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Bridgend County Borough Council



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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:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 1 March 2024

Dear Councillor,

STANDARDS COMMITTEE

A meeting of the Standards Committee will be held remotely - via Microsoft Teams on **Thursday, 7 March 2024 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 - 18
To receive for approval the Minutes of 22/06/2023 and 16/11/2023
4. Update from Observations of Town and Community Council Meetings and Council Meetings 19 - 24
5. Standards Committee - Hearings Process 25 - 38
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The Minutes relating to the following item is not for publication as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended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

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Act to consider this item in private, the public will be excluded from the meeting during such consideration.

8. Approval of Exempt Minutes

39 - 40

To receive for approval the exempt minutes of the meeting of 22/06/2023

Note: This will be a remote meeting and Members and Officers will be attending remotely via Microsoft Teams. 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 or tel. 01656 643148 / 643694 / 643513 / 643696

Yours faithfully

K Watson

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

Members:

MJ Williams

G Walter

R Lynch

G Thomas

P Baker

S Maughan

Mr P Clarke

S Cullen

Present

Mr C Jones OBE – Chairperson

G Thomas

Mr P Clarke

Mrs J Kiely

G Walter

Apologies for Absence

MJ Williams

Officers:

Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Galvin	Senior Democratic Services Officer - Committees
Stephen Griffiths	Democratic Services Officer – Committees

116. DECLARATIONS OF INTEREST

G Walter declared a personal and prejudicial interest in the case.

117. URGENT ITEMS

None

118. EXCLUSION OF THE PUBLIC

Members of the Committee considered whether they would hear the matter as an exempt item under Schedule 12A of the Local Government Act 1972.

Submissions were received from Cllr Sean Aspey and the Public Sector Ombudsman for Wales (PSOW) officers.

Cllr Aspey requested that the meeting take place in private, noting the actual nature of the complaint and the complainant. He argued that the subject caused quite a lot of concern within the local community and if public documents were to be released, he didn't want anything in terms of a redacted complainant or somebody to guess who it might be. He didn't want any repercussions either on himself or the person who made the complaint.

The representative from PSOW noted that it was in the interest of openness and transparency for the hearing to be held in public. This was to ensure public confidence in the ethical standards regime in Wales. She indicated that the information, which led to the investigation, was available on public forums such as Facebook and the substance of the complaint related to a letter which was shared publicly. She noted that Cllr Aspey had requested the hearing to be held in private and for relevant documents to be withheld from the public due to concern that residents will try to establish the source of the original complaint, although where this concern about the potential behaviour of some residents arises from is unclear.

She noted there was Adjudication Panel for Wales (APW) guidance which states that hearings should be held in public, except where the Tribunal considers that publicity would prejudice the interests or threaten the personal safety and security of any parties

involved in the case. It states that the Tribunal will require convincing evidence of substantial harm to either the individuals involved or the hearing or to the public interest generally before holding a hearing in private.

The representative from PSOW recognised that the decision on whether to hold the hearing in public is entirely a matter for the Standards Committee to determine but she did not consider that Cllr Aspey had demonstrated evidence of a significant risk to the member of the public's personal safety or security or demonstrated a risk of substantial harm to a member of the public. However, she did acknowledge that care should be taken to protect the identity of the original complainant if any documents relating to the investigation are disclosed.

It was made clear that a Standards Committee is able to hold a hearing in public without publishing the Ombudsman's report and appendices until after the proceedings have concluded. It is also open to the Standards Committee to move to private session if at any time there is a need to discuss any sensitive information which might relate to the complainant. The representative from PSOW noted that she was not of the view that this would be necessary because the facts of the case have been drawn from documentation.

All the panel members were of the view the hearing should be held in public.

RESOLVED:

The Committee resolved to hear the matter in public.

119. **OMBUDSMAN INVESTIGATION UNDER S69 OF THE LOCAL GOVERNMENT ACT 2000**

The purpose of the meeting was to undertake the hearing into the conduct of Cllr Sean Aspey, Elected Member of Bridgend County Borough Council (BCBC).

Under the Local Government Act 2000 all allegations and breaches of the Code of Conduct are submitted to PSOW for investigation in the first instance.

The Ombudsman may determine a matter should be referred to the Authority's Monitoring Officer for investigation or may, as in this case, undertake the investigation and refer the matter to the Monitoring Officer for consideration by the Standards Committee.

The Committee has previously considered the report of the Ombudsman, noting that the initial hearing scheduled for 19 September 2022 was postponed due to the death of Queen Elizabeth II and the period of state mourning. A subsequent hearing scheduled for 24 November 2022

was also postponed with the agreement of the Chair of the Committee as Cllr Aspey was regrettably unable to attend for medical reasons. Members are requested to note that this is the first available date to reschedule the hearing due to not having adequate or required numbers (a quorum) for meetings.

The adopted procedure for the hearing was appended to the report as **Appendix 4**. The Committee, in accordance with their adopted procedure dealt with the case in three stages.

