

STANDARDS COMMITTEE

Minutes of a Remote hearing held on 26th October, 2020.

Present: Mr. R. Hendicott; Mrs. L. Tinsley and Mr. G. Watkins (Independent Members); Councillor M. Cuddy (Town and Community Councillor Representative) and Councillor O. Griffiths (Vale of Glamorgan Council).

Also present: Community Councillor R Thomas (Sully and Lavernock Community Council), Ms. B. Jones (Investigating Officer office of the Public Services Ombudsman for Wales), Ms K Shaw (Chief Legal adviser and Director of Investigations office of the Public Services Ombudsman for Wales) and Mrs V Davidson (Deputy Monitoring Officer Vale of Glamorgan Council).

155A APPOINTMENT OF CHAIRMAN FOR THE MEETING –

RESOLVED – T H A T Mr. R. Hendicott be appointed Chairman for the duration of the hearing.

156A APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING –

RESOLVED – T H A T Mrs. L. Tinsley be appointed Vice-Chairman for the duration of the hearing.

157A DECLARATIONS OF INTEREST –

No declarations were received.

158A ANNOUNCEMENT –

The Chairman advised that following a request, having regard to the personal circumstances of the complainant and Cllr R Thomas, all parties had agreed that the hearing be held in private.

159A 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.

169A ALLEGATIONS OF FAILURE TO OBSERVE THE MEMBERS' CODE OF CONDUCT MADE AGAINST COMMUNITY COUNCILLOR A OF B COMMUNITY COUNCIL (MO / HLDS) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 18C) –

The Procedure for Dealing with Allegations of Failure to Observe the Members' Code of Conduct had been circulated to all parties prior to the hearing, together with a link for the hearing to be held virtually.

In commencing the proceedings, the Chairman put the three allegations to Cllr Thomas as contained within the report, which Councillor Thomas stated that he accepted advising that he wished to put forward representations in mitigation. The three allegations presented were as follows:

- At a meeting of the Sully and Lavernock Community Council on the 27th September 2017 the Councillor failed to declare a personal or prejudicial interest contrary to paragraphs 11(1) and 14(1)(a)(i) of the Sully and Lavernock Members' Code of Conduct
- Comments made by the Councillor to an individual which may have breached paragraph 4(b) of the Community Council's Code of Conduct; and
- That the Cllr had disclosed confidential information which was suggestive of a breach of paragraph 5(a) of the Code of Conduct.

Following the presentation of the Investigating officer's report, representations made by Community Councillor Thomas and questions by all parties the meeting was subsequently adjourned in order for the Members of the Standards Committee to deliberate on the representations received, in private.

Following the Committees deliberations, all parties were invited to re-enter the virtual meeting whereupon they were advised that having considered the report of the Ombudsman's Investigating Officer, the representations made by the Investigating Officers legal representative at the meeting, the Community Councillor's representations at the meeting and in accordance with the Procedure for Dealing with Allegations Made Against Councillors and Referred to the Standards Committee, they were advised that the Standards Committee had:

RESOLVED -

(1) T H A T, arising from the decision of the Standards Committee, and contrary to Paragraph 11(1) and 14(1)(a)(i) of the Sully and Lavernock Community Members' Code of Conduct, Community Councillor R Thomas at a meeting of the Sully and Lavernock Community Council on the 27th September 2017 failed to declare a personal and prejudicial interest, and that Community Councillor R Thomas be censured;

(2) T H A T, arising from the decision of the Standards Committee, and contrary to Paragraph 4(b) of the Sully and Lavernock's Members' Code of Conduct that

inappropriate comments were made to an individual and that Community Councillor R Thomas be censured;

(3) T H A T, arising from the decision of the Standards Committee, and contrary to Paragraph 5(a) of the Sully and Lavernock Community Council's Members' Code of Conduct Community Councillor R Thomas disclosed confidential information during conversations as referred to in a statement presented to the Committee and that Community Councillor R Thomas be censured.

(4) T H A T, a notice of the three censures shall be published on the Vale of Glamorgan Council's website.

(5) T H A T, Community Councillor Thomas be advised of his right to appeal against the Committee's determination within a period of 21 days of his receiving notification, by giving notice in writing to:

The Registrar
Adjudication Panel for Wales
Oak House
Cleppa Park
Celtic Springs
Newport
NP10 8BD

(6) T H A T, subject to an appeal (if any) the findings of the Standards Committee as detailed in resolutions (1) to (5) above be publicised in accordance with the requirements of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

Reason for decisions

(1-3) Having regard to the evidence and information contained within the report of the Ombudsman's Investigation Report, and all representations made at the meeting.

(4-6) Having regard to the Community Councillor's right of appeal, the Vale of Glamorgan Council's procedure for dealing with allegations of failure to observe the Members Code of Conduct and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.