowledging that one of the recommendations before the Standards Committee within the report was that as the majority of TCC meetings observed throughout the year had been well managed and managed effectively, he did concur with the recommendation that going forward such meetings be undertaken on a two yearly basis, however where there were issues raised or concerns and complaints received such as those relayed above he agreed that further observation visits be made as as possible to some TCCs where issues had arisen.

The Monitoring Officer / Head of Legal and Democratic Services also informed the Committee that regular updates were presented to Clerks at the Monitoring Officer meetings with Clerks, with good practice being highlighted and shared. Although all Clerks may be unable to attend during the day due to their contracted hours, they would have access to the minutes of the meetings and the recordings of the meetings. It was further suggested by the Monitoring Officer / Head of Legal and Democratic Services that if poor practice continued to be an issue the suggestion that the Clerk and / or Chair be invited to the Standards Committee or that a meeting with the Chair of the Standards Committee be arranged was considered to be another option to assist with the process going forward.

Having considered the observations received and following the discussion 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 of the Standards Committee to Town and Community Council meetings be noted.
- (2) T H A T where observations of Town and Community Council meetings are advised by Independent Members to have been managed effectively with no material issues identified, observations of such meetings be undertaken on a biennial basis as opposed to on an annual basis.
- (3) T H A T where matters following observation visits of Town and Community Council meetings are highlighted by Independent Members as issues requiring further attention or further visits and / or requests are made by the Monitoring Officer/ Head of Legal and Democratic Services for visits to be undertaken, these be arranged as and when required.
- (4) T H A T where poor practice continued, consideration be given for meetings to be arranged for the Chair and Clerk to either attend a meeting of the Standards Committee or a meeting with the Chair of the Standards Committee and Monitoring Officer / Head of Legal and Democratic Services.

Reasons for decisions

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

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- (3) To maintain a watching brief having regard to the role of the Standards Committee and the Monitoring Officer / Head of Legal and Democratic Services.
- (4) In the interests of promoting and maintaining high standards of conduct.

83 DRAFT STANDARDS COMMITTEE ANNUAL REPORT (TOGETHER WITH FEEDBACK FROM POLITICAL GROUP LEADERS ON COMPLIANCE WITH SECTION 62 OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021) (MO/HLDS) –

Under Section 63 of the Local Government and Elections (Wales) Act 2021 Standards Committee, as soon as reasonably practicable after the end of each financial year, must make an Annual Report to the Authority in respect of that year.

Attached at Appendix 1 to the report was the draft Standards Committee Annual Report for consideration and approval.

In thanking the officers for a comprehensive report, the Chair suggested to the Committee that consideration be given to including within the document reference to such aspects as below being reflecting of the views of the Standards Committee Members:

- That reference be made to the delays in respect of the receipt of dispensation applications during the year with the recommendation that all be informed that applications should be received in a timely manner;
- Although improvement had been seen following observation visits to Town and Community Councils in the majority of cases, some issues had been raised by Independent Members throughout the year and as highlighted above identified follow up visits had / would be required in the interests of promoting and maintaining high standards of conduct and governance arrangements. It was therefore suggested that the number of recurring themes that had been highlighted as a result of the observation visits during the year be added to the report for information;
- That with regard to the duty for Group Leaders under section 62 of the Local Government and Elections (Wales) Act 2021, in relation to standards of conduct it be noted in the report that meetings were arranged with Group Leaders and Independent Elected Members to apprise them of the duty, however as one of the Independent Members did not respond no meeting had been held with that Member. The Chair said that in his view it was important to record this within the Annual Report in light of the fact that all Group Leaders and other Independent Members had responded to the request made.

RESOLVED –

- (1) T H A T the draft Annual Report attached at Appendix 1 to the report be approved and forwarded to Full Council.

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(2) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services and the Chair of the Standards Committee to include the additional comments made at the meeting in order to finalise the Annual Report before submission to Full Council.

(3) T H A T a copy of the finalised draft be forwarded to each Member of the Standards Committee by email for their approval prior to submission to Full Council.

Reasons for decisions

(1) In compliance with the requirements of Section 63 of the Local Government and Elections (Wales) Act 2021.

(2) In order to insert additional comments into the Annual Report as discussed at the meeting.

(3) In order to seek final approval from Members of the Standards Committee before submission to Full Council.

84 MONITORING OFFICER MEETINGS WITH CLERKS OF TOWN AND COMMUNITY COUNCILS (MD/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 in this process, the Monitoring Officer had held meetings with Clerks of Town and Community Councils to provide opportunities for discussion of matters of mutual concern, to have regard to the principles of standards in public life and to provide networking opportunities.

Reports of the Clerks meetings with the Monitoring Officer were provided to the Standards Committee following the meetings taking place, with the last meeting having been held on 28th April, 2023.

Following consideration of the report it was subsequently

RESOLVED – T H A T the report in respect of the Monitoring Officer's meeting with Clerks held on 28th April, 2023 be noted.

Reason for decision

Having regard to discussions held at the meeting on 28th April, 2023.

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85 INTERNAL AUDIT REPORT IN RESPECT OF ELECTED MEMBERS 2022-2023 (MO/HLDS) –

The report apprised Standards Committee of the outcome of the recent Internal Audit Report in respect of Elected Members for 2022-2023.

The purpose of the audit was to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements in respect of Elected Members.

The Monitoring Officer / Head of Legal and Democratic Services, in presenting the report, advised that the report provided assurance to the Standards Committee with Members being informed that Democratic Services and HR records showed that all mandatory training and DBS application forms had been completed. In recognising that the report was the Monitoring Officer / Head of Legal and Democratic Services' interpretation of the audit, it was agreed that a copy of the actual audit be forwarded to all Members of the Committee for their information.