Stage 1: The Facts

The Ombudsman's office received a complaint that Cllr Aspey a Member of Bridgend County Borough Council (BCBC) had breached the Code of Conduct. It was alleged that the Cllr Aspey used his position inappropriately in relation to fundraising efforts to oppose plans by the Ministry of Justice (MoJ) to consider using a Porthcawl hotel to house a Residential Women's Centre, the first in Wales.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

6(1)(a) - Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

7(a) - Members must not in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, copies of relevant documents were obtained from BCBC, witness accounts were obtained, and an account was provided by Cllr Aspey.

Undisputed Facts

- Cllr Aspey has received training on the Code of Conduct.
- Cllr Aspey is a resident of Porthcawl.
- In March 2021 a letter was distributed by Cushman and Wakefield to residents in the vicinity of the Hotel advising that the MoJ intended to submit a planning application to the Council in Spring 2021 to change the use of the Hotel into the Centre.
- The Group was set up by residents to oppose the MoJ plans.
- The Group instructed a law firm to act on its behalf.
- The Group set up a GoFundMe page to raise funds to cover the legal fees.
- Cllr Aspey assisted the Group and was a member of its Facebook group.
- Cllr Aspey was acting in his role as an elected member when he assisted the Group.
- A Letter was distributed by the Group to all Porthcawl residents to reach those without access to Facebook and GoFundMe.
- The Letter referred to "the planning application" when no planning application had been made to the Council.
- The Letter referred to the impact the Centre could have on Porthcawl, based on the views of a local estate agent and the experiences of residents when homeless people were housed in Porthcawl hotels during the pandemic.
- The Letter outlined that a donation could be made using GoFundMe, directly into Cllr Aspey's bank account or by telephoning Cllr Aspey, who would collect cheques.
- The only person named on the Letter was Cllr Aspey.
- Cllr Aspey used a personal, dormant bank account to receive donations.
- Cllr Aspey transferred the donations received into his bank account into the GoFundMe account.
- Cllr Aspey personally collected donations from residents, including a 99-year-old lady.
- Cllr Aspey was acting in his capacity as an elected Member when he collected donations from residents.
- Concerns were raised with the Council about Cllr Aspey's involvement with the fundraising.

- The Council did not investigate the matter, as it considered no Trading Standards or Fraud Act offences had been committed within the content of the Letter.
- Cllr Aspey was advised by the Councils' Chief Executive that the fundraising was premature and would logically only be necessary after a planning application was made.
- By 12 May 2021 the MoJ withdrew its interest in the Hotel as a potential site for the Centre.
- Residents could have objected to the MoJ plans without any funds being raised.
- The funds raised were used to pay the legal fees incurred by the Group and the GoFundMe processing fees amounting to more than £3300, with the remainder split between the RNLI and the Sea Cadets, as had been indicated in the Letter.

Disputed Facts

Did Cllr Aspey check the content of the Letter for accuracy before approving its printing and distribution?

The representative from PSOW presented the report's analysis of the evidence. Cllr Aspey said that he checked the Letter before it was printed to ensure it was legal and correct and he thought it was very well worded. The author of the letter said that Cllr Aspey was not asked to check the content of the Letter before its distribution to residents. The Ombudsman accepted and was satisfied with Cllr Aspey's account that he did check the Letter before its printing and distribution on the balance of probabilities.

Was the content of the Letter misleading and inaccurate?

Again, the representative from PSOW presented the report's analysis of the evidence. Whilst Cllr Aspey said that the Letter was legal and accurate, it was not. No planning application had been made by the MoJ and the suggestion that it had and the request for urgent funding to deal with it, was not accurate and was misleading.

She concluded by stating that she was not aware of any other arguments in respect of findings of fact that in line with the process would have been required to be submitted in advance of the hearing. Therefore, she was satisfied that the detail within the report stands, and the Ombudsman would have no further comment to make regarding the facts. She would however, welcome the opportunity to comment if any other matters arise.

Cllr Aspey was invited to confirm whether he agreed with the facts and whether there were any issues still in dispute. It was noted that Cllr Aspey had had the opportunity to respond in advance and the Ombudsman had had the opportunity to address any issues raised, so it was not anticipated there would be any more at this stage.

In response, Cllr Aspey noted that he had submitted as much information as he could possibly do. He stated that, at the end of the day, he didn't take things and jump the gun. He tended to consider them. He didn't make immediate decisions. He tended to sleep on them and usually arrive at a destination within 48 hours or so. And then obviously if there's something he's not quite happy with, because it did mention in part of the letter about the decimation of house prices. He did wonder if that was correct or not and he consulted an estate agent that he knew and obviously from the information he provided he considered that that the paragraph to be correct. He said that he was told in the immediate vicinity house prices would have crashed between 25 and 30% and it would have had an impact across a lot of Porthcawl. He stated that he had had contact from Nottage Primary School and Porthcawl Comprehensive about their concerns for the

safety of pupils with regards to any possible proposal or had it come to fruition. He noted that obviously he had to take that into account.

