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Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.  
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**Cyfarwyddiaeth y Prif Weithredwr / Chief  
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

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**Dyddiad/Date:** Friday, 17 June 2022

Dear Councillor,

**STANDARDS COMMITTEE**

A meeting of the Standards Committee will be held remotely - via Microsoft Teams on **Thursday, 23 June 2022 at 10:00.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council on 1 September 2008.
3. Approval of Minutes 3 - 4  
To receive for approval the Minutes of 21/09/2021
4. Adjudication Panel For Wales - Code Of Conduct Decision 5 - 10
5. Amendments To The Standards Committee Terms Of Reference 11 - 14
6. Urgent Items  
To consider any item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council's Procedure Rules, and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
7. Exclusion of the Public  
The Report relating to the following item is not for publication as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider this item in private, the public will be excluded from the meeting during such

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consideration.

8. Referral By Ombudsman Of Investigation Under S69 Of The Local Government Act 2000

15 - 188

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

MJ Williams

G Thomas

Mr P Clarke

Mrs J Kiely

Mr C Jones OBE

Mr J Baker

G Walter

Present

Councillor Mr C Jones OBE – Chairperson

Mr P Clarke

MC Clarke

Mrs J Kiely

Mr J Baker

Apologies for Absence

G Thomas and P Davies

Officers:

Mark Galvin

Interim Democratic Services Manager

Kelly Watson

Chief Officer Legal, HR and Regulatory Services

Andrew Rees

Democratic Services Officer – Committees

93. DECLARATIONS OF INTEREST

None.

94. APPROVAL OF MINUTES

RESOLVED:

That the minutes of a meeting of the Standards Committee dated 29 June 2021, be approved as a true and accurate record.

95. REAPPOINTMENTS TO THE STANDARDS COMMITTEE

The Monitoring Officer submitted a report, the purpose of which, was to note the extension of the term of office of two Independent Members of the Standards Committee.

She confirmed that in accordance with the Standards Committee (Wales) Regulations 2001, the Standards Committee shall consist of not less than five, nor more than nine, members at least two of which shall be County Borough Councillors. The Committee currently comprises seven members, as was detailed in paragraph 3.1 of the report.

The Monitoring Officer explained, that the term of office for two of the Independent Members expires in October 2021. The Members were eligible to be reappointed for a further term. Thereafter they must stand down as they cannot serve more than two terms of office under the Regulations. In addition, the Regulations specify that the second term of office can be a maximum of four years. The Members have made a beneficial contribution to the governance of the Council and were in agreement to standing for a further term.

Therefore, on 15 September 2021 Council approved the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE for a further term of four years on the Committee, the Monitoring Officer confirmed.

RESOLVED:

That the Committee noted the reappointment of Mrs Judith Kiely and Mr Clifford Jones OBE to the Committee for a further term.

96. **WHISTLEBLOWING POLICY**

The Monitoring Officer submitted a report, so as to enable the Standards Committee to review the operation of the Council's Whistleblowing Policy.

She stated that as Members were aware, the Council has a Whistleblowing Policy (attached as Appendix 1 to the report), which is designed to encourage and reassure employees who genuinely and reasonably believe that there are concerns, which they should disclose by enabling them to do so within a framework, which ensures they are protected from reprisals or victimisation.

The monitoring and operation of the policy is one of the functions delegated to the Standards Committee. The policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice. No amendment is therefore proposed to the Policy, at this stage.

The Committee was therefore asked to note that the policy is published on the Council's website and all new employees are informed about it as part of their induction process.

**RESOLVED:** That Committee noted the report.

97. **URGENT ITEMS**

None.

The meeting closed at 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 5<sup>th</sup> 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 20<sup>th</sup> January 2021 detailing the main provisions of the Local Government and Elections (Wales) Act 2021 coming into force from 5<sup>th</sup> 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 7<sup>th</sup> 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 5<sup>th</sup> 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 15<sup>th</sup> 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 (31<sup>st</sup> 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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**Background documents:** None

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