

PWYLLGOR SAFONNAU - DYDD MAWRTH, 21 MEDI 2021

COFNODION CYFARFOD Y PWYLLGOR SAFONNAU A GYNHALIWIWYD YN O BELL TRWY
TIMAU MICROSOFT DYDD MAWRTH, 21 MEDI 2021, AM 10:00

Presennol

Y Cyngorydd Mr C Jones OBE – Cadeirydd

Mr P Clarke

MC Clarke

Mrs J Kiely

Mr J Baker

Ymddiheuriadau am Absenoldeb

G Thomas a/ac P Davies

Swyddogion:

Mark Galvin Rheolwr Gwasanaethau Democrataidd Dros dro
Kelly Watson Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio
Andrew Rees Swyddog Gwasanaethau Democrataidd – Pwyllgorau

93. DATGANIADAU O FUDDIANT

Dim.

94. CADARNHAU COFNODION

PENDERFYNIAD:

Bod cofnodion cyfarfod y Pwyllgor Safonau ar 29 Mehefin 2021 yn cael eu cymeradwyo fel cofnod gwir a chywir.

95. AILBENODIADAU I'R PWYLLGOR SAFONNAU

Cyflwynodd y Swyddog Monitro adroddiad a'i ddiben oedd nodi bod cyfnod swydd dau Aelod Annibynnol o'r Pwyllgor Safonau wedi cael eu hymestyn.

Cadarnhaodd na fydd y Pwyllgor Safonau yn cynnwys llai na phump na mwy na naw o aelodau, ac y bydd o leiaf dau ohonynt yn Gyngorwyr Bwrdeistref Sirol, yn unol â Rheoliadau Pwyllgor Safonau (Cymru) 2001. Ar hyn o bryd mae'r Pwyllgor yn cynnwys saith aelod, fel y nodir ym mharagraff 3.1 o'r adroddiad.

Eglurodd y Swyddog Monitro y bydd cyfnod swydd dau o'r Aelodau Annibynnol yn dod i ben ym mis Hydref 2021. Roedd yr Aelodau'n gymwys i gael eu hailbenodi am dymor pellach. Ar ôl hynny, mae'r Rheoliadau'n datgan bod yn rhaid iddyn nhw ymddiswyddo gan na chant wasanaethu yn y swydd am fwy na dau dymor. Yn ogystal, mae'r Rheoliadau'n nodi mai pedair blynedd yw uchafswm hyd yr ail dymor y swydd. Mae'r Aelodau wedi gwneud cyfraniad buddiol i lywodraethu'r Cyngor ac wedi cytuno i wasanaethu am dymor pellach.

Cadarnhaodd y Swyddog Monitro fod y Cyngor, ar 15 Medi 2021, wedi cymeradwyo ailbenodiad Mrs Judith Kiely a Mr Clifford Jones OBE am gyfnod pellach o bedair blynedd ar y Pwyllgor.

PENDERFYNIAD:

Bod y Pwyllgor wedi nodi ailbenodiad Mrs Judith Kiely a Mr Clifford Jones OBE i'r Pwyllgor am dymor pellach.

96. **POLISI CHWYTHU'R CHWIBAN**

Cyflwynodd y Swyddog Monitro adroddiad i alluogi'r Pwyllgor Safonau i adolygu gweithrediad Polisi Chwythu'r Chwiban y Cyngor.

Dywedodd y byddai'r Aelodau yn ymwybodol o Bolisi Chwythu'r Chwiban y Cyngor (sydd wedi'i atodi fel Atodiad 1 i'r adroddiad), sydd wedi'i gynllunio i osod fframwaith i annog a galluogi gweithwyr i ddatgelu os ydyn nhw â phryderon gwirioneddol, ac i roi sicrwydd y byddent yn cael eu diogelu rhag dial ac erledigaeth yn sgil gwneud hynny.

Mae monitro a gweithredu'r polisi yn un o'r swyddogaethau a ddirprwyir i'r Pwyllgor Safonau. Adolygwyd y polisi i sicrhau ei fod yn parhau i fod yn addas i'r diben, a daethpwyd i'r casgliad bod y fersiwn bresennol yn foddhaol ac yn cydymffurfio â'r ddeddfwriaeth gyfredol a'r arferion gorau. O ganlyniad, ni chynigir gwelliant i'r Polisi ar hyn o bryd.

Gofynnwyd i'r Pwyllgor nodi cyhoeddiad y polisi ar wefan y Cyngor ac y bydd pob gweithwyr newydd yn cael gwybod amdano fel rhan o'u proses sefydlu.

PENDERFYNIAD:

Bod y Pwyllgor wedi nodi'r adroddiad.

97. **EITEMAU BRYD**

Dim.

Daeth y cyfarfod i ben am 10:10

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

23 JUNE 2022

REPORT OF THE MONITORING OFFICER

ADJUDICATION PANEL FOR WALES – CODE OF CONDUCT DECISION

1. Purpose of report

- 1.1 To notify the Committee of a recent Case Tribunal decision of the Adjudication Panel for Wales (APW) in respect of former Member Gordon Lewis.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

Smarter use of resources – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The Council has a statutory duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committee Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 3.2 The APW is an independent tribunal set up to determine alleged breaches of an Authority's Statutory Members' Code of Conduct by Elected and Co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.
- 3.3 The APW has two statutory functions in relation to breaches of the Members' Code of Conduct:
- To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales ("the Ombudsman") following the investigation of allegations that a Member has failed to comply with their Authority's Members' Code of Conduct; and
 - To consider appeals from Members against the decisions of Local Authority Standards Committees that they may have breached the Members' Code of Conduct.