He thought his main possible error was that it did state in the letter that it was either proposed, which means they were going to do it or planned which also meant that they were going to do it. He indicated that, reading the letter in full, you would get the impression that the MoJ was going to as opposed to already had. That was his interpretation.

He stated there was no deliberate attempt to mislead. He didn't write the letter but did some background checks. He stated that he didn't dive into things lightly. He was there for the residents on the initial meeting that they had in the street, and he said he would support them in any way that he could. At the time, he wasn't part of the Development Control Committee on Bridgend County Borough Council, and he wasn't part of the Planning Committee on Porthcawl Town Council, so he could have spoken at a meeting if it had been submitted to put the views across from the residents. They took things into their own hands and formed a group in terms of employing their own legal team, which he stated they were perfectly entitled to do. He did ask them why at the time and obviously a lot of it is to do with trust. Many of the residents are longstanding in Porthcawl and have a deep mistrust of this authority in terms of battling for them. So, they decided to do things separately.

He noted that he had been criticised and there had been controversy not only about Porthcawl as a location but also Sunnyside in Bridgend. Ultimately, nothing came to fruition. He stated that at the time and unbeknown to people in Porthcawl, there were three other sites that were being considered.

He added that not all the residents in the vicinity received a letter. It was only a select few and obviously word spread around very quickly and that's how he ended up being contacted.

At this point, the committee went into private session to discuss whether they agreed with the facts or whether they are still disputed and then once that decision was made there would be another session in public with the representative from PSOW and Cllr Aspey to determine if those facts meant there had been a failure to comply with the code.

The decision of the panel was that they found in favour of the Ombudsman, that the facts as set out by the Ombudsman were correct.

Following the finding of fact, the Committee proceeded to hear representations from Cllr Aspey and the PSOW as to whether the facts amounted to a breach of the Code of Conduct.

Stage Two: Code of Conduct

The representative from PSOW first stated that since the facts have been found in line with the report, she would briefly summarise the Ombudsman's view, which can also be found in the report, that the facts found in this case were suggestive of a breach of 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute – of the Code of Conduct.

She noted that in relation to the funds raised, there is no doubt that the donations deposited into Cllr Aspey's personal bank account were all transferred into the GoFundMe account. The amount transferred back from the GoFundMe account when it

was closed was used to pay Acuity Law and to donate to the RNLI and the Sea Cadets, as indicated in the Letter.

Cllr Aspey did not gain financially from his actions. There is no evidence to suggest that Cllr Aspey breached paragraph 7(a) of the Code of Conduct.

However, although Cllr Aspey's intentions may have been well meaning, he provided misleading information to residents when they were asked to donate money to a fund which was not necessary and from which they would not retrieve their money if the "legal action" outlined in the Letter never took place. Given that no planning application had actually been submitted when the Letter was distributed to residents, there was no application to be challenged through legal action at that time.

As a Councillor, Cllr Aspey's actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. When considering whether Cllr Aspey's conduct is capable of bringing their office or their authority into disrepute, their actions will be considered from the viewpoint of a reasonable member of the public.

Cllr Aspey has not shown any insight into his actions and has not acknowledged during the investigation that the Letter was misleading.

Cllr Aspey willingly leant his name and his status as a Councillor to misleading information about a potential, as opposed to an actual, planning application. The Council had to put out a notice to dispel this misinformation and Cllr Aspey ought to have known that the information in the Letter was not correct. Sharing incorrect information about matters relating to Council business and using his title "Cllr" in order to raise funds is behaviour which could reasonably be regarded as conduct capable of bringing his office or authority into disrepute and is, therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

In response, Cllr Aspey stated that he always acted in the residents' best interests or, as he elaborated, have the residents at heart. There were quite a substantial number of residents with major concerns throughout the town, not just the impact on themselves, but on the tourism aspect of Porthcawl.

He claimed that he acted in good faith. He didn't or initially he wasn't the author of the letter he was given that initially was posted on the Facebook group. He thought there were 1300 Members in that and then a decision was made by the residents' group that they were going to print it and distribute it.

He noted that he had obviously deliberated on that for a good couple of days. There was never any intention on his part to benefit financially and the fact it took him an awfully long time because obviously he had to make sure these payments were posted correctly, they had to be done on the day, and he was checking the account three times a day. He had to supply his passport and driving licence and he distributed the money on the day that it was received. The money was split between two charities, the Sea Cadets, and the RNLI.

He said that, in terms of the letter itself, residents could simply bin it. They could ignore it, or they could want to assist. Those people that did contact Cllr Aspey were very, very concerned and were happy to assist, knowing that if obviously there was no outcome, if the application was not going to be submitted or cancelled, they were adequately represented.

In the event that there was additional money, they were more than happy for that to go to the designated charities, and we must understand that the Porthcawl Sea Cadets had £50,000, their entire life savings lost over the failure of the Maritime Centre. They didn't have a single penny and some of them were delighted that they received £6652. That gave them a warm glow knowing that. The money, in their opinion or eyes, was not wasted. They were happy that that the MoJ didn't proceed with any formal planning application.

