

STANDARDS COMMITTEE

MONDAY, 11 DECEMBER 2023

PRESENT: M. Dodd (Chair)

Independent Members (In Person):

D. Evans J. James

Independent Members (Virtually):

C. Davies F. Phillips P. Rogers

Also Present (In Person):

R. Edgecombe, Legal Services Manager
L. Davies, Simultaneous Translator
D. Hall-Jones, Member Support Officer
K. Thomas, Democratic Services Officer

Also Present (Virtually):

E. Evans, Principal Democratic Services Officer

Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 2.00 - 3.00 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors B. Jones and G.B. 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 19TH OCTOBER 2023.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on the 19th October, 2023 be signed as a correct record.

4. ACTIONS UPDATE

The Committee received a report detailing the progress achieved in relation to the actions, requests or referrals that had emanated from previous meetings.

UNANIMOUSLY RESOLVED that the report be received.

5. REVIEW OF DISCIPLINARY HEARING PROCEDURES

The Committee considered a report detailing a revised procedure for the hearing of Code of Conduct disciplinary proceedings against councillors to that previously

adopted in June 2022 with the changes reflecting the experience gained in conducting two hearings in 2023. The amended procedure was detailed within the annexe to the report with the main changes to that previously agreed being:

1. Amending the procedures to reflect that the Councillor may be legally represented.
2. Make it clear that final hearings will usually be heard in public.
3. Providing for questions to be put to the Ombudsman's investigating officer (where that officer is not also a witness in the case)
4. Including a general statement that procedure is intended to provide justice and fairness both for the councillor who is subject for the investigation and any other parties involved and that it is also intended to fulfil the wider public interest of having an open and fair adjudication process.
5. Including a general statement that the Committee may revise the procedure in any case having regard to the public interest and the need for a proportionate adjudication process.

The Committee noted that whilst consideration had been given to the proposal that the initial assessment and pre-hearing review stages should be merged to reduce the overall length of time involved, that would not be possible for legal reasons. Instead, that part of the procedure had been streamlined as much as it could.

The Committee noted that the reference to 'subject of the investigation' in the second paragraph of page 19 should be amended to read 'subject of the investigation'.

The Legal Services Manager referred to a query raised on part 6.1 of the procedure relating to the case being heard in public, and confirmed that he could amend the wording to clarify that attendance by members of the public at the hearing would be as 'observers only' and that they would not be permitted to participate in the hearing.

Reference was made to 9.1 of the policy adopted in June 2022 ie: 'Where requested the Hearing will be conducted in Welsh in order to comply with statutory requirements and Welsh Language Standards. A translation service will be provided for any person attending the Hearing that requires it'. The Committee was advised that element had not been included within the new procedure. The Legal Services Manager confirmed the new procedure would be amended to re-insert that wording.

The Legal services manager in response to a question on the inclusion of timings under part 4 of the proceedings confirmed that was catered for within 4.2 but that he could amend the wording of 4.2 to read 'accurate timings'

UNANIMOUSLY RESOLVED that, subject to the amendments referred to above, the revised formal procedure for the hearing of Code of Conduct disciplinary proceedings against councillors in the event of a report being received from the Public Services Ombudsman for Wales, pursuant to Part III of the Local Government Act 2000, be adopted.

6. GIFTS AND HOSPITALITY

The Committee received a report detailing the number of declarations made by Carmarthenshire County Councillors in accordance with Paragraph 17 of the Members Code of Conduct for gifts and hospitality received over the value of £25 subsequent to the local government elections in May 2022. It was noted that 8 declarations had been received.

UNANIMOUSLY RESOLVED that the report be received.

7. PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS

The Committee received the Council's protocol for resolving low level member on member code breach complaints, as adopted on the 10th July 2013, which typically related to alleged failures to show respect and consideration for others, as required by paragraph 4(b) of the Code, or the making of vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code.

It was noted that the Local Government and Elections (Wales) Act imposed a new duty on Group Leaders to promote high standards of conduct amongst their group members, which was consistent with the arrangements adopted by the Council in 2013.

The Legal Services Manager in response to a query on the section of the report relating to 'Persistent Breaches' and on who would be responsible for reporting a member's persistent breaches of the Code to the Ombudsman, advised he would raise that issue with the Council's Monitoring Officer and inform members of the outcome of that discussion by e-mail. If, following that advice, members considered it to be appropriate, a report thereon could be prepared for consideration by the Committee at its next meeting in March 2024. He also clarified that any subsequent changes to the protocol would need to be determined by the Council.

UNANIMOUSLY RESOLVED that the report be received.

8. GROUP LEADERS DUTY

The Committee considered a report on Group Leaders duties under the Local Government and Elections (Wales) Act and to Welsh Government Guidance and was advised that subsequent to its meeting held in September 2023 it was required to agree on the following 4 issues:

1. Any changes to the template to be used by Group Leaders when reporting to the committee (a copy of which was appended to the report).
2. The deadline by which such reports are to be submitted.
3. The date on which the committee is to meet Group Leaders at the start of the 2024-2025 municipal year.
4. The criteria against which the performance of the Group Leaders is to be measured (a copy of which was appended to the report).

The Legal Services Manager referred to points 2 and 3 above and advised that, provisionally, the 22nd April 2024 had been set aside within the Council's diary for the Committee to meet with the Group Leaders and suggested that if the Committee was agreeable to that date then the deadline for the submission of their reports would be the 5th April 2024

Reference was made to the use by members of online communications eg face book what's app etc in relation to the promotion of civility and respect. The Legal Services Manager suggested that an appropriate additional line covering that aspect could be included within both the template and the criteria against which performance would be measured.

UNANIMOUSLY RESOLVED

- 8.1 That the template to be used by Group Leaders be approved subject to the inclusion of an additional line to address promoting civility and respect in all on-line communications**
 - 8.2 The deadline for the submission of Group Leader reports be the 5th April, 2024.**
 - 8.3 That the Committee meet with Group Leaders on the 22nd April, 2024.**
 - 8.4 That the criteria against which the performance of the Group Leaders was to be measured be approved subject to the inclusion of an additional criteria relating to the monitoring of on-line communications.**
- 9. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.**

There were no items of urgent business.

CHAIR

DATE