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WEDNESDAY, 29 NOVEMBER 2023

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER - COUNTY HALL, CARMARTHEN. SA31 1JP AND REMOTELY AT 2.00 PM ON MONDAY, 11TH DECEMBER, 2023** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Kevin Thomas
Telephone (direct line):	01267 224027
E-Mail:	kjthomas@carmarthenshire.gov.uk
This is a multi-location meeting. Committee members can attend in person at the venue detailed above or remotely via the Zoom link which is provided separately.	
The meeting can be viewed on the Authority's website via the following link:- https://carmarthenshire.public-i.tv/core/portal/home	

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

STANDARDS COMMITTEE

9 MEMBERS

MEMBERSHIP: 9 MEMBERS

Independent Members (5)

1. Mrs Mary Dodd
2. Ms Caryl Davies
3. Mrs Daphne Evans
4. Mrs Julie James
5. Mr Frank Phillips

Community Committee Member (1)

1. Town Councillor Phillip Rogers

Elected Members of the County Council (3)

1. Councillor Betsan Jones
2. Councillor Rob James
3. Councillor Gareth Thomas

A G E N D A

1. **APOLOGIES FOR ABSENCE.**
2. **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.** 5 - 6
4. **ACTIONS UPDATE** 7 - 14
5. **REVIEW OF DISCIPLINARY HEARING PROCEDURES** 15 - 24
6. **GIFTS AND HOSPITALITY** 25 - 32
7. **PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS** 33 - 38
8. **GROUP LEADERS DUTY** 39 - 46
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.**

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Standards Committee

Thursday, 19 October 2023

PRESENT: M. Dodd (Chair)

Independent Members:

C. Davies, D. Evans, J. James and F. Phillips

Community Member:

Councillor P. Rogers

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

S. Rees, Simultaneous Translator

E. Evans, Principal Democratic Services Officer

M. Runeckles, Members Support Officer

E. Bryer, Democratic Services Officer

Virtual Meeting - 10.00 - 10.15 am

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor B.W. Jones

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 18TH SEPTEMBER, 2023

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on 18th September, 2023 be signed as a correct record subject to grammatical amendments to agenda item 6 – Code of Conduct Data 2022-23.

4. DISPENSATION APPLICATION BY COUNCILLOR JEANETTE GILASBEY

The Committee considered an application submitted by Councillor Jeanette Gilasbey of Kidwelly Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and make written representation in respect of the following personal and prejudicial interests:

- St Mary’s Church Kidwelly – Cllr Gilasbey is a member and trustee of the Parochial Church Council of St Mary’s Church in Kidwelly.
- Kidwelly RFC – Cllr. Gilasbey is a member, secretary and director of Kidwelly RFC
- Kidwelly Museum – Cllr. Gilasbey is a trustee of Kidwelly Industrial Museum and trust

It was reported that a dispensation was sought as Councillor Gilasbey had a personal and prejudicial interest in these matters by virtue of paragraph 10(2)(ee) of the Code of Conduct.

Councillor Gilasbey’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 Gilasbey had accordingly requested that a dispensation be granted under Regulation 2(2)(d) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised that Councillor Gilasbey had previously been granted a dispensation in respect of these interest in January 2019 and December 2022.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2 (2)(d) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Jeanette Gilasbey to SPEAK AND MAKE WRITTEN REPRESENTATIONS ONLY at meetings in relation to matters regarding:

- St Mary’s Church Kidwelly
- Kidwelly RFC
- Kidwelly Museum

and that these dispensations be valid until the end of her current term in office.

- 5. 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

STANDARDS COMMITTEE

11/12/2023

ACTIONS UPDATE

Purpose: To appraise the Committee of actions taken in response to decisions made

To consider and comment on the following issues:

- To scrutinise the progress made in relation to actions, requests or referrals recorded during previous meetings of the Committee.

Reasons:

- To enable members to monitoring performance in relation to their agreed actions

CABINET MEMBER PORTFOLIO HOLDER: Not Applicable

<p>Directorate</p> <p>Name of Head of Service: Linda Rees Jones</p> <p>Report Author: Robert Edgecombe</p>	<p>Designations: Head of Administration and Law</p> <p>Legal Services Manager</p>	<p>Tel Nos. 01267 224012</p> <p>LRJones@carmarthenshire.gov.uk</p> <p>01267 224018</p> <p>rjedgeco@carmarthenshire.gov.uk</p>
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EXECUTIVE SUMMARY
STANDARDS COMMITTEE
11/12/2023

Actions Update

During the committee meeting on the 12th December 2022 the committee requested that a log of agreed actions arising from meetings of the committee be developed and be presented at future meetings of the committee.

The attached action log sets out the various completed and ongoing actions that have arisen since that meeting.

That the actions are colour coded according to their status

Green = completed
Yellow = ongoing
Red = overdue

DETAILED REPORT ATTACHED ?

YES:

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - not applicable
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED
NO

N/A

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

There are none.