He indicated that, as a result, the hotel had been put back as a hotel and it was going to be refurbished. Unfortunately, the top floor is uninhabitable. That happened during lockdown.

He said that if he had his time over again, he couldn't ignore residents. They all made the effort to come out into the street. There were three whole streets that were all stood in various groups, and I was the only town councillor that was there.

He noted that he had been on Porthcawl Town Council between 2008 and 2020 for the ward and he had been on the Borough Council since 2011. He said that he had never had any complaints and he has tried to conduct himself in an exemplary fashion.

He stated that he thought the problem related to the first paragraph of the letter but there was no intention to mislead. He reiterated that he didn't benefit financially. He stated that a lot of people and some counsellors were posting incorrect information, making accusations about him being untrustworthy and like an Arthur Daley type character off Minder. He recalled having had to take legal action against one of them that cost him over £2000 in order to make sure that that was put right and that no spurious comments were posted after. Fortunately, they weren't.

He pointed out that if something happened in the future, he would take a lot more time to deliberate and read thoroughly and scrutinise any literature.

He stated that he had received a phone call from the Chief Executive saying that that there wasn't anything illegal in the letter and also caution with regards to any payments that were made, and he was very diligent and meticulous with that and supplied all bank statements.

He said that it took an awful lot of time on his part, and he's glad that he did it for them because they got the result they wanted. Some of those residents were going to take it all the way to a judicial review if things had developed further down the line. They were that determined.

He pointed out that he had never had a complaint before, and it surprised him. He thought it significant that only one person actually made a complaint. If he had been misleading, then it would have attracted quite a large number of complaints.

He stated that the planning application hadn't been submitted but it was going to be because Cushman and Wakefield told people and it was delayed because of the Senedd elections in May that year.

He was concerned about the impact on tourism in Porthcawl, the lack of transport links, particularly public transport, and the lack of any specialist health care facilities that we were probably going to be needed.

The representative from PSOW intervened to indicate that Cllr Aspey

had raised something new. Firstly, she pointed out that Cllr Aspey had made several references to the facts of the case, which had already been determined. Secondly, she indicated that he mentioned that residents could simply bin or ignore the letter, but obviously the content of the letter was quite significant and relevant to them. He also said that residents were aware that if a planning application was not then submitted the funds would be shared between the two charities. To clarify, that's not what the letter said. The letter said that surplus funds would be shared between the two charities once the application had been fought.

Further, Cllr Aspey made a number of references to the concerns of the residents. There is no question that residents were concerned about this matter but, to clarify, it is a finding of the Standards Committee that the letter was misleading with regards to whether or not the planning application had been submitted. She indicated that that was the finding that had already been made and which Cllr Aspey had demonstrated that he still does not agree with.

In response, Cllr Aspey reiterated that he thought the problem was in the first paragraph. Had that been worded more precisely than it would have been a lot plainer to the residents. It was not his intention to mislead, and he sincerely apologised if he had overlooked something that he should have corrected.

At this point, the Chair invited members of the committee to ask questions of Cllr Aspey or the representative from the PSOW.

A member asked Cllr Aspey if he agreed with the rest of letter, given that it makes quite a lot of references to planning applications.

In response, Cllr Aspey drew attention to aspects of the history of the building and the potential for an application for a change of use from commercial to residential.

He reiterated that the first paragraph said planning application, but there wasn't, and he knew that. By putting planning application in the letter, that gives the impression that it had been submitted.

The member came back to state that the reason he had raised the question was because planning application is used throughout the letter and not just the first paragraph.

Cllr Aspey responded by stating that planning application mixed in with proposed and planned and that it would have been nice to have worded the same in every paragraph all the way down. He noted that the English language is very, very varied, but it wasn't intentional, but perhaps he should have scrutinised the letter more rather than a couple of scans.

Another member asked Cllr Aspey if he had thought of contacting the planning department to find out what the current situation was before the letter was sent out?

Cllr Aspey responded by stating that he did check the BCBC website but there was nothing there. He checked on a regular basis to see if anything popped up on the planning system, but it didn't. Ultimately, a planning application didn't materialise.

The member continued by asking if he had thought of contacting anyone personally in the planning department?

Cllr Aspey responded by pointing out that it was an automated system now. An application is loaded on to the system and then it actually names the officer that's

associated with it. Without a planning number and without the officer allocated, it would have been a difficult task for them to track it down. As the ward member, he would have been notified of a planning application automatically and then he would have had the opportunity to click and accept that he had received it and then he could make comments whether to support or object to the application. He reiterated that he was constantly on the lookout for an application, but nothing actually ever came.

At this point, the committee retired to consider whether there had been a breach of the code of conduct, based on the information put before them. Members of the Committee considered whether they would hear the matter as an exempt item.

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business, as the report contains exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under mentioned item in private with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

The Committee reconvened the meeting in open session.

