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## STANDARDS COMMITTEE

Minutes of a Remote Meeting held on 13<sup>th</sup> July, 2023.

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

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

Present: R. Hendicott (Chair), L. Tinsley (Vice-Chair), R. Alexander, P. Hallett, and G. Watkins (Independent Members); Councillor P. Summers (Town and Community Council Representative); Councillors R.M. Birch, J.E. Charles and C.P. Franks.

### 191 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.”

### 192 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 8<sup>th</sup> June, 2023 be approved as a correct record it being noted that Mrs. Tinsley enquired as to whether the recording of the Community Council meeting of Llangan had been received by the Monitoring Officer. Both the Monitoring Officer and Principal Democratic Services Officer advised that no recording had been received, however, a further meeting with the Community Council had been arranged to take place in August 2023.

### 193 DECLARATIONS OF INTEREST –

Councillor Franks declared an interest in respect of one of the applications at Agenda Item No. 5 – Applications for Dispensation in that as he also had relatives at Stanwell School and would shortly be submitting a similar application in due course and that he would vacate the room when that application was being considered.

### 194 APPOINTMENTS COMMITTEE RE: STANDARDS COMMITTEE –

The minutes of the Standards Committee appointments Committee were before the Committee for information it being noted that interviews had taken place for the position of a Town and Community Council representative on the Standards Committee and that Councillor P. Summers (Penllyn Community Council) had been appointed. The minutes also advised that Mrs. P. Hallett, Mrs. L. Tinsley (from 13<sup>th</sup> July, 2023) and Mr. R. Hendicott (from 31<sup>st</sup> July, 2023) had been reappointed as Independent Members of the Standards Committee for a further four years in accordance with regulations.

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RESOLVED – T H A T the minutes of the Appointments Committee re: Standards Committee held on 26<sup>th</sup> June, 2023 be noted.

Reason for decision

Having regard to the contents of the minutes.

195 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, the Monitoring Officer provided advice to the Committee having regard to the applications submitted and to the relevant paragraphs when a Standards Committee may grant dispensations.

With regard to Councillor Payne's application, the Monitoring Officer advised that similar applications had been agreed by the Standards Committee previously.

In referring to the application from Councillor G. Smith relating to forthcoming meetings to discuss the Vale of Glamorgan Local Development Plan, it was noted that attached to the application Councillor Smith had submitted a map indicating the proximity of his premises to the land in question with it subsequently being resolved that Councillor Smith be granted a dispensation to speak only, on matters relating to the forthcoming Vale of Glamorgan Local Development Plan throughout the entire period of consultation relating to the forthcoming Vale of Glamorgan Local Development Plan 2021-2036.

Having regard to the five applications submitted from Llantwit Major Town Council Members, the Monitoring Officer advised that Llantwit Major Town Council was a consultee to any planning applications within the area, with the decision whether to grant or refuse such applications resting with the Vale of Glamorgan Council as Local Planning Authority. Having sought clarification from the Clerk of Llantwit Major Town Council it had been confirmed that the Town Council's Planning Committee had delegated authority to make submissions to the Vale of Glamorgan Council on planning applications. The Town Council's Planning Committee consisted of seven Members and one of the Members was also the applicant. Having considered the information the Standards Committee felt that in light of the Committee having seven members it would be in the best interests of the Community if all Members of the Llantwit Major Planning Committee save for the applicant were able to speak and vote at the meeting.

In referring to Councillor Sivagnanam's application, again it was noted similar applications had previously been granted by the Standards Committee for Elected Members who had family in schools plus, as a Cabinet Member, the Councillor would be making decisions with all Members of the Cabinet on a collective basis.

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It was subsequently

RESOLVED – T H A T the dispensations as set out in the schedule below be granted up to the date of the next Local Government Elections or as and where indicated:

<b>Member Requesting Dispensation</b>	<b>Paragraph(s) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 Under Which Dispensation is Granted and as applied for</b>	<b>Decision</b>
Councillor H.J. Payne	(d), (e), (f) and (i)	To speak and vote at Vale of Glamorgan Council meetings on matters relating to the review of Council employee terms and conditions ( including budgets) in view of family members being employed by the Authority . Dispensation granted to the date of the next Local Government Elections
Councillor G. Smith	(d), (e) and (i)	To speak only on matters relating to the forthcoming Vale of Glamorgan Local Development Plan throughout the entire period of consultations relating to the forthcoming Vale of Glamorgan Local Development Plan 2021-2036. Dispensation granted throughout the entire period of consultation relating to the replacement LDP up until its adoption
Councillor Dr. P. Dickson	(a) and (i)	To speak and vote at Llantwit Major Town Council Planning Committee meetings in relation to Planning Application 2023/00596/FUL – Purlon

