

Minutes



Standards Committee

Date: 29 July 2021

Time: 5.45 pm

Present: Councillors Davies, D Wilcox, P Hourahine, D Fouweather, H Britton, A Mitchell (Chair), Watkins (Vice Chair) and Worthington

Gareth Price (Head of Law & Regulation), Samantha Schanzer (Scrutiny Adviser) and Pamela Tasker (Governance Officers)

In Attendance:

Apologies: Councillors

1 Apologies for Absence

None

2 Declarations of Interest

A number of Committee members raised issues regarding connections with the medical practice, the local area and the Councillor concerned, but were advised by the Monitoring Officer that they did not have any personal and prejudicial interests that would need to be declared and which would disqualify them from considering this matter. The Committee members also confirmed that they were able to deal with the matter fairly and objectively.

3 Part 2 Exempt or Confidential Items

It was formally moved, seconded and resolved unanimously that the press and public should be excluded from the meeting while this item is being considered on the grounds that it would involve the disclosure of "exempt" information as defined in schedule 12 A of the Local Government Act 1972 (as amended) and the exemption outweighed the public interest in disclosure.

4 Misconduct complaint - Public Services Ombudsman for Wales Report - Case No.202001914

The Chair stated that in the report papers in the agenda there has been a recommendation made but it was up to the committee to follow that recommendation or not, after deliberation by the committee.

The Chair asked the Monitoring Officer if there was anything outside of the papers on the agenda that the committee needed to be aware of.

The Monitoring Officer confirmed that the purpose of this evening's committee meeting was to consider the Ombudsman Investigation report and to consider whether there was a case to answer in relation to the alleged breach of the code. However, it was best not to prejudge

the outcome at this stage. The committee needed to consider the Ombudsman report and the recommendations by the Monitoring officer and decide whether it needed to go to a final hearing. The Committee did not have to follow the recommendations or conclusions of the Ombudsman report and the Monitoring Officers report but could make up their own mind on the final decision. However, a final decision needed to be made as to whether a final hearing was needed.

The Chair reminded the committee that as Chairman they were allowed 2 votes- one as a member of the committee, and should there be a tie, one as a tie-breaking vote.

The Chair asked the committee members to speak on the Ombudsman report and the investigation regarding the alleged allegations.

Discussion:

Mr Watkins confirmed that they had read the Ombudsman report and fully endorsed the recommendations. They also felt that it should progress to a final hearing and the Councillor in question should give evidence at that hearing.

Dr Worthington stated that the covering report and papers were very good and a very thorough account. Dr Worthington felt that it raised a lot of questions which the Committee needed to test and receive answers to.

Councillor Wilcox explained to the Committee that they joined the council alongside Councillor Fouweather in 2004 and in that time there have been very few occasions where this has happened. Councillor Wilcox agreed that this case should proceed to a full hearing.

Ms Britton stated that they had read the reports thoroughly and that she was in total agreement with the recommendations. Ms Britton said that they were particularly interested in the evidence of the recordings as the Ombudsman had listened to the recordings and they would be quite interesting to hear. Ms Britton agreed that the case should go to a full hearing.

Mr Morgan agreed that the recordings were very interesting and that there was strong evidence to proceed to a final hearing. Mr Morgan also fully supported the recommendation.

Mr Davies stated that he had read the report which he felt was very comprehensive. Mr Davies agreed that the matter needed to go further.

Councillor Fouweather stated he has read the report and agreed that a hearing was the right way forward.

Councillor Hourihane stated that Councillor had admitted her actions and had apologised so the hearing shouldn't need to be too long. It also depended on what mitigation was decided.

Actions:

- The Chair moved that there has been a Prima Facie case of a breach of the Members Code of Conduct and that this case should proceed to a full hearing.
- The Councillor in question should be invited either in person or to present her evidence in writing.
- This motion was seconded and passed unanimously by the Committee.
- A hearing date to be arranged by the Democratic Services Officer and the Monitoring Officer as soon as possible.

Councillor Fouweather stated to the Monitoring Officer that the Councillor in question may wish to take legal advice and for someone to represent her, but this may take time, and this needed to be taken into consideration before any meeting date was set.

The Monitoring Officer agreed and stated that a copy of the hearing protocol was attached to the agenda. It was discussed that it would be at least a month to 6 weeks to notify the Councillor in question, check for witnesses if they needed to attend so at least a month was needed for this to take place. If there was a need to defer this this would need to come to Standards Committee. The other issue was that the hearing needed to be a remote hearing to take place on Teams.

The Chair agreed that taking this information into account that maybe a look at early September to set a hearing date was appropriate.

The Monitoring Officer stated that the Councillor in question and the Ombudsman would be notified following this meeting in terms of the outcome.

Ms Britton asked the question that having sat on the committee for 8 years and this hearing was the first of its nature, Ms Britton's end of term in was in October 2021 and wanted the Committee to be aware of this and wanted this noted.

The Monitoring Officer stated that the hearing would be held long before October 2021 and that Ms Britton would still be in post at this time, so this has no implications for the hearing.

The meeting terminated at Time Not Specified