Outcome

After careful consideration of all the evidence presented, the Committee determined that the Member had failed to comply with the Code of Conduct as follows:

The Committee found that the Member had breached paragraph 6 (1) (a) of the Code of Conduct for the following reasons:

Looking at the conduct of the Member as a whole, the Committee considered that it was sufficiently serious in nature to bring the Council and his office as a member into disrepute. The behaviour had been detrimental to the relationships within the Council and to its administration and had damaged its reputation. The Member knew the process for checking if a planning application had been submitted and could have clarified the position. His actions led to the Council having to put out a media release to provide clarity to the public.

Stage Three: The Sanction

In considering what sanction was appropriate, the Committee listened to representations from Cllr Aspey and the PSOW. They had regard to the Sanctions Guidance issued by the Adjudication Panel for Wales and considered mitigating and aggravating factors.

The representative from PSOW noted that it was for the Standards Committee to consider whether a sanction was appropriate but that there were a number of things that would need to be considered, including mitigating and aggravating factors. The APW issued guidance on its approach to sanctions. She indicated that she would refer to it to provide members an idea of the framework that is generally used.

In terms of the fundamental importance of promoting the highest standards in public life, the guidance aimed to assist tribunals in determining sanctions that are in, in all cases, fair, proportionate, and consistent.

The APW followed a five-step process where they assessed the seriousness of the breach and any consequences for individuals and the Council, identified the types of sanction, considered any relevant mitigating or aggravating factors, considered any further adjustment to ensure the sanction achieved an appropriate effect in terms of fulfilling the purpose of the sanction, and then confirmed and explained the decision.

She went on to set out the mitigation in this case. Cllr Aspey has a previous record of good service over a long period of time. In this case, the panel is referring to a single breach of the code. Cllr Aspey appears to have been motivated by a desire to assist the Action Group and obtain support and finances to deal with this issue.

In terms of aggravating factors in this case are that Cllr Aspey has attended regular training on the Code of Conduct throughout his term of office. A number of people were misled into handing over money to the Action Group when there was no need for them to do so. It also led to negative attention for the Council, requiring the Council to have to put out a statement to correct the position. The misleading information may affect the trust that members of the public have for the office of member and Cllr Aspey has failed to acknowledge that the letter was misleading and neither has he suggested that if the situation arose again, he would take an alternative course of action beyond changing paragraph one. This doesn't recognise his part in leading people to believe that they needed to give money to fight something that never actually then happened, and it's the Ombudsman's view that this brought the office and the authority into disrepute, and this has now been found by the Standards Committee.

In respect of the seriousness of the breach, the panel set out the matters it may consider and these include the nature and extent of the breach and number of breaches, the members culpability, their intentions on breaching the code, and any previous breaches of the code, the actual and potential consequences of the breach for the individual, the wider public, or the Council as a whole, and the extent to which the member's actions are or are likely to have the potential to bring his or her office into disrepute.

The Ombudsman invited the Committee to consider a censure as the minimum sanction to foster public confidence in local democracy. Cllr Aspey has been found to have brought his office and the Authority into disrepute, which is a serious breach of the Code of Conduct.

Having assessed the seriousness of the breach and the mitigating and aggravating factors, the representative from PSOW invited the Committee to consider whether it would be appropriate for Cllr Aspey to be suspended from the Council for a short period. A suspension of less than one month is unlikely to meet the objectives of the sanctions regime and risks undermining its overall ambition.

In response, Cllr Aspey noted that, in terms of its legality, he knew BCBC's shared regulatory service didn't have any issue. He indicated that he understood that he understood the impact of the wording of the letter and there was never any deliberate intent on my part to mislead residents. He had acted in good faith and willingly supported the residents right the way through. He claimed not to be one of those type of people to walk away. He looked at the wider impact not just on the local area, but Porthcawl in general. He noted the town has struggled very badly over recent years, and there were good signs it was starting to come back. For him personally, it would have had an adverse impact on tourism.

He sincerely apologised and stated that he would apply himself more diligently in any future correspondence that would come his way. He didn't breach data rules and he was in his third term now with the authority. He had never had any issues with anything previously.

He would be careful in any future things that may come his way because he had no intention of breaching the Code of Conduct. He liked to consider himself a really good person for his community. He wanted to make sure that Porthcawl progressed in the 21st century. It was still languishing in the 20th.

He stated that he had been caught out and this had cost him a lot of time. He would make sure he represented people that voted at the election and thought that if people had serious problems with the way that he had acted then he had no doubt whatsoever, he would not have been re-elected. He noted that when people came up to him at the polling station, they said that they always voted for a certain party, but that they voted for him because they trusted him.

It was not his intention to mislead anybody in any shape or form. He always tried to give good advice and guidance wherever he could and if he wasn't able to help, he tried to point people in the right direction to somebody that might. That was the way he approached things. He liked to think he was a considerate person and always wanted to represent the community.

The Chairperson brought this part of the hearing to a conclusion and stated that they had now listened to representations from both parties in terms of mitigating and aggravating factors, and having heard that they would go back into a private session so they could decide on the appropriate sanction.

