

## **STANDARDS COMMITTEE (SPECIAL)**

(Civic Centre, Port Talbot)

**Members Present:**

**8<sup>th</sup> April, 2011**

**Chairman:** Mr G.T.Pullen

**Vice Chairman:** Mrs.L.J.Rees

**Independent Member:** Mrs.J.E.Howells

**NPTCBC Members:** Councillors Mrs L.H.James and P.D.Richards

**Community Committee  
Member:** Councillor M.Evans

**Officers in Attendance:** D.Michael (Items 1,2,3 and 4 only), A.Roderick,  
A.Borthwick and Mrs T.Davies

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1. **MINUTES OF THE SPECIAL MEETING OF THE STANDARDS  
COMMITTEE HELD ON THE 14<sup>TH</sup> MARCH, 2011**

A copy of the Minutes of the last Special Meeting of the Standards Committee, which had previously considered the referral from the Ombudsman, had been circulated for Members' information.

**RESOLVED:** that the above Minutes be accepted as a true record, subject to "That the three Community Councillors had made statements of mitigation, prior to withdrawing from the meeting", being added.

**Report of the Head of Legal and Democratic Services and  
Monitoring Officer**

2. **TRAINING FOR CLERKS OF TOWN AND COMMUNITY  
COUNCILS**

The circulated report contained details of a training event for Clerks of Town and County Councils held on the 9<sup>th</sup> December 2010.

It was noted that copies of the Training materials had been circulated to the Clerks who had not attended the session.

**RESOLVED:** that the report be noted.

3. **ADJUDICATION PANEL FOR WALES ANNUAL REPORT  
2009/10**

The circulated report contained details of the annual report of the Adjudication Panel for Wales covering the financial year 2009/10, received from the Local Government Policy Unit of the Welsh Assembly Government. A copy of individual cases that had been determined contained in the Appendix to the circulated report.

**RESOLVED:** that the report be noted.

4. **CHANGES TO THE STANDARDS REGIME IN ENGLAND**

The circulated report contained details of changes in Legislation due to provisions of the Localism Bill. This would effect various matters including Codes of Conduct, Members' Interests and Predetermination. The Monitoring Officer also updated Members on the effect on Welsh Local Authorities of the proposed Legislation.

**RESOLVED:** that the report be noted and the Monitoring Officer submit a further report on future developments in due course.

5. **ACCESS TO MEETINGS**

**RESOLVED:** that pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A to the above Act.

**Private Report of the Deputy Monitoring Officer**

6. **REFERRAL FROM THE OMBUDSMAN**

The above mentioned private circulated report contained details of an investigation by the Local Government Ombudsman in relation to a complaint of a breach of the Code of Conduct by three Community Councillors. The report also set out the adopted procedures in respect of Code of Conduct Hearings and contained a copy of the notes of the last special meeting held regarding this matter.

It was noted that both the three Community Councillors in question and the Ombudsman's Office representatives had indicated that they did not wish to attend this special meeting of the Standards Committee.

The Committee gave detailed consideration to the matters considered at the last special meeting which had included the Community Councillors statements of mitigation, as set out in the private circulated report. Members also took into account the procedural advice as provided by the Deputy Monitoring Officer, prior to making a final decision.

**RESOLVED:** (i) that, taking into account the findings of the Local Government Ombudsman in respect of this case, and upon hearing and considering the oral representations made by Councillor Mrs.J.Bibby at the last meeting, the Standards Committee is satisfied that there is evidence of Councillor Mrs.J.Bibby's failure to comply with Onllwyn Community Council's Members' Code of Conduct and that therefore the Committee's decision be as follows:-

- (a) By failing to declare her role as a Joint Co-ordinator of the DOVE Workshop in Section 11 of the “General Register of Member’s Interest” form, Councillor Bibby was in breach of the Code of Conduct by making a false declaration and her conduct was conduct that could reasonably be considered as bringing her Office of Councillor into disrepute;
- (b) Cwm Dulais Uchaf Communities First Partnership was a body exercising functions of a public nature and Councillor Bibby should therefore have declared that she held a position of general control and management in that body in the General Register of Members’ Interests form. By entering “none” at Section 11 of the form, Councillor Bibby had breached Paragraph 6(1)(a) of the Code by making a false declaration and her conduct was conduct that could reasonably be considered as bringing her Office of Councillor into disrepute;
- (c) Councillor Bibby also had a personal and a prejudicial interest as defined by sections 10(2) and 12(1) of the Code of Conduct whenever the matter of Bridleway 17 was considered by the Community Council. Prior to the receipt of legal advice in March 2009, Councillor Bibby had not declared a personal interest and had therefore, been in breach of Paragraphs 11(1) and 11(4) of the Code. Whilst Councillor Bibby had declared a personal interest from April 2009 onwards, by failing to withdraw from the relevant meetings she had been in breach of Paragraphs 14(1)(a), (b), (c) and (e) and Paragraph 14(2) of the Code of Conduct;

