

STANDARDS COMMITTEE
ANNUAL REPORT 2022 - 2023

Foreword by the Chair of the Standards Committee

I am very pleased to present the first of the Standards Committee's Annual Reports as required under Section 63 of the Local Government and Elections (Wales) Act 2021 ("the Act").

Section 63 of the Act provides that as soon as reasonably practicable after the end of each financial year the Standards Committee of a relevant Authority must make an Annual Report to the Authority in respect of that year. The Annual Report must describe how the Committee's functions have been discharged during the financial year. "The Act " also states that the Annual report must also include the Committee's assessment of the extent to which Leaders of Political Groups on the Vale Council have complied with their duties under Section 52(a)(i) during the financial year and may include recommendations to the Authority about any matter in respect of which the Committee has functions. The Annual Report is to be reported to the Authority and the relevant Authority must consider each Annual Report before the end of three months beginning with the day on which the Authority received the Report.

This Annual Report which therefore covers the period from April 2022 to March 2023 provides information to the Council about the work carried out by the Committee during these past 12 months and identifies particular issues that have arisen. .

The Standards Committee is committed to promoting high standards of ethical conduct among Elected Members, Co-opted Members and officers in order to maintain public confidence in local government. The Standards Committee also has a responsibility for Code of Conduct matters for Town and Community Councils within the Vale of Glamorgan.

I would like to take this opportunity to thank all Members of the Standards Committee, Elected Members and officers of the Vale of Glamorgan Council, Elected Members and Clerks of Town and Community Councils within the Vale of Glamorgan for their advice and support throughout the last 12 months.

I hope that this report proves an interesting read.

Richard Hendicott
Chair of Standards Committee 2022/23

1. INTRODUCTION

The following paragraphs provide details of the Terms of Reference, Membership of the Standards Committee, its work in the last 12 months and future working arrangements and methods.

1.1 **Terms of Reference of the Standards Committee** (as contained within the Vale of Glamorgan Council's Constitution)

- (1) To promote and maintain high standards of conduct by Councillors, Co-Opted Members and church and parent governor representatives.
- (2) To assist Councillors, Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct.
- (3) To advise the Council on the adoption or revision of the Members' Code of Conduct.
- (4) To monitor the operation of the Members' Code of Conduct.
- (5) To advise, train or arrange to train Councillors, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- (6) To grant dispensations to Councillors, Co-Opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (7) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman.
- (8) To exercise (1) to (7) above in relation to the community councils wholly or mainly in its area and the Members of those community councils.
- (9) To overview complaints handling and Ombudsman investigations.
- (10) To make an Annual Report to Full Council describing how the Committee's functions have been discharged during the financial year.
- (11) To monitor compliance by political leaders of the above duties and provide advice, training or arrange to train Leaders of political groups.

1.2 **Structure and Membership of the Standards Committee**

The composition and membership of the Standards Committee is prescribed by the Standards Committee (Wales) Regulations 2001 (As Amended). The Standards Committee comprises of five independent Members (persons who have no connection with the Local Authority).

Five Independent Members:

R. Alexander

P. Hallett

R. Hendicott

L. Tinsley

G. Watkins

Three Elected Member representatives of the Vale of Glamorgan Council: Councillors R.M. Birch, J.E. Charles and C.P. Franks and one Town and Community Council representative.

The Town and Community Council position is currently vacant at the moment. Applications have been sought from the Town and Community Councils throughout the Vale with the intention that interviews are undertaken during June 2023 in order that a formal appointment can be made.

Independent members of the Standards Committee serve a term of office of between 4-6 years, although they are eligible to serve two consecutive terms of office with the second term not exceeding four years. Elected Members on the Committee are appointed annually by the Council at the Council's Annual Meeting, which usually takes place in May each year and are appointed until the next Local Government Elections unless they cease to be a Member of the Council. They too can be re-appointed for one further consecutive term.

The Community Council representative, when appointed, continues as a member of the Committee until the term of office ends or they cease to be a Town / Community Councillor or until replaced by another nominee. Such a member may be reappointed for one further consecutive term

2. HOW MANY TIMES HAS THE STANDARDS COMMITTEE MET IN 2022/23

During the Municipal year 2022/23 the Standards Committee met on six occasions: 23rd June 2023, 22nd July 2023, 6th October 2023, 24th November 2023, 26th January 2023 and 23rd March 2023. The Committee's work programme for the Municipal year 2021/ 22 can be found [here](#) and its work programme for 2023/ 24 which was approved by the Committee on 23rd March 2023 can be found as Appendix A to this report.