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business, as the report contains exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under mentioned item in private with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

The Committee reconvened the meeting in open session.

Final Outcome/Decision

Having established the facts, decided that a breach of the Code of Conduct had taken place, the Committee, having considered the seriousness of the conduct in question and the relevant mitigating and aggravating factors, resolved that Cllr Aspey should be suspended from office for a period of three months.

With regard to mitigating factors, the Committee acknowledged that the Member had engaged in the investigation process and had many years for good service. There was no personal gain and the motivation to assist the public was recognised.

Turning to the consideration of aggravating factors, the Committee found that the Member had the knowledge and resources to check whether a planning application had been submitted. The Member had included his name and Cllr prefix which would have added status to the letter, which was sent to a number of residents.

Cllr Aspey was informed that the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy would phone him to explain when the sanction would start. He was also informed that he had the right to appeal. There would be a written decision notice prepared which would be published and both Cllr Aspey and the Ombudsman would get a letter confirming the outcome of today's hearing.

DECISION RECORD OF A MEETING OF THE STANDARDS COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 16 NOVEMBER 2023 AT 10:00

Present

S Cullen - Chairperson

MJ Williams

G Thomas

G Walter

Independent Members

P Baker

R Lynch

S Maughan

Apologies for Absence

P Clarke

Officers

Kelly Watson
Michael Pitman
Stephen Griffiths
Oscar Roberts

Chief Officer Legal, HR and Regulatory Services
Technical Support Officer – Democratic Services
Democratic Services Officer - Committees
Business Administrative Apprentice – Democratic Services

Title of Report	Approval of Minutes
Decision Made	The Minutes of the meeting on 7 July 2023 were approved as a true and accurate record.
Date Decision Made	16 November 2023
Personal or Prejudicial Interests	None

Disclosed	
Title of Report	Appointment of Chairperson and Vice-Chairperson
Decision Made	The Committee elected a Chairperson and Vice Chairperson from amongst the Independent Members for a term to be determined noting any appointments will be reported to full Council for information. S Cullen was appointed Chairperson and S Maughan Vice-Chairperson.
Date Decision Made	16 November 2023
Personal or Prejudicial Interests Disclosed	None

Title of Report	Public Services Ombudsman for Wales (PSOW) Annual Letter 2022/23
Decision Made	The Committee noted the Annual Letter for 2022/23. A number of issues were discussed, and actions identified, including the following: <ul style="list-style-type: none"> • Members discussed TCC referrals and requested data on this for the last 5 years to identify any trends. • Members requested a full list of TCC's to be circulated. • Members thought it would be beneficial to send the full list of TCCs to the PSOW so that they would have the option of fully populating the TCC complaints table. • A member of the Democratic Services Team would be identified to create the list and populate it with the contact details of Clerks.
Date Decision Made	16 November 2023
Personal or Prejudicial Interests Disclosed	None

Title of Report	Observing Town and Community Council (TCC) Meetings and Council Meetings
Decision Made	Members noted the report and approved the process for observing future Council meetings and TCCs.

	<p>A number of issues were discussed, and actions identified, including the following:</p> <ul style="list-style-type: none"> • The Members agreed it was a good proposal. • Some Members wanted to start the process of observation with the TCC's that are subject to the most complaints. It was noted however, that there would be benefit in looking for good practice as well. It would be valuable to include some in the schedule that do not have any complaints. • A list of Council and Scrutiny meetings, including some TCC dates, would be circulated to Members to identify those they are available to observe. Links to, and details of, meetings would then be provided to Members, as necessary. • A Member of the Democratic Services Team would be identified to contact all the Clerks and ask for dates of their Council meetings for the next 6 months.
Date Decision Made	16 November 2023
Personal or Prejudicial Interests Disclosed	None

Title of Report	Urgent Items
Decision Made	None
Date Decision Made	16 November 2023
Personal or Prejudicial Interests Disclosed	None

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Agenda Item 4

Meeting of:	STANDARDS COMMITTEE
Date of Meeting:	7 MARCH 2024
Report Title:	UPDATE FROM OBSERVATIONS OF TOWN AND COMMUNITY COUNCIL MEETINGS AND COUNCIL MEETINGS
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules.
Executive Summary:	To feedback to the Committee on any observations that have taken place at Bridgend County Borough Council and Town and Community Council meetings.

1. Purpose of Report

- 1.1 To update the Committee following Members of this Committee observing meetings of Bridgend County Borough Council (BCBC) and Town and Community Councils (TCC).

2. Background

- 2.1 There are a number of roles and functions of the Standards Committee, one of which is to promote and maintain high standards of conduct by Councillors and Co-opted Members. At its meeting of 16 November 2023 the Committee agreed the process for observing meetings of Bridgend County Borough Council and Town and Community Councils.

