

THE VALE OF GLAMORGAN COUNCIL

CABINET: 21ST MARCH, 2024

REFERENCE FROM STANDARDS COMMITTEE: 2ND FEBRUARY, 2024

“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 8th 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.

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.
resolution

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

(3&4) For consideration.”

Attached as Appendix: Report to Standards Committee: 2nd February, 2024

NB -

Cabinet is advised that at the Governance and Audit Committee on 5th February, 2024 following a verbal presentation by the Monitoring Officer / Head of Legal and Democratic Services of the decision of the Standards Committee Resolution (3) above was subsequently agreed by the Governance and Audit Committee.

The Governance and Audit Committee also agreed on 5th February, 2024 that the Whistleblowing Policy be considered as part of the review of mandatory training for staff, and for the matter to be referred to the Corporate Performance and Resources Scrutiny Committee.

The whistleblowing policy is to be considered by the Scrutiny Committee Corporate Performance and Resources on 20th March, 2024 and Cabinet will be advised of the decision of the Committee thereafter.

STANDARDS PANEL REPORT

Introduction and Establishment of Standards Panel

- 1.1 At the Full Council meeting on 5th December, 2022 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 (Min. No. 512 (xxxiii) refers). The link to the Council minutes of 5th December, 2022 can be found at [https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Council/2022/22-12-05/Minutes.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Council/2022/22-12-05/Minutes.pdf)
- 1.2 On 25th November, 2022 (Anthony Hampton) (a former Vale of Glamorgan Councillor) was convicted at the Crown Court in Newport of 12 counts of indecent assault on a male under 16 and was subsequently sentenced to 7 years imprisonment for offences that occurred in the 1990's.
- 1.3 Anthony Hampton had been a Vale of Glamorgan Councillor during 1987 to 1995, 1999 to 2012 and from 2017 – 2022 and had also sat on Barry Town Council.
- 1.4 It is important to note that there is no evidence that the offences occurred when Anthony Hampton was acting in his capacity as Councillor of either Council.
- 1.5 Having regard to the comments made at Full Council in December 2022 a report was subsequently presented to the Standards Committee on 26th January, 2023 and the Committee was asked to consider whether to undertake a review having regard to comments made at the Full Council meeting. If the Standards Committee considered a review would be appropriate, the Standards Committee were requested to consider establishing a Panel to undertake the Review with Panel membership consisting of three Independent Members. If the Standards Committee considered that a Panel should be established, the Panel be convened to consider the Terms of Reference for such a review and for the Terms of reference to be reported for consideration to the next meeting of the Standards Committee.
- 1.6 At the meeting on 26th January, 2023 the Standards Committee determined that a Panel of three Independent Members of the Standards Committee, namely the Chair, R. Hendicott, the Vice-Chair, L. Tinsley and R. Alexander, be appointed and that a meeting of the Panel be convened to determine the Draft Terms of Reference of said Panel for approval by the Standards Committee.
- 1.7 The Panel have taken the view that realistically only the present position could be considered in detail and therefore the Panel have reviewed a number of policies and procedures within the Council. There has been no intention of considering the position leading to the convictions which were of a criminal nature.
- 1.8 The Panel were due to sit in March 2023 to consider the Terms of Reference, however the Monitoring Officer was advised that an appeal was pending in the criminal case and therefore the Panel meeting was postponed pending further enquiries. Following enquiries with the Courts the Monitoring Officer was

advised that no appeal had been lodged and that the window of opportunity for an appeal to be lodged had since passed. As a result of this information the Panel subsequently met on 23rd May, 2023 to consider draft Terms of Reference.

- 1.9 The draft Terms of Reference of the Panel, attached at Appendix 1 to this report, was subsequently approved by the Standards Committee on 8th June 2023.

Undertaking the Review:

- 1.10 Having regard to the comment made at the Full Council, the Standards Committee decided on 26th January, 2023 that a panel of three Independent Members of the Standard Committee, namely the Chair, R. Hendicott, the Vice-Chair, L. Tinsley and R. Alexander be appointed.
- 1.11 During the review the Panel met on three separate occasions on the 13th July, 18th July and 24th October 2023 to consider the Policies and Procedures of the Vale of Glamorgan Council and also agreed to split elements of the documentation to each Panel Member for consideration. The Chair considered in detail the Council's Whistleblowing and Corporate Complaints Policies, Mrs. Tinsley considered the election process and induction programme for Elected Members and Mr. Alexander considered the Council's Code of Conduct documents, training provided and training records.
- 1.12 Appendix 2 details a list of policies, procedures, training provided and approved that was also considered by the Panel during the reviews well as the information relating to an election of an Elected Member and other information as referred to in this report. The Panel also noted that Members' Code of Conduct training had been deemed by the Council to be mandatory as well as a number of other training elements which included Safeguarding and Corporate Parenting Training. The Panel confirmed that all Elected Members (and Co-opted Members) had undertaken the mandatory Code of Conduct training as required. The standard of conduct expected by Members can also be found at Appendix 2 to Section 19 of the Council's Constitution [Section 19](#). Code of conduct runs through the documentation as a central thread with the Panel also confirming that this was part of the Elected Member training programme in 2017 and 2022.

Appointment as an Elected Member

- 1.13 Prior to an Election the process requires candidates to
- Submit a nomination paper signed by the candidate and a witness.
 - Complete a home address form
 - Provide a certificate from the party's nominating officer, authorising the candidacy and use of the party's description and emblem (if appropriate)


All the above must then be returned to Electoral Services by email to nominations@valeofglamorgan.gov.uk or in person by making an appointment with the Electoral Registration/ Services Team.

- 1.14 All Members of the Council must sign their Acceptance of Office within two months from the day of the election in the presence of the Chief Executive as Proper Officer and undertake to abide by the Council's Members' Code of Conduct. The Panel were satisfied that all Elected Members had accordingly signed and undertaken in line with the above.

Training provided to Elected Members –

- 1.15 All Members are provided with a comprehensive induction programme with many aspects of the programme defined as Mandatory. The Panel were advised that to date all Elected Members of the Council had undergone the Code of Conduct training delivered by the Monitoring Officer / Head of Legal and Democratic Services, as mentioned earlier in this report and that training records are maintained within the Democratic Services section. The Standards Committee itself have also been updated in respect of the training undertaken. A Learning Needs Analysis Survey with Members has also been undertaken and reported to the Democratic Services Committee in July 2023.
- 1.16 The Members' Code of Conduct also refers to Principles of Conduct i.e. selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision-making, equality and respect, openness, accountability and leadership as contained within the Constitution at Appendix to Section 19. There is also a Standard of Conduct Expected by Members which can be found at Appendix 2 to Section 19 of the Council's Constitution. Again all Members are informed and made aware of these documents at the Monitoring Officer's training sessions.
- 1.17 Copies of the training slides that were provided to Members in May 2022 and May 2017 relating to the Members' Code of Conduct were also viewed by the Panel.
- 1.18 Furthermore, the Panel were informed that the Vale of Glamorgan Council also commissioned training via One Voice Wales for Elected Members of Town and Community Council's following the 2017 and 2022 Local Government Elections.
- 1.19 Guidance from the Public Services Ombudsman for Wales (PSOW) in regard to Members' Code of Conduct is also shared with Elected Members (and Co-opted Members) via email exchange when received and the Council's Standards Committee.
- 1.20 In referring to the Statutory and Non-Statutory Guidance for Principal Councils in Wales issued in June 2023 the guidance refers to reasonable training and development opportunities and identifies subjects for an ongoing training programme of Member Development, one of these subjects being refresher training on the Members' Code of Conduct to form a part of the ongoing programme of Member Development.

