

No.

## STANDARDS COMMITTEE

Minutes of a Remote Meeting held on 2<sup>nd</sup> February, 2024.

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

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

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

### 749 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”.

### 750 APOLOGY FOR ABSENCE –

This was received from Mrs. P. Hallett (Independent Member).

### 751 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 23<sup>rd</sup> November, 2023 be approved as a correct record.

### 752 DECLARATIONS OF INTEREST –

No declarations of interest were received.

### 753 APPLICATIONS FOR DISPENSATION (MO/HLDS) –

In presenting the report the Monitoring Officer / Head of Legal and Democratic Services referred to two applications that had been received. Both applicants were requesting to speak, vote and remain in meetings when matters relating to Community Centres were discussed at Vale of Glamorgan Council meetings. Councillor Goodjohn’s application also included when matters relating to Community Centres were to be discussed at Barry Town Council meetings. Councillor Franks enquired as to whether that aspect should also be considered in respect of Councillor Hennessy’s application being that he was also a Member of Barry Town Council. The Monitoring Officer considered that it was a reasonable request with it subsequently being,

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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:

<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 W.A. Hennessy	(d) and (f)	To speak, vote and remain in meetings when matters relating to Community centres are to be discussed, and speak only when financial matters relating to Celtic Way Community Centre, Rhoose, are to be discussed at Vale of Glamorgan Council and Barry Town Council meetings.
Councillor E.J. Goodjohn	(d) and (f)	To speak, vote and remain in meetings when matters relating to Community centres are to be discussed, and speak only when financial matters relating to Buttrills Community Centre, Barry, are to be discussed at Vale of Glamorgan and Barry Town Council meetings.

Reason for decisions

Having regard to the applications and discussions at the meeting.

754 OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL MEETINGS (MO/HLDS) –

The report advised that one of the roles of the Standards Committee was to promote and maintain high standards of conduct be Councillors, Co-Opted Members and Church and Parent Governor Representatives of the Council. To this end, the Committee had agreed that observation visits to Town and Community Councils by

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Independent Members be undertaken with such observations being reported back to the Standards Committee.

The Principal Democratic and Scrutiny Services Officer advised that since the last meeting Mrs. Hallett had undertaken an observation of a meeting of St. Donats Community Council on 6<sup>th</sup> December, 2023 and being unable to attend the Standards meeting the observations had been forwarded to the Principal Officer to present to the Committee. Mrs. Hallett had confirmed that the criteria specified in the observation checklist that Members used to undertake the observations had been complied with, including areas of concern that had been raised as a result of a previous visit. Such issues being referred to as the positioning of the cameras recording the meeting which had now been repositioned so that all of the Members could be clearly seen. In Mrs. Hallett's communication she had further commented that discussions at the Community Council meeting had been focused and relevant with outcomes being clearly summarised by the Chair and, where appropriate, voted upon. Any declarations of interest had also been requested by the Chair with Members confirming that they had no declarations to make. In referring to a previous visit, Mrs. Hallett advised that there had been some confusion as to what constituted personal interests, but she had now understood that further training had been provided on this. In conclusion Mrs. Hallett wished the Standards Committee to be apprised that there were no Code of Conduct standard issues that needed to be considered in relation to the conduct of the community council's meeting. The Principal Officer confirmed that following the first observation undertaken by Mrs. Hallett, she had met and discussed the concerns with the Chair and Clerk of St. Donats who had advised that they would arrange for further training for their members.

In conclusion the Principal Officer reassured the Committee that good practice following observation visits was shared and discussed by the Monitoring Officer at her six-monthly meetings with Clerks which also afforded the opportunity to raise any generic issues of concern and to offer advice and guidance.

Following the presentation of the visit, it was subsequently.

RESOLVED –

(1) T H A T the report and the feedback received in respect of the observation visit undertaken by an Independent Member of the Standards Committee to a Town and Community Council meeting be noted.

(2) T H A T it be accepted that 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.

#### Reasons for decisions

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

No.

(2) To maintain a watching brief having regard to the role of the Standards Committee and the Monitoring Officer.

#### 755 OVERVIEW REPORT FOLLOWING OBSERVATIONS BY INDEPENDENT MEMBERS OF TOWN AND COMMUNITY COUNCIL COMMITTEE MEETINGS (MO/HLDS) –

Standards Committee had requested that an overview report of observations undertaken to date be presented to the Committee, it being noted that all five Independent Members had undertaken observations which had resulted in all 26 Town and Community Councils (TCCs) having been visited at least once, if not twice, since November 2022 to December 2023.

Following any observation visits, the comments and / or any concerns of the Independent Members were fed back to the Clerks and / or Chair of the TCCs by the Monitoring Officer and / or Principal Democratic and Scrutiny Services Officer. Independent Members were also required to report their observations to the next available Standards Committee following their visits.

