

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 08 June 2023
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Draft Terms of Reference for Standards Committee Panel
Purpose of Report:	To consider and approve draft Terms of Reference for the Standards Committee Panel
Report Owner:	D. Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	K. Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not involve any consultation with other parties
Policy Framework:	This is a matter for Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Standards Committee were asked at its meeting on 26th January, 2023 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: <ol style="list-style-type: none"> (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. 	

Recommendation

1. That the draft Terms of Reference attached at Appendix 1 to the report be recommended to the Standards Committee for consideration and approval.

Reason for Recommendation

1. For Standards Committee's consideration of the draft Terms of Reference and approval.

1. Background

- 1.1 At the Full Council meeting on 5th December, 2022 a Member asked whether the Leader was prepared to undertake an Inquiry. A meeting was subsequently held regarding this matter in December 2022 attended by the Member making the above request, his Group Leader, the Chair of Standards Committee and the Monitoring Officer / Head of Legal and Democratic Services.
- 1.2 Having regard to paragraph 1.1 above, Committee was advised at the January meeting that there was no legal basis for the Council to undertake an Inquiry of its own volition as it is a matter for Ministerial Authorisation.
- 1.3 The Standards Committee however may, if deemed appropriate, consider appointing a Panel to undertake a review (of the matters referred to in paragraph 1.1 above and [Min. No. 512 \(xxxiii\)](#)).

2. Key Issues for Consideration

- 2.1 The Standards Committee agreed at its meeting on 26th January, 2023

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.

- 2.2 The Panel were due to sit in March 2023 to consider the Terms of Reference, however the Monitoring Officer was advised that an appeal was pending and therefore the Panel meeting was postponed pending further enquiries.
- 2.3 Following enquiries with the Courts the Monitoring Officer was advised that no appeal had been lodged and is aware that the window of opportunity for an appeal to be lodged has since passed. As a result of this information the Panel subsequently met on 23rd May, 2023 to consider draft Terms of Reference.
- 2.4 Attached at Appendix 1 to this report is a draft Terms of Reference that the Panel recommends to the Standards Committee for consideration and approval.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.

4. Climate Change and Nature Implications

- 4.1 None as a direct result of this report

5. Resources and Legal Considerations

Financial

- 5.1 None as a direct result of this report

Employment

- 5.2 None as a direct result of this report

Legal (Including Equalities)

- 5.3 Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 5.4 The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.
- 5.5 It is a matter for the Standards Committee to determine the appropriateness of undertaking a review and the establishment of a Panel to do so.

6. Background Papers

Council minutes: [5th December, 2022](#).

STANDARDS COMMITTEE PANEL

DRAFT TERMS OF REFERENCE

The Panel when drawing-up these draft Terms of Reference were cognisant of the following:

(i) there is no legal basis for the Council to undertake an Inquiry of its own volition as convening an Inquiry is a matter for Ministerial authorisation;

(ii) any concerns of a criminal nature must be reported to the Police with immediate effect to avoid the risk of prejudicing a Police investigation;

(iii) under sections 19.2.6 (b) and (c) of the Council's Members' Code of Conduct (as set out in the Council's Constitution) below -

Members must:

“(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another Member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's Monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;”

(iv) any Member or member of the public may report any concerns regarding a potential breach of the Council's Members' Code of Conduct to the Public Services Ombudsman for Wales who has statutory investigative powers;

(v) the initial Members' Code of Conduct legislation was introduced in Wales in 2001 and

(vi) the convictions on 25th November, 2022 related to events wholly in the private life of a former councillor 'in the 1990s.

Terms of Reference

1. The Standards Committee Panel to consist of three Independent Members of the Standards Committee, namely:

R. Hendicott (Chair),
L. Tinsley (Vice Chair), and
R. Alexander.

2. Purpose of the Panel:
 - to consider the Procedures and Policies that the Vale of Glamorgan Council has in place in order to maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives;
 - to consider whether the culture and practices within the Vale of Glamorgan Council provide sufficiently robust opportunities to enable concerns / complaints to be raised; and
 - to identify any lessons to be learned from evidence considered.
3. To call for written or oral evidence in line with the above purpose, if deemed appropriate.
4. To make recommendations to the Standards Committee, if deemed appropriate, and for the Standards Committee to make recommendations to the Cabinet / Full Council or other Committees of the Vale of Glamorgan Council.
5. To report the Panel's findings to the Standards Committee for its approval.