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		Farm. The dispensation to be granted for the one meeting when the application is to be discussed.
Councillor G. Morgan	(a) and (i)	To speak and vote at Llantwit Major Town Council Planning Committee meetings in relation to Planning Application 2023/00596/FUL – Purlon Farm. The dispensation to be granted for the one meeting when the application is to be discussed
Councillor D. Foster	(a) and (i)	To speak and vote at Llantwit Major Town Council Planning Committee meetings in relation to Planning Application 2023/00596/FUL – Purlon Farm. The dispensation to be granted for the one meeting when the application is to be discussed
Councillor J. Deakin	(a) and (i)	To speak and vote at Llantwit Major Town Council Planning Committee meetings in relation to Planning Application 2023/00596/FUL – Purlon Farm. The dispensation to be granted for the one meeting when the application is to be discussed
Councillor G. Hughes	(a) and (i)	To speak and vote at Llantwit Major Town Council Planning Committee meetings in relation to Planning Application 2023/00596/FUL – Purlon Farm. The dispensation to

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		be granted for the one meeting when the application is to be discussed
Councillor S. Sivagnanam	(d), (e), (f) and (i)	To speak and vote at Vale of Glamorgan Council meetings when matters are discussed, including budgets, in relation to the school. Dispensation granted to the date of the next Local Government Elections

Reason for decisions

To comply with the regulations and obligations for the grant of dispensations to speak and vote and having regard to the applications submitted.

196 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.

In advising the Committee, Mrs. Hallett stated that she had attended a Community Council meeting at Llancarfan on 15<sup>th</sup> June, 2023. Unfortunately, the sound half way through the meeting had become intermittent and she had been unable to access the minutes and agendas due to the online site being unavailable. However, the parts of the meeting that she had observed had been well chaired and well supported by the Clerk with both working well together. Although it was a good meeting, she stated that the issues with regard to the online solution would have probably made it difficult for the public who were viewing. The Principal Democratic and Scrutiny Services Officer advised that she would contact the Clerk to discuss the observations and advise Mrs. Hallett accordingly.

Mr. Hendicott, in referring to his attendance at a meeting of Wick Community Council on 15<sup>th</sup> June, 2023, stated that there had been no copies of the agenda available in

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the public gallery. The meeting however was satisfactory and had been chaired very well by the Vice-Chair, there were no problems during the meeting, the public were able to speak at the meeting, together with the local police and all in all it was a very satisfactory meeting.

Following the verbal reports of observations the Chair enquired whether there were any outstanding TCCs that needed to be observed. The Principal Democratic and Scrutiny Services Officer stated that two Community Councils, Dinas Powys and Ewenny, had not as yet been observed with the Chair requesting that all Independent Members of the Panel be advised of the dates of future meetings of these Community Councils in order that observations can be undertaken as soon as possible.

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 the feedback in respect of the two observations presented at the meeting be relayed to the Clerk and Chair of the relevant Community Councils by the Principal Democratic and Scrutiny Services Officer.

(3) T H A T the details of the two remaining Town and Community Councils to be observed be emailed to the Independent Members in order that visits can be undertaken as soon as possible.

#### Reasons for decisions

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

(3) To ensure that all Town and Community Councils had been observed as agreed by the Standards Committee.

#### 197 UPDATE ON THE NATIONAL STANDARDS COMMITTEE FORUM (MD/HLDS) –

In September 2019 Standards Committee had been apprised of the Terms of Reference and overview of the work of the North Wales Standards Forum and the feedback received regarding establishing a Standards Forum in South and East Wales. The All Wales Monitoring Officers Group had discussed the establishment of a National Forum for Wales with the Welsh Local Government Association who had kindly agreed to provide the secretarial support for the body. The first meeting of the All Wales Standards Committee Forum was held on 27<sup>th</sup> January, 2023 and the latest meeting had been held on 30<sup>th</sup> June, 2023 which had been attended by the

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Chair of the Standards Committee, R. Hendicott. The agenda for the latest meeting of the Forum had been attached as an appendix to the report, with it being noted that with regard to Agenda Item 9 – Gifts and Hospitality, at the last meeting of the Committee it had been resolved that the Vale of Glamorgan Council's threshold for gifts be amended in line with all other Authorities in Wales following consideration by the Monitoring Officers at the Standards Forum as follows:

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

The Chair informed Committee that he had attended on 30<sup>th</sup> June, 2023 and subsequently provided an overview of discussions held at the meeting for the Committee's information. The £25.00 threshold for gifts was accepted by most Councils at the Forum meeting with Monitoring Officers seeking to introduce it as a consistent approach within their retrospective Council' across Wales.

The Public Services' Ombudsman for Wales had also addressed the Forum and had advised that there had been a 4% reduction in the number of complaints alleging misconduct by Local Authority Members. There had also been a decrease in the number of complaints against Town and Community Councillors. The Forum also discussed the Group Leaders' duty to take reasonable steps to promote and maintain high standards of conduct by Members of their Group advising that experience had generally been positive and encouraging which had certainly been the case within the Vale of Glamorgan Council.

There had been an interesting debate about resources, it being recognised that Welsh Government should provide additional funding having placed more and more responsibilities on Standards Committees with the duties under the Local Government Elections (Wales) Act 2021, in particular it being noted the significant amount of work being placed on Monitoring Officers and their teams.