At paragraph 2.9 of the report it was noted that the introduction of the programme of observations by Independent Members had been received positively by the Clerks and this had been commented upon either at the meetings held between the Monitoring Officer and Clerks or directly to the Monitoring Officer and / or Principal Democratic and Scrutiny Services Officer. Such comments received had included the observations being beneficial and of assistance in particular referring to the sharing of good practice and advice provided in respect of matters relating to good governance. The previous overview report in March 2022 had detailed some examples of matters of concern that had been raised which were noted at paragraph 2.10 of the report. During the discussion Councillor Summers, acknowledging that the majority of TCCs visited appeared to be conducting their meetings appropriately, with well structured and purposeful meetings behind held, commented that it would be useful to have noted the differences between the report in March 2022 and the current report with regard to examples of issues raised. The Monitoring Officer in referring to paragraph 2.14 of the report, advised that there had been only a few matters raised relating to interpretations of declarations of interest and clarity with regard to recommendations and decisions being made, which had only been attributed to one or two Councils. The Committee however, considered that it would be useful to reflect such matters noted in the report having regard to the progress that had been made to date following observation visits.

The Committee concluded by stating that the welcomed the report with the Chair commenting that in his view, he could see that the observation visits had been purposeful and useful and had driven up standards as the issues raised were less than had previously been reported in the March 2022 report. He was confident that the system in place was working well and aware that it had previously been agreed by the Standards Committee that where TCCs had no real issues or concerns raised, they would be visited on a biennial basis whereas any that had any issues that needed to be addressed or where the Monitoring Officer had advised it would be

No.

wise for a further visit to be undertaken, Members would undertake these visits as and when required.

Having regard to the discussions 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 noted with an amendment to paragraph 2.14 of the report to include further context relating to the two issues identified in the current report having been less than those highlighted in the report of March 2022 and as mentioned in paragraph 2.10 of the report.

(2) T H A T having regard to a previous recommendation of the Committee that for Town and Community Council meetings where no material considerations have been raised, observation visits be undertaken on a biennial basis and that a schedule of observation visits by Independent Members be arranged to commence from April 2025.

(3) T H A T it be accepted that during the period i.e. January 2024 – April 2025 the Monitoring Officer may advise that additional meetings of Town and Community Councils be observed as considered appropriate.

#### Reasons for decisions

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

(2&3) Having regard to the observations undertaken, previous decisions and the role of the Standards Committee.

#### 756 UPDATE ON NATIONAL STANDARDS COMMITTEE CHAIRS FORUM (MO/HLDS) –

A copy of the agenda for the meeting on 29<sup>th</sup> January, 2024 and the notes of the meeting held on 30<sup>th</sup> June, 2023 were attached at Appendices 1 and 2 to the report. The report provided the Committee with an update on progress regarding the establishment of a National Standards Committee Chairs Forum with the Chair confirming that he had attended the meeting on 29<sup>th</sup> January, 2024 and that Mr. Alexander had also been present. Whilst acknowledging that the Forum was in its infancy, it had been a very good meeting. An update had been received from the Public Services Ombudsman for Wales who had advised that the office was dealing with a substantial workload with an 18% rise in cases reported to the Ombudsman's Office in the year it being noted that the work of the Ombudsman was not just limited to Local Authorities. Discussions at the Forum also related to inconsistency in the way that Local Authorities in Wales provided equipment and support to Independent Members, it being noted that some Local Authorities provided laptops for their Independent Members and some did not. Some Local Authorities also paid for Independent Members to visit Town and Community Councils (TCCs) other Local

No.

Authorities did not. Further consideration in respect of Members' allowances would be agenda for future consideration as the Independent Remuneration Panel for Wales Chair had been requested to attend a future meeting of the All Wales Monitoring Officers Group.

In referring to proceedings under the Local Dispute Resolution Procedure (LDRP), the Forum was advised a Member of one Council had appealed to the Ombudsman, however, with regard to the Vale of Glamorgan Council's Procedure, the Monitoring Officer confirmed that the Procedure advised that there was no right of appeal.

Mr. Alexander who was also present at the Forum stated that from his point of view the Chair had provided a very detailed and accurate overview of the discussions at the Forum. However, he commented that the Public Services Ombudsman for Wales in expressing her concern in relation to the increase in resources in dealing with complaints had mentioned that she would be considering future opportunities to refer some matters back to Local Authorities for local determination.

Councillor Franks enquired as to the role of the Standards Committee for the Cardiff Capital Region with the Monitoring Officer advising that the Capital Region had an arrangement with Cardiff Council in respect of Standards Committee requirements and had appointed their Monitoring Officer.

