

## STANDARDS COMMITTEE

Minutes of a Remote Meeting held on 28<sup>th</sup> September, 2023.

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

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

Present: R. Hendicott (Chair), L. Tinsley (Vice-Chair), 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.

Also present: Councillors L. Burnett (Labour Group Leader), G.D.D. Carroll (Conservative Group Leader), M.J. Hooper, G. John (Llantwit First Independent Group Leader) and Dr. I.J. Johnson (Plaid Cymru Group Leader).

### 396 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.”

### 397 APOLOGY FOR ABSENCE –

This was received from R. Alexander (Independent Member).

### 398 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 13<sup>th</sup> July, 2023 be approved as a correct record, subject to it being noted that the penultimate paragraph of Minute No. 198 be amended to read “..... had been agreed by the Standards Committee on 8<sup>th</sup> June 2023, **approved by Cabinet on 22<sup>nd</sup> June 2023** with .....”.

### 399 DECLARATIONS OF INTEREST –

No declarations of interest were received.

400 STANDARDS COMMITTEE MEETING WITH GROUP LEADERS IN COMPLIANCE WITH THE 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 ISSUED JUNE 2023 (MO / HLS) –

Interim Guidance had been received from Welsh Government in May 2022 having regard to the provisions of the Local Government and Elections (Wales) Act 2021 Welsh Government. 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. This guidance covered a number of aspects, with the matters specific to the remit of the Standards Committee being highlighted in the report as sections 4.0, 5.0, 6.0 and 7.0 of Part 2 of the Guidance and these had also been reproduced at Appendix A to the report.

The Monitoring Officer, in presenting the report advised that this was a follow up report to the report that had been presented to the Standard Committee at its last meeting in July 2023. The Group Leader proforma had also been revised in light of the Statutory Guidance with a copy of the amended form attached as an Appendix to the report. The Monitoring Officer recommended that the meetings that had been held between the Group Leaders, the Chair and the Monitoring Officer be continued as these had worked well in the previous year and that the meeting with Group Leaders and the Standards Committee take place as required on an annual basis at the first meeting of the Standards Committee following the Council's Annual meeting.

The Leader of the Council in response stated that from her point of view and having regard to the fact that over half of the Members had been newly elected in 2022, she considered that the process that had been undertaken had worked well and that she had been able to alert the Monitoring Officer on matters that Elected Members may have needed to have taken time to reflect on since their election. In referring to the Civility in Public Life document she commented that there were aspects within the Constitution that could be strengthened having regard to that work.

Councillor Carroll, in terms of the process that had been undertaken in 2022 advised that he was content with that process and if there was a need for any further engagement that could be reviewed.

Councillor John commented that he had very experienced Councillors as Members of his Group commenting that they knew how to behave and that they respected each other.

Councillor Dr. Johnson also stated that there had not been any particular issues that he had had to address and that he too had no issues with the current process.

Having regard to the comments at the meeting the Monitoring Officer suggested that the current arrangements remain as is with a meeting being arranged with Group Leaders, the Chair and the Monitoring Officer before 31<sup>st</sup> March, 2024. She however

commented that if, in the meantime a Group Leader felt they needed to call an earlier meeting then that would also be appropriate. Having regard to the frequency of such meetings it was suggested that these be undertaken on a six-monthly basis with an annual meeting with the Standards Committee included.

With regard to the duty in respect of “the threshold which the Standards Committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act” the Monitoring Officer pointed out that the threshold would not have regard to historical matters which arose before the duty was in place. The way that Group Leaders interacted with the Chair and Monitoring Officer would be part of the threshold commenting that there had been no issues to date but she expressed the importance of Group Leaders making themselves available if required. The Monitoring Officer also suggested that Group Leaders themselves recorded any areas of concern in their Groups which they could then raise with the Monitoring Officer in a timely manner. Attendance at mandatory training events and also ensuring that where there is a policy decision by the Council or Cabinet that this is being adhered to would also be assessments for the threshold with the Monitoring Officer referring to the process for DBS checks as an example and the need for Members to engage with officers in a timely manner. The Monitoring Officer also referred to some recent incidents where inaccurate statements had been made by some Members in social media and at Committee meetings advising of the importance of factual information being relayed for the reputation of the Council.

In referring to the reference to Civility in Public Life the Monitoring Officer advised that it was her intention to review the standards in public life with a report to be presented to the Committee in due course.

It was subsequently.

RESOLVED –

- (1) T H A T the provisions as set out in paragraphs 2.6 to 2.10 of the report be noted.
- (2) T H A T the Group Leader amended proforma attached at Appendix B to the report be agreed.
- (3) T H A T delegated authority be granted to the Monitoring Officer in consultation with the Chair of the Standards Committee to prepare a document, to be shared with Standards Committee Members and Group Leaders, having regard to paragraph 2.6 of the report, discussions at the meeting and the threshold which the Standards Committee would use to establish whether it was content that political group leaders had complied with the duties of the 2021 Act.

#### Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.

(2&3) Having regard to the amendments reflected in the WG Statutory and Non-Statutory Guidance published in June 2023 and the discussions at the meeting.

#### 401 APPLICATIONS FOR DISPENSATION (MO / HLS) –

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.

Having regard to Councillor Breen's application the Monitoring Officer advised that if Members were minded to grant the application Councillor Breen would be reminded of the appreciation of the capacity in which he was acting when matters were discussed.

With regard to Councillor Morris' application, it was noted that no further applications had been received from other Councillors within the same Community Council.

In respect of Councillor Hooper's application, the Monitoring Officer advised that Councillor Hooper had submitted a detailed application. He had also consulted with her and provided her with more information with regard to the position he had been appointed to with Welsh Government and that she was satisfied with the information that had been provided.

