

STANDARDS COMMITTEE - THURSDAY, 9 MAY 2024

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 9 MAY 2024 AT 10:00

Present

Councillor S Maughan – Chairperson

G Walter

P Baker

R Lynch

Apologies for Absence

None

Officers:

Kelly Watson
Michael Pitman
Rachel Pillinger
Annie Waller

Chief Officer Legal, HR and Regulatory Services
Technical Support Officer – Democratic Services
Investigation Officer - Public Service Ombudsman for Wales
Deputy Legal Advisor - Public Service Ombudsman for Wales

Declarations of Interest

None

155. Urgent Items

Decision Made	None
Date Decision Made	09 May 2024

156. Ombudsman Investigation Under S69 of the Local Government Act 2000

Decision Made	<p>The Member made submissions to the Committee seeking an adjournment of the hearing as he had been awaiting correspondence from the PSOW regarding a Subject Access Request (SAR) that he had submitted under the Data Protection Act 2018. A response was sent to him on 8 May 2024 from the PSOW refusing the disclosure of the information requested and he advised the Committee that he will now appeal this decision to the Information Commissioner's Office. The Committee took representations from the PSOW and adjourned to consider the request and the correspondence. The Committee were content with the process taken by the PSOW and did not consider any other information requested under the subject access request was relevant for the hearing. They therefore determined that the hearing should proceed.</p> <p>The Committee considered the Ombudsman's investigation report, written submissions and oral submissions, together with the written representations submitted by the Member in accordance with the Committee's pre-hearing procedure.</p> <p>The Committee, in accordance with their adopted procedure dealt with the case in three stages. Their decision in relation to each stage is detailed below.</p> <p><u>Findings of Fact</u></p> <p>The Committee first considered the disputed facts. They heard submissions from the PSOW and the Member. Cllr Ian Spiller was also called as a witness for the Member. The Committee found on the balance of probabilities that:</p> <ul style="list-style-type: none">• The Member did have a personal interest in the agenda item to ratify the committee minutes in accordance with the Code;• The Member had a prejudicial interest in the same agenda item in accordance with the Code ;• There was no evidence to suggest that he had attempted to influence other Members outside of the Chamber. They found the evidence of Cllr Spiller credible but determined that they didn't have to establish that the Member had influenced other Members. It was reasonable that a member of the public with all of the facts may consider that the Member was seeking to influence other Members inside the Chamber;• There was an advantage to his wife in the Member raising concerns with the draft minutes. It was advantageous due to the ongoing PSOW investigation and the public perception of his wife at that
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time.

Breach of Code of Conduct

Following the findings of fact, the Committee proceeded to hear representations from the PSOW as to whether the facts amounted to a breach of the Code of Conduct. The heard submissions from the Member.

The Committee were satisfied that the Code of Conduct applied at the time of the incident as the Member was engaged in political activity. After careful consideration of all the evidence presented, the Committee determined that the Member had failed to comply with the following paragraphs 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;

(7a) – 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;

11(1) - Where Members have a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent;

14(1)(a) - Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held;

14(1)(c) - Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee not seek to influence a decision about that business;

14(1)(e) - Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

The Committee resolved that there was a clear and obvious breach of paragraphs 11 (a), 14(1)(a), 14(1)(c) and 14(1)(e) . The Member did not declare any interests as required under the Code. He also failed to withdraw from the discussion and made representations in respect of an agenda item he had a prejudicial interest in.

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	<p>The Committee determined that based on the facts established at the hearing there was a breach of paragraph 7(a). The Member's involvement in the agenda item could be reasonably considered by the public as an attempt to seek an advantage for his wife, or a disadvantage for the Clerk.</p> <p>Looking at the overall conduct of the Member, the Committee considered that it was sufficiently serious in nature to bring the Council and his office as a member into disrepute. The Committee determined that in these circumstances the public's trust and confidence in the authority and office of Member would be damaged and therefore brought into disrepute.</p> <p><u>RESOLVED:</u> The Committee resolved that there was a breach of paragraphs 11 (a), 14(1)(a), 14(1)(c) and 14(1)(e) . The Member did not declare any interests as required under the Code. He also failed to withdraw from the discussion and made representations in respect of an agenda item he had a prejudicial interest in.</p> <p>The Committee determined that based on the facts established at the hearing there was a breach of paragraph 7(a). The Member's involvement in the agenda item could be reasonably considered by the public as an attempt to seek an advantage for his wife, or a disadvantage for the Clerk.</p> <p>Looking at the overall conduct of the Member, the Committee considered that it was sufficiently serious in nature to bring the Council and his office as a member into disrepute. The Committee determined that in these circumstances the public's trust and confidence in the authority and office of Member would be damaged and therefore brought into disrepute.</p> <p>The Committee resolved that the Member should receive a sanction of 6 months suspension. This is in accordance with their powers under the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.</p>
Date Decision Made	09 May 2024

The meeting closed at 1400