Agendas are published within five days (including weekends) of the date of the meeting.

The Standards Committee under legislation is required to meet at least once annually in accordance with the Local Government Act 2000 and as can be seen from the above, the Committee meets on a scheduled quarterly basis or as business is required, for example where additional special meetings are arranged to deal with specific matters, including hearings.

The Vale of Glamorgan Council's Code of Conduct can be found at Section 19 of the [Constitution](#).

Appendix 1 to Section 19 (which can be found in the above link to the Constitution) provides details of the principles of public life which are: Selflessness, Honesty, Integrity and Propriety, Duty to Uphold the law, Stewardship, Objectivity in Decision-Making, Equality and Respect, Openness, Accountability and Leadership.

Appendix 2 to Section 19 (which can be found in the above link to the Constitution) details the protocol of standards of conduct expected by Members within the Vale of Glamorgan Council in dealing with each other. This protocol is to be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol.

3. THE WORK OF THE STANDARDS COMMITTEE IN 2022–23

3.1 The work of the Standards Committee in 2022-23, as can be seen from the Committee's Work Programme, is significant with the amounts of reports presented to the Standards Committee including reports such as :

- Applications for Dispensation;
- Reports of the Monitoring Officer meeting with Town and Community Councils' Clerks;
- Observation visits by Independent Members;
- Reports of the Public Services Ombudsman for Wales (PSOW);
- Standards Committee Forum Wales;
- Standards Committee Forum for Wales;
- Matters referred under the Local Dispute Resolution Procedure
- Complaints referred by the Ombudsman following an Investigation
- Richard Penn Report on the Review of the Ethical Standards Framework.

The Vale of Glamorgan Council's Monitoring Officer / Head of Legal and Democratic Services, Debbie Marles, provides advice to the Standards Committee together with officers from the Democratic and Scrutiny Services team on regular intervals in respect of standards and Code of Conduct matters.

3.2 The following paragraphs detail further work of the Committee during the year.

(i) Applications for Dispensation

Dispensation applications are presented to the Committee for consideration under the Standards Committee's statutory powers to grant dispensations to Members with a personal and prejudicial interest in a matter. Once approved this allows Councillors to participate in a decision regarding that matter, in appropriate circumstances as are set out in the statutory regulations. During the course of the year a number of dispensations were granted to allow Members to actively participate in decision-making and to ensure their voice and the voice of their

constituents was not lost as a result of any prejudicial interest. The Standards Committee at a meeting on 25th January, 2017 resolved to provide the Monitoring Officer with delegated authority to consider, refuse or approve an application in conjunction with the Chair of the Standards Committee in respect of applications for dispensation considered urgent.

To assist Committee with dealing with applications, as quickly as possible, it is necessary for the Standards Committee to receive full information of the interests involved and why, in the Member's opinion, dispensation should be given. Applicants are also advised that they are able to attend the Standards Committee meeting to present their application should they wish to do so. Details of the applications that have been dealt with over the last six years can be viewed as part of the minutes of the meetings of the Standards Committee which are available on the Vale of Glamorgan Council's website at https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/minutes_agendas_and_reports/minutes/standards/standards.aspx

Regular reminders for Clerks of Town and Community Councils and Vale of Glamorgan Councillors are issued in order that timely consideration can be given to the need for a Member to submit an application for dispensation if considered appropriate.

During July 2022 a number of late applications were submitted to the Standards Committee and as a result a special meeting was held to consider the applications. However, Standards Committee Members have raised their concern in this regard and have expressed the wish that going forward all Elected Members be advised that applications should be received in a timely manner. The application forms to be submitted on the appropriate proforma, at least seven clear days before the meeting of a Standards Committee in order that they can be despatched with the agenda for the meeting.

N.B. Minutes of meetings that precede six years are forwarded to Glamorgan Archives for future retention under the Council's retention policy.

(ii) Observations by Independent Members of the Standards Committee

Having regard to its role and function as referred to in 1.1(1) above, the Standards Committee agreed that Independent Members of the Committee would observe meetings of the Vale of Glamorgan Council (March 2018) and Town and Community Council meetings (March 2019) during each Municipal year with a view to promoting and maintaining high standards of conduct in line with the Members' Code of Conduct. Feedback reports received are presented at Standards Committee meetings by the Independent Members of the Standards Committee, with any specific observations that require discussion or

further action being discussed by the Monitoring Officer with the Chief Executive of the Vale of Glamorgan Council or the Clerk and / or Chair of the Town / Community Council.