**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 where indicated below:

<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 D. Breen	(d), and (f)	To speak only at meetings of Cowbridge with Llanblethian Town Council when matters relating to the Cowbridge Museum (which is located within Cowbridge Town Hall) are discussed, in view of being a Trustee of the museum and

		Chair of Cowbridge with Llanblethian's Town Hall Committee.
Councillor B. Morris	(e) and (i)	To speak only, when matters relating to planning consent for extensions to the Heol Cae Pwll Estate are discussed at meetings of Colwinston Community Council having regard to the fact that the Councillor lives on the estate where permission to build an extension may be sought.
Councillor M. Hooper	(c), (d), (f) and (i)	To speak and vote on broad matters relating to the Welsh Government's Climate Change portfolio (save for matters regarding Ynni Cymru or Unnos) when they are to be discussed at Vale of Glamorgan Council meetings.

#### 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.

#### 402 OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO / HLS) –

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 also 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 attended the Council meetings the Monitoring Officer had requested that any matters were reported to her by officers.

Mrs. Hallett informed the Standards Committee that she had observed a meeting of Welsh St. Donats on 8<sup>th</sup> August, 2023 and although no name cards were visible and it had been difficult to identify who was speaking, she considered that the meeting had been a good meeting. However, she would recommend that the Chair following discussions and debate consider highlighting the recommendations that had been agreed at the end of each item in order for those viewing to be aware of the decisions that had been made.

Mrs. Hallett had also visited Colwinston Community Council on 18<sup>th</sup> September, 2023 where she stated this had been a really good meeting with motions being routinely moved and seconded and that she would recommend this meeting to be viewed by as many as possible as in her view it had been the best meeting she had ever attended.

Mr. Watkins referred to his observation visit of Michaelston-le-Pitt and Leckwith on 25<sup>th</sup> July, 2023 advising that the location had been easy to find, although access to the building had been a bit difficult. Overall he had no adverse comments to make.

Mr. Hendicott had observed Ewenny Community Council on 13<sup>th</sup> September, 2023 where he had attended in person. He stated that name plates were available, the agenda was followed successfully and that the Council clearly had the interests of residents at heart. There were no Sub-Committees so everything was discussed by the Full Council, however, on occasions it had been difficult to understand what had been agreed and although it was not a criticism he considered that if the meeting had been more formal the meeting could have been over sooner rather than later. There were some matters that were considered twice on the agenda and although he made these comments, he stated that it was still a Council who worked together to meet the needs of the residents although he would recommend that the meeting be conducted in a more formal business-like manner.

In response to a query by Mrs. Tinsley regarding whether the recording had now been made available in respect of Llangan Community Council that had been mentioned in the previous minutes, the Monitoring Officer advised that all the points that had been made by Mrs. Tinsley following her observation visit to Llangan had been raised with the Chair and Clerk who were prepared to take these on board. With regard to the recording, it had not been made available, with the Monitoring Officer being advised that it had been purely used for the purpose of the minutes and was no longer available.

Following a query from a Member as to whether the recording was legally required to be maintained, the Monitoring Officer advised that this was a matter for the Clerk of the Community Council to consider as it was not within her remit to manage the processes within Town and Community Councils. The regulations for TCC's would advise of the requirements and also advice could be obtained from One Voice Wales if the TCC was affiliated to that organisation.

Mrs. Tinsley commented that she felt that the turnover of Clerks in respect of that Community Council had caused issues. The Monitoring Officer advised that she had

offered to make herself available to provide further assistance should the Chair and Clerk require the same.

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 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.
- (3) T H A T a lessons learned report following all Town and Community Council Observation visits undertaken to date be presented to the January 2024 meeting of the Standards Committee for its consideration.

#### Reasons for decisions

- (1&2) Having regard to the observations undertaken and the role of the Standards Committee.
- (3) To maintain a watching brief having regard to the role of the Standards Committee and the Monitoring Officer.

#### 403 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT AND ACCOUNTS 2022/23 AND QUARTERLY NEWSLETTER (MO / HLS) –

The Public Services Ombudsman for Wales Annual report 2022/2023 provided details relating to the functions of the Public Services Ombudsman for Wales (the Ombudsman). The link to the full report could be found in paragraph 2.1 of the report.

Standards Committee Members attention was drawn to the references detailed in the Ombudsman's report in respect of complaints of Members of Local Authorities who had breached their Authority's Members' Code of Conduct. The Annual Report of the Ombudsman had been produced in a different format to previous reports and the relevant section for the Committee's consideration could be found in paragraph 2.5 of the report.

The Ombudsman had also commenced the production of quarterly Newsletters which could be accessed via the link in the report, the second edition of the Newsletter was also attached at Appendix 6 to the report for the Committee's consideration.

In presenting the report the Monitoring Officer also drew attention to a typo on page 3 advising that the percentage should read 4% not 490. The Chair commented that

he had been disappointed with the figures identified within the report relating to the decision to investigate in six weeks with the target being 80% and only 37% being achieved. Councillor Birch was of the view that this could have been because of the complexity of such matters or in obtaining information.

Both Mrs. Tinsley and Councillor Birch considered that the reasons why the targets had not been met would be useful and whether this comment could be forwarded to the Ombudsman for consideration.

RESOLVED – T H A T the report and quarterly newsletter be noted, it being accepted that the comments of the Standards Committee relating to the reasons why some Key Performance Indicator targets, as referenced on page 124 of the report, had not been met, be raised by the Chair at the next meeting of the National Standards Committee Forum.

Reason for decision

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

404 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO / HLS) –

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.

405 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.

406 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.