4. Current situation/proposal

- 4.1 By letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Ombudsman in relation to allegations made against former Member Gordon Lewis. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time.
- 4.2 Paragraph 6(1)(a) of the Code states that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 4.3 The Case Tribunal found that the Respondent had failed to comply with paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months from being, or becoming, a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of the Notice.
- 4.4 A copy of the APW's Notice to the Council is attached at **Appendix 1** to this report.

5. Effect upon policy framework and procedure rules

- 5.1 None.

6. Equality Impact Assessment

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Wellbeing of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 7.2 Compliance with the Code of Conduct by members ensures the Council maintains a high standard of behaviour and conduct and thereby encouraging and promoting democracy throughout society thereby contributing to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales

8. Financial implications

8.1 There are no financial implications.

9. Recommendation

9.1 It is recommended that Members note the report and decision of the APW.

Kelly Watson
Monitoring Officer
10 June 2022

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Monitoring Officer

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Background documents

None

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NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/0010/2021-022/CT

RESPONDENT: Former Councillor Gordon Lewis

RELEVANT AUTHORITY: Pencoed Town Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. By letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against former Councillor Gordon Lewis.
2. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology.
3. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time.
4. Paragraph 6(1)(a) of the Code states that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
5. The Case Tribunal found that the Respondent had failed to comply with Paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected.
6. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months for being, or becoming a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of this Notice.

7. Pencoed Town Council and its Standards Committee are notified accordingly.
8. The Respondent has the right to seek the leave of the High Court to appeal this decision.
9. The full decision report will be published on the APW website in due course.

Signed *C Jones*

Date 10 June 2022

C Jones Chairperson of the Case Tribunal

S McRobie Panel Member

S Hurds Panel Member

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

23 JUNE 2022

REPORT OF THE MONITORING OFFICER

AMENDMENTS TO THE STANDARDS COMMITTEE TERMS OF REFERENCE

1. Purpose of report

- 1.1 The purpose of this report is to apprise the Committee of amendments to the Standards Committee Terms of Reference as a result of the Local Government and Elections (Wales) Act 2021 which came into force on 5th May 2022.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 A report was presented to full Council on 20th January 2021 detailing the main provisions of the Local Government and Elections (Wales) Act 2021 coming into force from 5th May 2022.
- 3.2 Section 37 of the Local Government Act 2000 requires Welsh County Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the Authority's standing orders, a copy of the Authority's code of conduct for Members and such other information as the Authority considers appropriate. Each County Council has its own individual constitution to reflect that Council's particular circumstances with differences as to the documents it believes appropriate to include in its constitution. The Welsh Monitoring Officers Group commissioned a firm of solicitors to review the national model constitution due to provisions coming into force under the Local Government

and Elections (Wales) Act 2021. The new model has been considered by each local authority and has become common place. It is proposed that the new model is locally reviewed and updated and reported to the Democratic Services Committee on 7th July 2022 for their initial consideration and thereafter a future meeting of Cabinet and Council for approval.

4. Current situation/proposal

4.1 The following paragraphs detail some of the requirements of the 2021 Act relevant to the Standards Committee which took effect on 5th May 2022:

- Section 14 - Term of Office for Elected Members is amended from four to five years.
- Broadcasting of meetings – A Multi-Locations Meetings Policy was presented to Council on 15th June 2022. Under sections 45 and 46 of the Act where meetings are broadcast, speakers must be able to speak to and be heard by each other and to be seen and be heard by each other.
- Section 62 introduces duties of leaders of political groups in relation to standards of conduct. Leaders must promote and maintain high standards of conduct by the members of the group and must co-operate with the Council's Standards Committee in the exercise of the Committee's functions.
- The Committee has the specific function of monitoring compliance by Group Leaders of the above duties and advising, training or arranging to train the leaders of political groups of the Council about matters relating to those duties. It is recommended that arrangements are made for the Chair of the Committee and the Monitoring Officer to meet with the three newly appointed Group Leaders as soon as possible.
- Section 63 – As soon as reasonably practicable after the end of each financial year (31st March), the Committee will make an annual report to the Authority in respect of that year. In particular the report must include a summary of:
 - (i) What has been done to discharge the general and specific functions conferred on the Committee
 - (ii) Reports and recommendations made or referred to the Committee
 - (iii) Action taken by the Committee following its consideration of such reports and recommendations
 - (iv) The Committee's assessment of the extent to which Leaders of political groups have complied with their duties under the Act during the financial year
 - (v) Any recommendations the Committee wish to make to the Authority about any matter which the Committee has functions.

4.2 Welsh Government consulted on the standards of conduct draft statutory guidance for Leaders of political groups in Principal Councils about how they should meet their new duties as outlined above. The consultation document can be accessed via the Welsh Government website: <https://gov.wales/consultation-local-government-and-elections-wales-act-2021-standards-conduct-statutory-guidance> and includes guidance for Standards Committees in relation to their extended functions. The guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The consultation period ran from 16 February 2022 to 16 May 2022 and the final guidance will be reported to a future meeting of the Committee.

4.3 The Committee is recommended to consider and note the provisions outlined at paragraph 4.1 and note that these revised provisions will be incorporated into the new model constitution to be formally approved by Cabinet and Council.

5. Effect upon policy framework and procedure rules

5.1 None.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

8.1 Financial implications

8.1 There are no financial implications arising from this report.

9. Recommendation

9.1 It is recommended that the Committee note the report.

K Watson

**Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and
Monitoring Officer
June 2022**

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Group Manager - Legal and Democratic Services

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Background documents: None

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