RESOLVED –

(1) T H A T the report and the outcome of the internal audit on the adequacy and effectiveness of internal control, governance and risk management arrangements that are in place with regards to Elected Members be noted.

(2) T H A T a copy of the Internal Audit report be forwarded to all Members of the Committee for their information and placed on the agenda of the next meeting of the Committee.

Reasons for decisions

(1) Having regard to the purpose of the audit, which was to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements.

(2) For information.

86 RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK (RICHARD PENN REPORT); AND THE HARMONISATION OF GIFTS AND HOSPITALITY THRESHOLDS TO ALIGN WITH AN ALL WALES APPROACH (MO/HLDS) –

The Welsh Government Minister announced in March 2021 the commissioning of a review of the Ethical Standards Framework in Wales and Richard Penn consultant was commissioned to undertake the review.

The report before the Standards Committee detailed the suggested response to the recent Welsh Government consultation paper on the recommendations of the Richard Penn review Ethical Standards Framework and attached at Appendix 1 to

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the report was the suggested response to the consultation for the Committee's consideration and / or approval.

Having regard to the response at Appendix 1, in relation to Question 5, although it was agreed that there should be an express power for the Adjudication Panel for Wales (APW) to summon witnesses to appeals tribunals, concern was expressed by Committee Members as to the service arrangements and practicalities if people did not adhere to the summons, and the avenues open to the APW in such instances, with it being recommended that this statement be included in the response. With regard to the response to Question 7, it was accepted that the general rule was that hearings be held in public and for Question 9, although Members queried the advantages of an apology being provided as in many instances this may not be given with the right intentions, following further discussion it was accepted that the response remain as is.

In referring to Question 10a the Monitoring Officer suggested an amendment to the response having discussed the matter with the Director of Social Services, that the words " even where there are very serious safeguarding concerns" be added to the sentence. The sentence therefore to read " No such similar provision exists in relation to members even where there are very serious safeguarding concerns". The Committee considered that an extra paragraph be included that when a Councillor was charged with a specified category of an offence and particularly offences which carried a custodial sentence an interim suspension would be appropriate. With regard to Question 13 all the Independent Members advised that they had applied to become Members following reading of the advert for the position in a local newspaper. It being subsequently agreed that the response be amended from Yes to No and the response paragraph deleted with a new sentence to read "It is important to ensure that potential candidates from a wide range of backgrounds are attracted to the role and all channels including newspapers, websites or existing networks are utilised".

The Committee also considered that the reason for the response to Question 16 be the same as the response to Question 5 should a summons not be adhered to.

Within the report and having regard to the response to Question 21 it was noted that every Monitoring Officer in Wales had committed to the harmonisation of the threshold for declaring gifts and hospitality at a proposed level of £25 and to take that change through their Standards Committees. It was therefore requested that the Standards Committee recommend to the Vale of Glamorgan Council's Cabinet that the threshold be amended to £25 in line with this approach and having regard to paragraph 1.5 of the report.

It was subsequently

RESOLVED –

(1) T H A T the draft response at Appendix 1 to the report in respect of the Welsh Government Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn Report), with the additional amendments as below, be agreed:

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Question 5 – What avenues would be open to the Adjudication Panel for Wales if a summons was not adhered to and the implications.

Question 7 – That the following words be added to the end of the response “...albeit it is noted that the general rule is that hearings are to be held in public.”

10a – That the words “... even where there are very serious safeguarding concerns” be added to the second sentence of the second paragraph of the response i.e. the sentence to read as “ No such similar provision exists in relation to members even where there are very serious safeguarding concerns”. That an extra paragraph be included relating to when a Councillor was charged with a specified category of an offence and particularly offences which carried a custodial sentence an interim suspension would be appropriate.

Question 13 – The response be amended to No and the response paragraph deleted with a new sentence inserted as “ It is important to ensure that potential candidates from a wide range of backgrounds are attracted to the role and all channels including newspapers, websites or existing networks are utilised”.

Question 16 – The additional response be added as agreed for Question 5 above.

(2) T H A T it be recommended to Cabinet that the Vale of Glamorgan Council’s threshold for Gifts be amended in line with paragraph 1.5 of the report as follows: Gifts, material benefits or advantages – £25.00 or totalling £100.00 over a year from a single source.

(3) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services in consultation with the Chair of the Standards Committee, to make the amendments to the response as agreed by the Standards Committee at the meeting.

(4) T H A T the report be referred to Corporate Performance and Resources Scrutiny Committee for consideration.

Reasons for decisions

(1) In order to respond to Welsh Government consultation in respect of the recommendations of the Richard Penn Report.

(2) To recommend for approval in line with agreement of All Wales Monitoring Officer Group an All Wales Standards Committee Forum in the interest of harmonisation across all Welsh Local Authorities.

(3) Having regard to the comments made at the meeting.

No.

(4) For pre Cabinet scrutiny and having regard to the deadline for submission of a response on 23rd June, 2023.

87 DRAFT TERMS OF REFERENCE OF STANDARDS COMMITTEE PANEL (MO/HLDS) –

At its meeting on 26th January, 2023 Standards Committee was asked to consider whether to undertake a review having regard to comments made at the Full Council meeting on 5th December, 2022.

At the meeting on 26th January, 2023 the Standards Committee 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.

Mr. Watkins considered that paragraph 2 of the Terms of Reference was leaving the Panel with an ambitious target in considering all the procedures and policies and the culture and practices within the Vale of Glamorgan Council, however on reflection it was accepted that the various documentation, for example the Whistleblowing Policy, would assist in this process, with it subsequently being

RESOLVED – T H A T the draft Terms of Reference 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.

88 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.

No.

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.

89 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.

90 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.