The Chair conclude by stating that it had been a very good and informative meeting with it being subsequently

RESOLVED –

(1) T H A T the Agenda for the meeting of the National Standards Committee Chairs Forum be noted.

(2) T H A T the verbal update provided by the Chair relating to the discussions held at the forum meeting on 29<sup>th</sup> January, 2024 be noted.

#### Reasons for decisions

(1) To apprise Committee.

(2) Having regard to the contents of the report and the Chair's verbal update in respect of the Forum meeting held on 29<sup>th</sup> February, 2024.

#### 757 CORRESPONDENCE WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES (MO/HLDS) –

In line with the Committee's Forward Work Programme, it had previously been agreed that a standing item would appear on the Committee's agenda so that Committee could be apprised of correspondence with the Ombudsman and any matters arising.

No.

The Monitoring Officer advised that she would provide an update to the Standards Committee under Part II of the agenda in relation to any recent correspondence and matters arising in line with the procedures of the Ombudsman and which were confidential at this stage.

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.

758 REVIEW REPORT – PANEL OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE (MO/HLDS) –

By way of background the report advised that at the Full Council meeting on 5<sup>th</sup> December, 2022 a Member had asked whether the Leader was prepared to undertake an enquiry in relation to a former Vale of Glamorgan Councillor who had recently been found guilty of offences before the Newport Crown Court on 25<sup>th</sup> November, 2022. Paragraph 2.1 of the report advised Committee that there was no legal basis for the Council to undertake an enquiry of its own volition as it was a matter for Ministerial authorisation.

However, following consideration of a report on 26<sup>th</sup> January, 2023 the Standards Committee had resolved to appoint a Panel of three Independent Members of the Standards Committee to undertake a review having regard to comments made at the Full Council meeting on 5<sup>th</sup> December, 2022 and that a meeting be convened of the Panel to consider a draft Terms of Reference for the review. On 8<sup>th</sup> June, 2023 the Standards Committee subsequently received and approved a draft Terms of Reference for the panel in respect of a review.

In noting that the Panel's Review Report was to be considered under Part II of the agenda, it was subsequently

RESOLVED – T H A T the Standards Committee considers the Review Report under the Part II report on the agenda.

Reason for decision

For the Standards Committee's consideration and approval.

759 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 items of business on the grounds that they involve the likely disclosure of exempt information

No.

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.

760 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.

761 REVIEW REPORT – PANEL OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE (MO/HLDS) (EXEMPT INFORMATION – PARAGRAPH 12) –

The Chair of the Review Panel, Mr. R. Hendicott, presented the Report to the Standards Committee, having been appointed as the Panel Chair, with the Panel Members Mr. R. Alexander and Mrs. L. Tinsley.

The Committee was informed that the Panel had originally been due to sit in March 2023 to consider the Terms of Reference, however the Monitoring Officer had been advised at that point that an appeal was pending however following further enquiries with the Court of Appeal the Monitoring Officer had been informed that no appeal had been lodged within the time allowed. As a result of this information the Panel subsequently met to consider the draft Terms of Reference which were then approved by the Standards Committee at its meeting on 8<sup>th</sup> June, 2023. The Panel undertook the review in line with the Terms of Reference as agreed by the Standards Committee.

During the review the Panel considered the Policies and Procedures of the Council, matters relating to the appointment of an Elected Member, any training provided and other considerations which formed part of the review. The Panel made a number of recommendations which were before the Standards Committee for consideration.



No.

Having considered the Panel's report in detail the Standards Committee subsequently

RESOLVED –

(1) T H A T the recommendations of the Standards Committee Review Panel Report be approved as below, that -

- DBS checks be applied for within two weeks of Elected Members (and relevant Scrutiny Committee Co-opted Members with voting rights) being appointed to office and/or within two weeks of any renewals being required, and that the candidate handbook be amended accordingly.
- All Elected Members receive Code of Conduct refresher training midway through their elected term of office and be part of the ongoing Member Development.
- It should be a requirement that each Member should undertake any mandatory training within one month of taking office.
- The training should specifically cover the risk of any behaviour occurring in the future which would be in breach of the Code of Conduct,
- Efforts should be made to ensure that 100% of the workforce know of the Whistleblowing Policy, possibly by including it in the induction and refresher packs.

(2) T H A T the personal information contained within the Review Panel Report be redacted prior to the report being placed in the public domain.

(3) T H A T the resolution above, for all staff to be made aware of the Whistleblowing Policy and for the policy to be a part of the Staff Induction and Refresh Programme, be referred to the Governance and Audit Committee.

(4) T H A T the above resolutions, together with the Review Panel Report, be referred to Cabinet.

#### Reasons for decisions

(1) Following consideration of the report and the discussions at the meeting.

(2) Having regard to the personal information contained within the report.

(3&4) For consideration.