Following a request from the Monitoring Officer, the Chair had raised the issue of inconsistency within the Statutory and Non-Statutory Guidance that had recently been received from Welsh Government in respect of the duties of the Local Government and Elections (Wales) Act 2021. This related to the work with Group Leaders. One aspect of the Guidance had stated that meetings with the Group Leaders should be conducted with the members of the Standards Committee whereas in another part it had stated that Group Leader meetings should be undertaken with the Chair of the Standards Committee. The WLGA representative agreed to refer the anomaly to Welsh Government and since the meeting the Chair had been informed that Welsh Government had now clarified that the Guidance should read that Group Leaders meet with all members of the Standards Committee.

The Monitoring Officer's view was that within the Vale the system that had been set up to manage this duty could continue with a suggested way forward to include Group Leaders reporting to the Standards Committee .

Having considered the report it was subsequently

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RESOLVED – T H A T the report and the verbal updates provided at the meeting of the discussions held at the Forum meeting on 30<sup>th</sup> June, 2023, be accepted.

Reason for decision

Having regard to the contents of the report and the updated provided at the meeting.

198 STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES – SUPPORTING PROVISIONS WITHIN THE LOCAL GOVERNMENT ACT 2000, THE LOCAL GOVERNMENT (WALES) MEASURE 2011 AND THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 (MD/HLDS) –

Having regard to the Local Government and Elections (Wales) Act 2021 Welsh Government provided Interim Guidance on the provisions and duties of the aspects relating to the Standards Committee in May 2022.

In June 2023 Welsh Government published updated Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 which can be found at <https://www.gov.wales/sites/default/files/publications/2023-07/statutory-and-non-statutory-guidance-for-principal-councils-in-wales.pdf>.

The above Guidance covered a number of aspects however the matters specific to the remit of the Standards Committee could be found at sections 4.0, 5.0, 6.0 and 7.0 of Part 2 of the Guidance and had been reproduced at Appendix A to the report.

Paragraph 2.5 of the report noted that some of the highlighted aspects showed amendments where no material changes had been made from the interim guidance and/or had been amended to provide further clarification. However, some other aspects were also highlighted within the Appendix where changes or additions had been made.

The Standards Committee thanked the officers for providing the detail within the report and the Appendix as in their view the highlighted areas were easy to read and understand.

In referring to the document, the Monitoring Officer drew Committee's attention to paragraph 4.24 which related to the reasonable steps that Group Leaders may undertake in upholding the duty, this being an additional bullet point to the interim guidance with the Monitoring Officer advising that Democratic Services would be included in such aspects within the proforma that was provided to Group Leaders to assist them in undertaking the duty.

Paragraph 4.29 referred to the way in which Political Group Leaders would want to ensure they were able to evidence the steps they had taken to help create an environment in which Members demonstrated appropriate standards of behaviour



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and again it was recommended that having regard to this addition that the current proforma used by Group Leaders would be amended to reflect this duty.

With regard to Section 4.36 again, an additional section to the previous guidance which related to the mechanism for Political Group Leaders to provide reports to the Standards Committee about the actions they had taken to comply with the duties within the 2021 Act. It was recommended that delegated authority be granted to the Monitoring Officer in conjunction with the Chair to amend the proforma in order that it complied with this new duty.

At Section 5.7 of the Appendix an additional sentence had been added regarding Standards Committees working with Town and Community Councils to raise standards, however, it was noted that within the Vale of Glamorgan Independent Members of the Standards Committee had been undertaking observation visits for some time and the outcomes of which were reported to the Standards Committee. The Monitoring Officer also arranged six monthly meetings with Clerks of Town and Community Councils where generic observations were reported as well as the sharing of good practice and information as required. The Monitoring Officer and/or Principal Democratic and Scrutiny Services Officer also provided feedback to Chairs and Clerks of Town and Community Councils in respect of matters raised and good practice identified following such visits.

The Monitoring Officer made reference to the anomaly within the document at paragraphs 4.36 and 6.4 which had been discussed in the previous agenda item and it being recognised that recent advice from Welsh Government was that Group Leaders should meet with all the Standards Committee members.

The harmonisation of Gifts and Hospitality on a Wales-wide basis had already been addressed in the previous agenda item and had been agreed by the Standards Committee on 8<sup>th</sup> June, 2023 with a recommendation to the Full Council for an amendment to the threshold and that it be added to the Council's Constitution.

With regard to the duty in relation to the Standards Committee making an Annual Report to its Local Authority, the Monitoring Officer advised that the Standards Committee Annual Report had been approved by the Standards Committee on 8<sup>th</sup> June, 2023 and would be reported to the Vale of Glamorgan's Full Council meeting in July 2023.

Having considered the report, it was subsequently

RESOLVED –

- (1) T H A T the report be noted.
- (2) T H A T delegated authority be granted to the Monitoring Officer, in conjunction with the Chair, to amend the Group Leaders proforma, as considered appropriate and having regard to Part 2 section 4 paragraphs 4.24, 4.29 and 4.36 of the Statutory and Non-Statutory Guidance issued by Welsh Government in June 2023.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) In order that the proforma can be updated as required in line with the Statutory and Non-Statutory Guidance received from Welsh Government and as outlined in the report.

199 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.

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.

200 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.

201 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

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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.