The Monitoring Officer also provides Town and Community Council Clerks with an overview of observations undertaken at the Monitoring Officer and Clerks meetings which are held on a six monthly basis. Chairs of Vale of Glamorgan Council Committees and Clerks of Town and Community Councils are advised by Democratic Services of the dates of the meetings the Independent Member intends observing in order that arrangements for the agenda and the link to the virtual meeting or the venue and date of the in person meeting can be forwarded to the Independent Member in time for the meeting. These observations have been undertaken since however, following a Committee decision in March 2022, the Committee after receiving advice from the Monitoring Officer on 23rd June, 2022 having regard to resource implications, agreed that as a number of Senior Council Officers and Senior Council officers and Democratic and Scrutiny Services Officers who are present at Vale of Glamorgan Council meetings are requested to report to the Monitoring Officer any matters regarding Code of Conduct and Governance that may require attention and / or suggestions for improvement. Where actions may require attention these are subsequently reported to the Standards Committee as appropriate.

To assist with observation visits a proforma was agreed which can be found attached as an appendix to this report. The proforma provides the Independent Member with a list of questions to consider when undertaking such visits. A schedule of visits is maintained within Democratic Services.

The Independent Members have noticed a general improvement in the running of the meetings over the last 2 years, and the majority of Town and Community Councils observed have been well managed with Members being respectful to each other. Some issues have been highlighted by the Independent Members which are then taken up with the Clerk and / or Chair of the Town and Community Council by the Monitoring Officer / Head of Legal and Democratic Services and / or the Principal Democratic Services Officer.

However, some of the areas of concern / issues identified throughout the year of note are as below:-

- not being able to easily identify the Members of the Committee from the Clerk or Members of the public present e.g. no name cards available;
- the Chair allowing the Clerk to manage the meeting;
- lack of understanding of each other's role,
- lack of understanding of declaration of interests and required procedures and processes;

- agendas being too long;
- lack of adherence in some instances to Council procedure rules e.g. no proposing and seconding of recommendations;
- lack of adherence to the agenda e.g. other matters being discussed not on the agenda.

However, the Standards Committee is pleased to note that any good practice emanating from the observation visits is also shared by the Monitoring Officer at her six monthly meetings with the Clerks of Town and Community Councils.

(iii) Monitoring Officer Meetings with Clerks

The Monitoring Officer holds meetings with Clerks of Town and Community Councils, usually on a six monthly basis, 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 are provided to the Standards Committee following the meetings taking place with the last meeting having been held on 28th April 2023.

Feedback received to date following the meetings is that the meetings are both useful and informative and a frank exchange of views shared which Clerks are grateful to the Monitoring Officer for hosting.

Matters discussed at such meetings have included:

- Finance matters including Council Tax Banding and Precept Setting and funding opportunities for electric car power points;
- Becoming a Councillor initiative;
- General Power of Competence (GPoC) –under the Local Government and Election (Wales) Act 2021 in relation to GPoC;
- Member safety - with the Monitoring Officer drawing attention to a report that had been presented to the Vale's Democratic Services Committee on 22nd November, 2021 which set out guidance for Members' personal safety and lone working
- Generic observations following the observations of TCC meetings by Independent Members of the Standards Committee
- Hybrid working and broadcasting of meetings
- Independent Review of Ethical Standards Framework in Wales
- Local Government and Elections (Wales) Act 2021 – with the Monitoring Officer drawing attention to reports and the Vale of Glamorgan Council's Action Plan that had been presented to various Vale of Glamorgan Council Committees of the Council including the Community Liaison Committee
- Audit Wales Public Interest reports, when available
- Sharing of good practice and ideas for improvements

- All Wales Standards Forum.

(iv) Public Services Ombudsman for Wales Annual Report and Accounts

These reports provide the Committee with details relating to the functions of the Public Services Ombudsman for Wales (the Ombudsman) throughout the year and also details of financial management.

(v) Received and Considered Case Decisions of the Adjudication Panel for Wales

Reports from the Adjudication Panel for Wales are regularly reported to the Standards Committee as and when available.