3. Current situation / proposal

- 3.1 Since the November meeting there have been 3 observations:

- 14 December 2023 Pencoed Town Council – officer attendance
- 30 January 2024 Bridgend County Borough Council – Corporate Overview and Scrutiny – Independent Member
- 7 February 2024 Bridgend County Borough Council - Full Council – Independent Member

- 3.2 An officer attended at Pencoed Town Council as they had indicated they would be discussing the observation process agreed by this Committee. The discussion at the meeting focused on their perception that the Standards Committee should have consulted them before introducing the process.
- 3.3 Independent Members attended BCBC meetings. The feedback was that the meetings were well run and were mostly respectful. There was some “political posturing”.
- 3.4 There were no specific concerns raised during the observations and no matters needed to be reported back to the Chairs / Clerks for further consideration.
- 3.5 Whilst the intention of the Committee would be to restrict the observations made to Code of Conduct matters, it is inevitable that other process / governance issues may emerge which Members may include in their observations in the hope they assist BCBC, TCCs and its Members moving forward. The attached observation sheet has been developed to assist Members with their observations (**Appendix 1**).
- 3.6 The observation process has been discussed with Members at training events, and with a number of Clerks. All welcomed the attendance of Independent Members.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 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.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 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. This report also assists in the achievement of the following well-being objective under the Well-being of Future Generations (Wales) Act 2015:-

A county borough where people feel valued, heard and part of their community.

- 5.2 The Standards Committee is responsible for promoting and maintaining high standards of conduct by members and co-opted members. Standards are an implicit requirement in the successful implementation of the corporate well-being objectives.

6. Climate Change Implications

- 6.1 There are no climate change implications.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications.

8. Financial Implications

8.1 Independent Members are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel for Wales. The costs will be met from existing Democratic Services budget.

9. Recommendations

Members are recommended to:

9.1 Note the report and feedback from observations;

9.2 Confirm whether they wish to utilise the observation sheet at **Appendix 1**.

Background documents:

None

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Observations of Independent Member of Standards Committee

Name of Independent Member observing:
Meeting observed:
Date of Meeting:
Time of Meeting:
Location of Meeting:
Location of Member observing:

Were you welcomed by the Chair / Monitoring Officer?
Were Members of the Committee advised that you were observing the Meeting?
Did Members and Officer(s) have name cards identifying who they were?
Were copies of the agenda available on the website and were any copies available for the public (if attending in person)?
Did the meeting commence on time?
Does the Authority have a procedure for public speaking or is there an opportunity to suspend Standing Orders to allow a person to speak?
Were motions moved and seconded? Decisions were mostly taken on the basis of consensus
If there wasn't agreement by the meeting as a whole was the motion voted on?
Were any amendments moved and seconded?
Did the meeting follow the agenda?
Were rulings by the Chair adhered to?

If Exempt items appeared on the agenda, did Members agree to move into closed session for this part of the agenda?
Were Members of the Public (including the Independent Standards Committee Member) asked to leave the meeting room prior to the discussion of exempt matters?
Were there any other items discussed at the meeting without a report being available and no prior notice given?
Did Members show respect and consideration for others?
If a Member declared a personal interest, did the Member explain the nature of the interest?
If a Member declared a personal and prejudicial interest in a report did they leave the Meeting during the consideration of the relevant report?
What time did the Meeting end?

Any additional general comments

Meeting of:	STANDARDS COMMITTEE
Date of Meeting:	7 MARCH 2024
Report Title:	STANDARDS COMMITTEE – HEARINGS PROCESS
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the policy framework. The procedure for the investigation of complaints is supplementary to the procedural rules applicable to the Standards Committee.
Executive Summary:	To note the adopted hearing procedure to determine Code of Conduct complaints which are referred to the Standards Committee.

1. Purpose of Report

- 1.1 The purpose of this report is to note the adopted procedure to determine Code of Conduct complaints which are referred to the Standards Committee to ensure that matters are dealt with fairly and efficiently.

2. Background

- 2.1 Under the Local Government Act 2000 all allegations and breaches of the Code of Conduct are submitted to the Public Services Ombudsman for Wales for investigation in the first instance.
- 2.2 The Ombudsman may determine a matter be referred to the Authority’s Monitoring Officer for investigation or may, as in this case, undertake the investigation and refer the matter to the Monitoring Officer for consideration by the Standards Committee.
- 2.3 The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001, as amended, set out the functions of the Monitoring Officer and the Standards Committee in relation to investigations and determinations.

3. Current situation / proposal

3.1 Attached as **Appendix 1** is the adopted procedure that the Committee will follow where it is required to make decisions about the conduct of Councillors, following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail. The Monitoring Officer will advise the Committee as to process.

3.2 All Elected Members receive training on the Code of Conduct as part of their induction training.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 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.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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. This report also assists in the achievement of the following well-being objective under the Well-being of Future Generations (Wales) Act 2015:-

A county borough where people feel valued, heard and part of their community.

5.2 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

6. Climate Change Implications

6.1 There are no climate change implications.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications.

8. Financial Implications

8.1 There are no financial implications arising from this report.

9. Recommendation

- 9.1 It is recommended that Members note the adopted procedure to be applied to hearings before the Committee attached as **Appendix 1**.