Other considerations during the review -

- 1.21 During the review of the Procedures and Policies in place the Panel also considered it relevant to obtain an appreciation in a broader context, and reviewed the Council's Whistleblowing Policy and Corporate Concerns and Complaints Policy. The Council had adopted a Whistleblowing Policy in March 2014 and since that date regular updates had been provided to Committees as can be seen from the list at Appendix 2 .
- 1.22 The Council reviewed its Whistleblowing Policy in 2019 and the revised Policy was endorsed by the Audit Committee on 3rd February, 2020. The Panel also considered the summary of the results of a staff survey undertaken to ascertain awareness of and willingness to use the Council's Whistleblowing Policy together with a copy of the Council's current Whistleblowing Policy which had been presented to the Council's Governance and Audit Committee on 12th December 2022 and on 19th January 2023 it had been considered by the Cabinet.
- 1.23 The Panel considered the Whistleblowing Policy to be a very thorough Policy with the Members' Code of Conduct running through the document as a central theme. It appears to be effective in that there had been 23 incidents reported over the past 7 years. However, worryingly, although the percentage of those replying to a survey stated that they had heard of the Policy this fell from 91% in 2018 to 75% in 2022.
- 1.24 In June 2022 a Speak Out Hub was launched which was designed to encourage staff, Members, Partners, Town and Community Councils, Contractors, School staff and members of the public to raise concerns. This is kept under review..
- 1.25 Following guidance from the PSOW in September 2012, the Ombudsman expected all Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with complaints which are made by a Member against a fellow Member which may not otherwise be investigated by the Ombudsman. The Council adopted their Procedure on 25th June 2014.
- 1.26 All Town and Community Councils within the Vale of Glamorgan have also been encouraged by the Standards Committee to consider adopting their own Local Dispute Resolution Procedure with an approved proforma provided to assist in this regard. The Principal Democratic and Scrutiny Services Officer also confirmed at a Standards Committee meeting that Barry Town Council had also adopted a Local Dispute Resolution Procedure. Former Councillor Hampton had also been a former Member of Barry Town Council. During
- 1.27  We did not think it was within our remit to investigate these allegations some 30 years later. However, if a similar situation occurred today, we anticipate that the Council would refer the matter to the police, given that they have the powers to investigate such allegations. In fact, the Council has no powers to investigate such claims, as these are ordinarily matters for the police to deal with.

Disclosure and Barring Service - DBS checks

- 1.28 DBS disclosure checks for Members had in April 2022 also been agreed by the Council's Cabinet with basic checks required to be undertaken by all Elected Members and enhanced checks for various Elected Member such as Cabinet Members, Elected Members who sat on the Healthy Living and Social Care, Homes and Safe Communities and Learning and Culture Scrutiny Committees and Members in receipt of a Senior Salary.
- 1.29 An Internal Audit report of January 2023 had identified that five out of 54 Elected Members had not completed the full part of the process which was 6 months after the Election i.e. completing the verification form part of the process. The Panel was advised that all Elected Members had now completed the application process necessary for DBS checks. The Panel considered this to be very unsatisfactory .

RECOMMENDATIONS

- 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.

Richard Hendicott
Lorna Tinsley
Ronnie Alexander.

24th January 2024

STANDARDS COMMITTEE PANEL

DRAFT TERMS OF REFERENCE

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

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

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

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

Members must:

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

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

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

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

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

Terms of Reference

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

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

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

Report Title	Committee/Date
Draft Member Induction and Development Programme 2022	Standards Committee – 27.01.22
Whistleblowing Staff Survey Results and Annual Report	Governance and Audit Committee – 12.12.22
Whistleblowing Policy	Reference from Cabinet to Council – 26.07.21
Whistleblowing Policy	Cabinet – 19.07.21
Whistleblowing Update	Audit Committee – 03.02.20
Revised Whistleblowing Policy	Audit Committee – 03.02.20
Whistleblowing Policy Performance Update	Audit Committee – 25.02.19
Whistleblowing Policy – Performance Update	Audit Committee – 31.01.18
Code of Conduct Training and Attendance for Vale of Glamorgan Councillors Post 2017 Local Government Elections	Standards Committee – 01.06.17
Minute Titles	
Draft Member Induction and Development Programme 2022	Standards Committee – 27.01.22
Whistleblowing: Staff Survey Results and Annual Report	Governance and Audit Committee – 12.12.22
Whistleblowing Policy (Reference)	Council – 26.07.21
Whistleblowing Policy – Performance Update	Cabinet – 19.07.21
Whistleblowing Update and Revised Whistleblowing Policy	Audit Committee – 03.02.20
Whistleblowing Policy – Performance Update	Audit Committee – 25.02.19
Whistleblowing Policy – Performance Update	Audit Committee – 31.01.18
Code of Conduct Training and Attendance for Vale of Glamorgan Councillors Post 2017 Local Government Elections	Standards Committee – 01.06.17
Other Documents/Training Materials	
Corporate Concerns and Complaints Policy	2013
Corporate Safeguarding and Corporate Parenting	Training Slides – May 2017
Corporate Safeguarding and Corporate Parenting	Training Slide – May 2022
Ethics and Standards	Training Slides – May 2017
Ethics and Standards	Training Slides – May 2022
Member Induction Programme Timetable	2017
Member Induction Programme Timetable	2022
Co-Opted Member Induction Programme Timetable	2022
Elected Member 2022/23 – Internal Audit Report	January 2023
Whistleblowing Update	SLT Minutes – 10.01.23