(vi) All Wales Standards Committee Forum

Richard Penn's report (as referred to in paragraph 3.1 above) of the Review of Ethical Standards Framework in Wales was commissioned by Welsh Government and is currently being consulted upon. In the Review Report it was suggested that an all-Wales Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs / Independent Members of Standards Committees across Wales be re-established. The All Wales Forum is a body for the sharing of good practice and the co-ordination of activity however, it is not a formal decision-making body. The agendas for the Forum meetings are prepared by the Monitoring Officers Group (MOG) with members of the Forum being able to suggest items for future business. Meetings of the Forum are to be held once or twice per year. The Vale of Glamorgan Council's Standards Committee were keen to be part of the all-Wales Forum and the first meeting of the Forum took place on Friday, 27th January, 2023. Reports on the work and discussions of the Forum are reported to the Standards Committee for their information and consideration as appropriate.

Another aspect considered by the Review was that the harmonisation of the threshold for Gifts and Hospitality across Wales be considered which has subsequently met with approval by the All Wales Standards Forum and the All Wales Monitoring Officer Group. It is therefore the intention of all Monitoring Officers across Wales to recommend agreement to the proposal of a £25 threshold for gifts and hospitality over the coming months.

(vii) Local Dispute Resolution Procedure

The Standards Committee note that the Local Resolution Protocol adopted by the Vale of Glamorgan Council on 25th June, 2014 and amended on 26th September, 2018 continues to provide a helpful process for resolving relatively low level behavioural complaints made by Vale of Glamorgan Council Members about other Members in a

timely and proportionate way. The Standards Committee however are pleased to note that no cases have been referred for consideration during the financial year 2022/23. The Standards Committee have also encouraged Town and Community Councils to adopt their own Local Dispute Resolution Protocol using the model developed by One Voice Wales in consultation with the Public Services Ombudsman for Wales.

(viii) Local Government and Elections (Wales) Act 2021 (“the Act”) and Political Group Leaders’ Duty

The above Act has been a major piece of legislation for Local Authorities in Wales with some extra duties being placed on the Standards Committee within Section 63 of “The Act “ as mentioned in my foreword at the beginning of this report. Section 62 of the “the Act” has also placed a further duty on Political Group Leaders in relation to standards of conduct. The Act states that the Leader of a Political Group must take reasonable steps to promote and maintain high standards of conduct by the Members of the Group and must co-operate with the Council’s Standards Committee (and any sub-committee of the Committee) in the exercise of the Standards Committee functions. The Section also provides that the Standards Committee must also monitor compliance of Leaders of Political Groups with their duties under Section 52(a)(i) of the 2000 Act and advise, train or arrange to train Leaders of Political Groups about matters relating to those duties.

Having regard to the requirements of the Act, the first meeting between the Monitoring Officer and the Chair of Standards Committee with Political Group Leaders took place on 27th July, 2022, which included discussion on a number of areas as identified below:

- Promoting and maintaining high standards of conduct,
- Provision of advice and training on the current relevant statutory provisions draft statutory guidance and various reports submitted to Cabinet and Corporate Performance and Resources Scrutiny Committee regarding the consultation on the draft statutory guidance
- An example Proforma to assist Group Leaders in exercising their duty, is attached at Appendix B to this report, which once completed is forwarded to the Monitoring Officer and thereafter reporting to Standards Committee as part of its Annual Report.
- Information to be forwarded by Democratic Services to Group Leaders regarding which Members have or have not completed any mandatory and / or refresher training sessions as required,
- It being also noted that a Leader of a Political Group who fails to comply with the duty, may potentially be regarded as bringing their office into disrepute and likely to be in breach of the Code of Conduct,
- The Monitoring Officer, in consultation with the Chair of Standards Committee and Standards Committee, to give consideration to

ensuring that Independent Members are briefed similarly to Political Group Leaders on matters to ensure that standards of conduct are achieved to a high standard.

Regular meetings with Group Leaders will continue to take place between the Monitoring Officer and the Chair of Standards Committee on a six monthly basis.

The proforma that has been developed to assist Group Leaders under the Section 62 duty may include any further information provided by the Monitoring Officer such as the number of concerns or complaints raised during the year, together with details of the Group Leaders' responses. Responses received to date to questions within the proforma by the Group Leaders can be found at Appendix C to this report. All Group Leaders as can be seen from the Appendix have advised of the processes they have taken / will take in order to comply with the duty.

Having regard to the duty under the Act individual meetings have also been held with Group Leaders and three out of the four Independent Elected Members (although having been offered a meeting one of the Independent Members did not attend) with the Chair of the Standards Committee and the Monitoring Officer during the year and will continue to be arranged as and when required.

