

# STANDARDS COMMITTEE

6 DECEMBER 2019

**PRESENT:** M.A. Morgan (Chair)

**Independent Members:**

Mrs M. Dodd, Mrs D. Evans, Mrs J. James and A. Williams

**Community Member:**

Town Councillor P. Rogers

**Councillors:**

S.J.G. Gilasbey and D.M. Cundy [substitute for R. James]

**The following Officers were in attendance:**

L.R. Jones, Head of Administration and Law,

R. Edgecombe, Legal Services Manager,

J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen, SA31 1JP: 10:00am - 11:10am**

**1. APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor R. James and Councillor G. Thomas.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 18<sup>TH</sup> NOVEMBER 2019**

**RESOLVED** that the minutes of the meeting of the Committee held on the 18<sup>th</sup> November, 2019 be signed as a correct record.

**4. APPLICATION FOR DISPENSATION BY COUNCILLOR CAROL DYER**

The Committee considered an application submitted by Councillor Carol Dyer of Myddfai Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to matters regarding Menter Bro Dinefwr (MBD) and the Welsh Community newspaper Y Lloffwr.

It was reported that a dispensation was sought as Councillor Dyer had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that she is the Director of Menter Bro Dinefwr (voluntary position) and she is the Chair of the Committee for Y Lloffwr (voluntary position).

Councillor Dyer's interest was also prejudicial as a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Dyer had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) (g) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised the Committee that in considering the application it should note that paragraphs 2 (d) and (h) were the most appropriate grounds should the Committee be minded to approve the request to speak only.

Following a discussion it was

**UNANIMOUSLY RESOLVED that dispensations be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Carol Dyer to SPEAK only at meetings of Myddfai Community Council in relation to matters regarding:**

- **Mentor Bro Dinefwr (MBD);**
- **Y Lloffwr,**

**and that the dispensations be valid until the end of the current electoral term.**

## **5. STANDARDS COMMITTEE ANNUAL REPORT 2018/2019**

The Committee considered its 2018/19 Annual Report detailing the work undertaken during that period and noted that, if adopted, it would be presented to the Council meeting in January 2020 for approval.

In accordance with minute 8 of the Standards Committee meeting held on 7<sup>th</sup> December, 2018 the Legal Services Manager provided Members with additional statistical information with regard to the outcomes of the concluded cases. The information provided comparative data taken from annual reports dated from 2012. The Legal Services Manager reported that there had been an increase in 'whistleblowing' complaints during the course of disciplinary proceedings, which made matters very complex and in turn delayed the conclusion of the whistleblowing process. It was commented that having sight of this information was appreciated and that it would be beneficial for the Committee to continue to monitor the future trends of concluded cases.

The Head of Legal and Administration informed the Committee that by way of raising awareness and promoting good conduct, she had included information on the Nolan principles and the Whistleblowing Policy within a recent departmental newsletter to all staff.

Following a suggestion, the Committee were in agreement that it would be beneficial to include a list of the Committee's membership in the report. The Legal Services Manager agreed to include this information prior to the report being presented to full Council in January.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT the Standards Committee Annual Report 2018/19 be adopted subject to the inclusion of the Committee's membership.**

## **6. CODE OF CONDUCT CASEBOOK**

The Committee considered the Public Service Ombudsman for Wales' latest issue of the 'Code of Conduct' Casebook, published in October 2019, which covered cases concluded between July and September 2019.

The Committee noted that the Casebook highlighted two cases referred to local Standards Committees for determination and one case referred to the Adjudication Panel for Wales. Copies of the decision notices issued by the two Standards Committees were appended to the report in Appendix 1 and 2.

Appreciation of the insight of Standards Committee decisions was expressed. It was commented that the given suspension period from duties in the cases provided was not sufficient. The Head of Administration and Law explained that whilst local Standards Committees determined the suspension period, the maximum sanction they could impose was a six-month suspension in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

The Legal Services Manager clarified that the determination process of the sanctions made were set out within the appendices.

In response to a query raised regarding payments to Councillors during suspension periods, the Head of Admin and Law clarified that point 18 of the IRPW annual report 2019/20 states "Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary."

**UNANIMOUSLY RESOLVED that the report be received.**

## **7. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS**

The Committee, received for consideration, as part of its monitoring role in Code Compliance by Community and Town Councils, a report detailing the levels of Code Training received, declarations of interest made, dispensation requests granted and Code complaints for those authorities during the period 2016/17 – 2018/19. A spreadsheet, appended to the report, included the information provided and allowed for comparison with previous years.

A high proportion of Councils had responded to the request for the abovementioned information with only 11 councils failing to respond.

The Legal Services Manager reported that there was continued variation between councils as to the extent to which declarations of interest were made and/or dispensations sought, however, there did not appear to be any correlation between these factors and the level of code of conduct training provided. Similarly, there appeared to be no clear evidence of any correlation between the provision of code training and the number of code complaints nor was there a consistent pattern of complaints against particular councils.

The Committee noted that overall the statistical evidence appeared to suggest a generally good level of Code compliance by Town and Community Councillors across the County.

It was asked, out of the Councils who did not respond, how many shared a Clerk? The Legal Services Manager offered to provide this information at the next Committee meeting, as he did not have the information to hand.

It was suggested that as some Councils were proactive in relation to the Code of Conduct training and ensuring that declarations of interest were updated and relevant it may be useful to ask these Councils to assist and form part of the training presentation. The Legal Services Manager agreed to identify up to 3 proactive Councils to invite to participate at the next round of training sessions.

Furthermore, in order that the Standards Committee can assess if the training provided is being put into practice, the Legal Services Manager suggested to undertake a sample of Town and Community Council minutes against the declarations of interest. It was commented that the results from the sampling could be beneficial in providing the Standards Committee with a better understanding of how Councils are administering and recording interests. It was therefore proposed that an annual sample of 25% to be undertaken and the results to be reported to the Committee accordingly.

### **UNANIMOUSLY RESOLVED that:**

- 7.1 the report be received;**
- 7.2 the Legal Services Manager arrange to undertake a sampling of 25% of the Town and Community Council minutes on an annual basis and that the results be reported to the Committee.**

## 8. ANY OTHER ITEMS OF BUSINESS

The Head of Administration and Law informed the Committee that whilst the introduction of the Local Government and Elections (Wales) had no direct repercussions for the Standards Committee, the Bill required leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group.

Therefore, it was highlighted that the Standards Committee's new functions under the Bill would be to ensure that group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties.

In addition, the Bill included a requirement for all principal councils to webcast meetings open to the public as they take place.

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**CHAIR**

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**DATE**