Background documents:

None

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PROCEDURE FOR DEALING WITH ALLEGATIONS MADE AGAINST COUNCILLORS AND REFERRED TO THE STANDARDS COMMITTEE

Introduction

1. This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

Interpretation

2. In this procedure:
 - (a) 'the Act' means the Local Government Act 2000
 - (b) 'the Council' means Bridgend County Borough Council
 - (c) 'the Code of Conduct' means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with Section 51 of the Act, including any revisions
 - (d) 'the Complainant' means any person who made any allegation which gave rise to the investigation
 - (e) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer
 - (f) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations.
 - (g) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct
 - (h) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
 - (i) 'the Ombudsman' means the Public Services Ombudsman for Wales
 - (j) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended

- (k) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Standards Committee

Summary of the procedure

3. Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
4. Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he or she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
5. Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he or she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
6. The Standards Committee will then make an initial determination either:
 - (a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing
7. Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
 - (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken,
 - (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure
 - (c) the Member has failed to comply with the Code of Conduct and should be censured, or
 - (d) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)

8. Where the Ombudsman ceases his or her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-
 - (a) conduct an investigation; and

- (b) report, and if appropriate make recommendations to the Council's Standards Committee
9. The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
 10. After concluding an investigation, the Monitoring Officer must:
 - (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee,
 - (b) send a copy of the report to the Member, and
 - (c) take reasonable steps to send a copy of the report to the Complainant.
 11. The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

Investigations by the Ombudsman (referrals under section 71(2) of the Act)

12. Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
13. The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

The first meeting of the Standards Committee – Initial Determination

14. After the Monitoring Officer has:
 - (a) produced an investigation report in accordance with paragraph 10; or
 - (b) considered the Ombudsman's investigation report in accordance with paragraph 12

s/he will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.
15. Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.
16. If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

17. The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:-
- (a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

After the first meeting of the Standards Committee

18. Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
19. Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

Preparing for the hearing to consider the Member's representations

20. The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether s/he:
- (a) is able to attend the hearing
 - (b) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response
 - (c) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
 - (d) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations
 - (e) wants to give evidence to the Standards Committee, either orally or in writing;
 - (f) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (g) wants any part of the meeting to be held in private;
 - (h) wants any part of the investigation report or other relevant documents to be withheld from the public

21. The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
22. The Standards Officer will send a copy of the Member's response under paragraph 20 to the Investigating Officer and will ask him/her to confirm in writing within 7 days whether s/he:
 - (a) has any comments on the Member's response
 - (b) wants to be represented at the hearing;
 - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (d) wants any part of the meeting to be held in private; and
 - (e) wants any part of the investigation report or other relevant documents to be withheld from the public.
23. The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
 - (a) confirm the date, time and place for the hearing;
 - (b) summarise the allegation;
 - (c) outline the main facts of the case that are agreed;
 - (d) outline the main facts which are not agreed;
 - (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
 - (f) list those witnesses, if any, who will be asked to give evidence;
 - (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
 - (h) outline the proposed procedure for the meeting.

Powers of the Standards Committee

24. The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
25. The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards

Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

26. The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.
27. Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding 6 months.

Procedure at the hearing

28. The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
29. The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

Introduction

30. The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

First stage: Preliminary procedural issues

31. The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Second stage: Making findings of fact

32. The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
33. If there is a disagreement as to the facts:-
 - (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
 - (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
 - (c) the Member will then be invited to make representations to support his or her version of the facts.

- (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
34. At any time, the Standards Committee may question any of the people involved or any of the witnesses.
 35. If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
 - (a) continue with the hearing, relying on the information in the investigation report
 - (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.
 36. At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

Third stage: Deciding whether the Member has failed to comply with the Code

37. The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.
38. The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.
39. The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.
40. The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.
41. The Member will be invited to make any final relevant points.
42. The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

Fourth stage: Action to be taken

43. If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
44. If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:
 - (a) whether or not the Committee should apply a sanction; and
 - (b) what form any sanction should take.
45. The Standards Committee will retire to deliberate in private on the representations and decide either that:
 - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
 - (b) the Member should be censured or
 - (c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months [or, if shorter, for the remainder of that member's term of office],after which the Chair of the Standards Committee will announce their decision.
46. After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

Failure to make representations / attend the hearing

47. If the Member fails to make representations, the Standards Committee may:
 - (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
 - (b) give the Member a further opportunity to make representations
48. If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -
 - (a) hear and decide the matter in the party's absence; or
 - (b) adjourn the hearing.

Illness or incapacity

49. If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

Suspension

50. A period of suspension or partial suspension will commence on the day after:
- (a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Standards Committee's determination);
 - (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
 - (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,
- whichever occurs last.

Referral by an Appeals Tribunal

51. Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.
52. An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.
53. If:
- (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct;
 - (b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
 - (c) the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,
- the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.
54. After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

Publication of the Standards Committee's report

55. The Standards Committee will cause to be produced within 14 days after:

- (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

56. Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

- (a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
- (c) not later than 7 days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

Costs

57. The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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