Having regard to the engagement by Political Group Leaders the Standards Committee are satisfied that the same have met their statutory duty in line with Section 62 of the Act.

(ix) Complaints

The Standards Committee also considers specific complaints formerly referred to the Standards Committee by Public Services Ombudsman for Wales (PSOW) as and when received. However, at each Standards Committee meeting, under the Part II item of the agenda, the Monitoring Officer provides an overview to the Standards Committee of the up to date position regarding, if any, complaints / concerns received from the Public Services Ombudsman, not yet in the public domain, that are made against Members of the Vale of Glamorgan Council and / or Town and Community Councils alleging a breach of the Code of Conduct

The Monitoring Officer provides an overview of the complaints which may or may not end up for consideration by the Standards Committee it being noted that the PSOW may decide that is it not appropriate for an investigation to take place.

During 2022/23 no complaints from the PSOW have been considered by the Standards Committee.

(x) Standards Committee Panel

The Standards Committee may agree to appoint a Standards Committee Panel to consider or undertake a matter. In January 2023 the Standards Committee agreed to establish a Panel to consider conducting a review following a request at Full Council on 5th December, 2022 where a Member asked whether the Leader was prepared to undertake an inquiry in relation to a former Vale of Glamorgan Councillor who had recently been found guilty of offences before the Newport Crown Court on 25th November, 2022. A meeting regarding this matter was subsequently convened in December 2022 attended by the Member making the above request together with his Group Leader, the Chair of Standards Committee and the Monitoring Officer / Head of Legal and Democratic Services.

Following both meetings a report was subsequently submitted to the Standards Committee in January 2023 with the Committee being asked to consider –

- whether to undertake a review having regard to the comments made at the Full Council meeting in December 2022,
- whether the Standards Committee consider a review to be appropriate,
- and if so, to consider establishing a Panel to undertake the review with Panel membership consisting of three Independent Members and that the Panel be convened to consider the Terms of Reference of such a review, with the Terms of Reference to be reported for consideration to the Standards Committee. This matter is currently ongoing.

4. OTHER ASPECTS

4.1 Elected Member Induction and Training

In May 2022 the Local Government elections in Wales took place.

Some of the Elected Members may have previously served as Members of the Vale of Glamorgan Council and on Town and Community Councils in the Vale, however others may never have been a Councillor previously. A comprehensive induction programme was put in place by the Vale of Glamorgan Council for its Elected Members and the Monitoring Officer commissioned Code of Conduct / Ethical Standards training from One Voice Wales for all Town and Community Councils.

The training included remote and in person attendance sessions with recordings of the sessions also being made available for later use. All Co-opted Members with voting rights (which includes Members of the Standards Committee) also took part in this induction and training programme. The

comprehensive training programme was considered by the Standards Committee prior to the elections in May 2022.

4.2 Future Priorities

As mentioned earlier within this report, the Standards Committee have developed and agreed their Forward Work Programme for 2023/24 which can be found at Appendix A to this report which also details the dates of future meetings. Dates of future meetings of the Committee can also be found on the Council's website at

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Committee%20Information/Calendar-of-Meetings/2023-24/23-06-12-Updated.pdf>

Agendas and reports (save for Part II confidential matters) will be available five clear days (which includes weekends) prior to the meeting.

The Standards Committee will continue to -

- promote and maintain high standards of conduct will continue to be a major focus for the Committee, including working with Group Leaders, Independent Elected Members, Town and Community Council Elected Members and Clerks;
- share good practice and seek continuous improvement at Vale of Glamorgan and Town and Community Council meetings, as appropriate;
- share good practice and maintain discussions with the All Wales Standards Forum;
- play a key role in the development of future induction programmes for Elected and Co-opted Members,
- respond where appropriate to any consultation as required.

RECOMMENDATION OF THE STANDARDS COMMITTEE

4.3 Having regard to the late submission of applications for dispensation as referred to in paragraph 3.2 (i) of this report, the Standards Committee request that all Members of the Vale of Glamorgan Council and Town and Community Council's be advised to ensure that applications for dispensations are received at least seven clear days before a meeting, and on the appropriate proforma, to enable the applications to be despatched with the agenda. (It being noted that all Members of the Vale of Glamorgan Council and Clerks to Town and Community Council's are advised of the dates of ordinary meetings of the Standards Committee.)