- (d) Councillor Bibby also had a personal and a prejudicial interest as defined by Section 12(1) of the Code of Conduct when the matters of the transfer of the Sarn Helen Workshops, the erection of a directional sign to DOVE and the notice of Planning Application made on behalf of DOVE were before the Community Council. Whilst Councillor Bibby had declared a personal interest on these occasions, by failing to withdraw from the meetings she had been in breach of Paragraphs 14(1)(a), (b), (c) and (e) together with Paragraph 14(2) of the Code of Conduct.
- (e) The decision of the Community Council to negotiate a new lease of the Sarn Helen Workshops with DOVE had conferred an advantage on the organisation and by taking part in this decision Councillor Bibby had breached paragraph 7(a) of the Code of Conduct.
- (f) In the light of the breaches of the said Code given in (a), (b), (c) (d) and (e) above, however, mindful of the fact that Councillor Bibby had not gained personally from the breaches of the Code of Conduct, the Committee determines that the following sanction shall apply to Councillor Bibby:

“Suspension from her Office of being a Member of the Onllwyn Community Council for a period of four weeks”;

This suspension from Office not to commence until the day after the expiration of the period of 21 days allowed to lodge a notice of appeal or as in other circumstances under the Regulations as will be notified to Councillor Bibby in her confirmation letter;

- (g) Furthermore, the Committee also expressed the opinion that should there be further breaches of the Code of Conduct by Councillor Bibby in the future then a more severe sanction would be deemed appropriate.
  - (h) Finally, the Committee recommends that Councillor Bibby attends a refresher course of training on the Member Code of Conduct to be organised by the Monitoring Officer of Neath Port Talbot County Borough Council.
- (iii) that, taking into account the findings of the Local Government Ombudsman in respect of this case, and upon hearing and considering the oral representations made by Councillor D.Cawsey at the last meeting, the Standards Committee is satisfied that there is evidence of Councillor D.Cawsey's failure to comply with Onllwyn Community Council's Member Code of Conduct and that therefore the Committee's decision be as follows:-
- (a) By failing to declare his role as a Co-ordinator with the Dulais Valley Partnership in Section 11 of the "General Register of Member's Interest" form, Councillor Cawsey was in breach of the Code of Conduct by making a false declaration and that his conduct was conduct that could reasonably be considered as bringing his Office of Councillor into disrepute;
  - (b) Cwm Dulais Uchaf Communities First Partnership was a Body exercising functions of a public nature and Councillor Cawsey should therefore have declared that he held a position of general control and management in that Body in the General Register of Members' Interests form. By entering "none" at Section 11 of the form Councillor Cawsey had breached Paragraph 6(1)(a) of the Code by making a false declaration and his conduct was conduct that could reasonably be considered as bringing his Office of Councillor into disrepute;

- (c) Councillor Cawsey had a personal and prejudicial interest as defined by Sections 10(2) and 12(1) of the Code of Conduct whenever matters concerning the DOVE were considered by the Community Council. This was because of his close association with DOVE through his employment as the Communities First Partnership Co-ordinator and the large amount of funding given to DOVE and the fact that his office was located at the DOVE Workshops;
- (d) Councillor Cawsey had a personal and prejudicial interest as defined by Section 12(1) of the Code of Conduct when the matters of Bridleway 17 the transfer of the Sarn Helen Workshops, the erection of a directional sign to DOVE and the notice of Planning Applications made on behalf of DOVE and the Dulais Valley Partnership were before the Community Council. Councillor Cawsey had not declared a personal interest and had therefore been in breach of Paragraphs 11(1) and 11(4) of the Code of Conduct. By failing to withdraw from the meetings he had been in breach of Paragraphs 14(1)(a), (b), (c) and (e) together with Paragraph 14(2) of the Code of Conduct.
- (e) The decision of the Community Council to negotiate a new lease of the Sarn Helen Workshops with DOVE had conferred an advantage on the organisation and by taking part in this decision Councillor Cawsey had breached paragraph 7(a) of the Code of Conduct.
- (f) In the light of the breaches of the said Code given in (a), (b), (c) (d) and (e) above, however, mindful of the fact that Councillor Cawsey had not gained personally from the breaches of the Code of Conduct, the Committee determines that the following sanction shall apply to Councillor Cawsey:

“Suspension from his Office of being a Member of the Onllwyn Community Council for a period of four weeks”;

This suspension from Office not to commence until the day after the expiration of the period of 21 days allowed to lodge a notice of appeal or as in other circumstances under the Regulations as will be notified to Councillor Cawsey in his confirmation letter;

- (g) Furthermore, the Committee also expressed the opinion that should there be further breaches of the Code of Conduct by Councillor Cawsey in the future then a more severe sanction would be deemed appropriate.
  - (h) Finally, the Committee recommends that Councillor Cawsey attends a refresher course of training on the Member Code of Conduct to be organised by the Monitoring Officer of Neath Port Talbot County Borough Council.
- (iii) that, taking into account the findings of the Local Government Ombudsman in respect of this case, and upon hearing and considering the oral representations made by Councillor T.Marston at the last meeting, the Standards Committee is satisfied that there is evidence of Councillor T.Marston’s failure to comply with Onllwyn Community Council’s Member Code of Conduct and that therefore the Committee’s decision be as follows:-
- (a) By failing to declare his role in View (DOVE) Limited in Section 11 of the “General Register of Member’s Interest” form, Councillor Marston was in breach of the Code of Conduct by making a false declaration and that his conduct was conduct that could reasonably be considered as bringing his Office of Councillor into disrepute.



- (b) Cwm Dulais Uchaf Communities First Partnership was a Body exercising functions of a public nature and Councillor Marston should therefore have declared that he held a position of general control and management in that Body in the General Register of Members' Interests form. By entering "none" at Section 11 of the form Councillor Marston had breached Paragraph 6(1)(a) of the Code by making a false declaration and his conduct was conduct that could reasonably be considered as bringing his Office of Councillor into disrepute.
- (c) Councillor Marston had a personal and prejudicial interest as defined by Sections 10(2) and 12(1) of the Code of Conduct whenever the matter of Bridleway 17 was considered by the Community Council. Prior to the receipt of legal advice in March 2009, Councillor Marston had not declared a personal interest and had therefore, been in breach of Paragraphs 11(1) and 11(4) of the Code. Whilst Councillor Marston had declared a personal interest from April 2009 onwards, by failing to withdraw from the relevant meetings he had been in breach of Paragraphs 14(1) (a) and (c) and Paragraph 14(2) of the Code of Conduct.
- (d) Councillor Marston also had a personal and a prejudicial interest as defined by Section 12(1) of the Code of Conduct when the matters of the transfer of the Sarn Helen Workshops, the erection of a directional sign to DOVE and the notice of Planning Application made on behalf of DOVE were before the Community Council. Whilst Councillor Marston had declared a personal interest on these occasions, by failing to withdraw from

the meetings he had been in breach of Paragraphs 14(1)(a)and(c) together with Paragraph 14(2) of the Code of Conduct.

(e) The decision of the Community Council to negotiate a new lease of the Sarn Helen Workshops with DOVE had conferred an advantage on the organisation and by taking part in this decision Councillor Marston had breached paragraph 7(a) of the Code of Conduct.

(f) In the light of the breaches of the said Code given in (a), (b), (c) (d) and (e) above, however, mindful of the fact that Councillor Marston had not gained personally from the breaches of the Code of Conduct, the Committee determines that the following sanction shall apply to Councillor Marston:

“Suspension from his Office of being a Member of the Onllwyn Community Council for a period of four weeks”;

This suspension from Office not to commence until the day after the expiration of the period of 21 days allowed to lodge a notice of appeal or as in other circumstances under the Regulations as will be notified to Councillor Marston in his confirmation letter;

(g) Furthermore, the Committee also expressed the opinion that should there be further breaches of the Code of Conduct by Councillor Marston in the future then a more severe sanction would be deemed appropriate.

- (h) Finally, the Committee recommends that Councillor Marston attends a refresher course of training on the Member Code of Conduct to be organised by the Monitoring Officer of Neath Port Talbot County Borough Council.

**CHAIRMAN**