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Reference Meeting Date ACTION

DPSC-201/1	12/12/22	Create an action log recording actions agreed at Standards committee meetings and present at each quaterly committee meeting
DPSC-201/2	12/12/22	Write to Group leaders setting out the committee's requirements regarding compliance with the Group Leaders duty in the Local Government and Elections Act
DPSC-205/1	07/03/23	18/09/2023 Carry out annual data gathering exercise with Town and Community Councils to include additional questions and to be completed via SnapSurvey. Deadline for presentation of results
DPSC-205/2	07/03/23	Arrange 2 Code of Conduct Training sessions for Town and Community Councils in June/July 2023. One session to be during office hours and 1 session in early evening
DPSC-0000	11/04/23	Include agenda item on developing a Forward Work Plan on the June Agenda
DPSC-212/1	12/06/23	Update Forward Work Plan with items relating to Dispensation Requests, Disciplinary Referrals and Informal Resolution Protocol and recirculate to members for approval
DPSC-212/2	12/06/23	Finalise response to Penn Report consultation and sent to Welsh Government
DPSC-212/3	12/06/23	Produce report to Committee at its December 2023 meeting regarding the Informal Resolution Protocol
DPSC-212/4	12/06/23	Finalise annual report and sent it to DSU for inclusion on Full Council agenda.
DPSC-212/5	12/06/23	Prepare revised Disciplinary Hearings Procedure and submit to September 2023 meeting for approval
DPSC-213/1	18/09/23	Prepare report to December meeting regarding gifts and hospitality
DPSC-213/2	18/09/23	Send fresh code training link to all Town and Community Councils

DPSC-213/3 18/09/23 Write to All Town and Community Councils regarding duty to formally adopt training plan and reference latest Welsh Government Guidance. Advise Councils that they will be asked again about this in 2024. Provide sample training plan. Ask other Monitoring Officers if there is a similar level of compliance in their areas and what they are doing about it

DPSC-213/4 18/09/23 Contact Group Leaders to agree a date for them to meet with the Standards Committee early April 2024. Provide Group Leaders with Welsh Government Guidance. Seek views of Group Leaders regarding the report form. Establish what other monitoring Officers are doing regarding frequency of meetings

DPSC-213/5 18/09/23 Submit response to Tribunal White Paper specifically referencing questions 28 and 29 and the diversity of tribunal membership

PROGRESS	Officer	Status
Log created and included on agenda for March 2022 meeting	R J Edgecombe	Completed
Letter sent to Group Leaders 03/02/2023	R J Edgecombe	Completed
Exercise completed and report scheduled for	R J Edgecombe	ongoing
Sessions held in June and July 2023	R J Edgecombe	Completed
Included in the agenda for June meeting	RJEdgecombe	Completed
Revised Plan circulated 03/07/2023.	RJEdgecombe	Completed
Response sent to Welsh Government on 20th June 2023	RJEdgecombe	Completed
	RJEdgecombe	Ongoing
Report sent to DSU 21st June 2023	RJEdgecombe	Completed
Report not provided due to oversight. Revised target date of December 2023 meeting agreed for delivery of report	RJEdgecombe	Overdue
	RJEdgecombe	Ongoing
Link sent 25/09/2023	RJEdgecombe	Completed

Letter sent to all Councils with copy of Welsh Government Guidance 23/10/2023. Issue raised with other councils monitoring Officers 13/10/2023

RJEdgecombe

Completed

Issue raised with other Monitoring officers 13/10/2023. Letter sent to Group Leaders 16/10/2023

RJEdgecombe

Completed

Online response submitted 18/9/2023

RJEdgecombe

Completed

STANDARDS COMMITTEE 11/12/2023

Subject

REVIEW OF DISCIPLINARY HEARING PROCEDURES

Purpose:

To review the procedures in light of the experience of the committee in conducting two recent disciplinary hearings.

Recommendations / key decisions required:

To adopt the amended the procedure document annexed to this report

Reasons:

To reflect recent practical experience of such proceedings and the views previously expressed by committee members.

Cabinet Decision Required NO

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:- Not applicable

Directorate: Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Tel: 01267 224018 Email addresses: rjedgeco@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY

REVIEW OF DISCIPLINARY HEARING PROCEDURES

At the Standards Committee meeting in June 2022 the committee adopted a formal procedure for the conduct of 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.

Subsequently the committee was required to implement these procedures following the receipt of two separate reports from the Ombudsman under Part III of the 2000 Act.

Considering that experience the Committee reviewed the procedures and agreed certain changes should be made.

The changes include.

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.

Consideration was given to the proposal that the initial assessment and pre-hearing review stages be merged to reduce the overall length of time involved. However, for legal reasons this is not possible. Instead that part of the procedure has been streamlined as much as it can be.

DETAILED REPORT ATTACHED?

No

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *Linda Rees-Jones*

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

IMPLICATIONS

2. Legal

Having robust and practical procedures are important to help ensure that any disciplinary cases are handled in a fair and timely way.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	N/A
Scrutiny Committee	N/A
Date the report was considered:-	N/A
Scrutiny Committee Outcome/Recommendations:- Not Applicable	

2. Local Member(s)

Not Applicable

3. Community / Town Council

Not Applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not Applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED NO	Not applicable
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Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-216	County Hall Carmarthen

CARMARTHENSHIRE COUNTY COUNCIL
Standards Committee Hearing Procedure
For Code of Conduct Referrals

This document sets out the procedure for the Standards Committee to follow where it is required to make a decision as to the conduct of a Councillor, town/community Councillor or co-opted member following a referral by the Public Service Ombudsman for Wales.

The procedure is intended to provide justice and fairness both for the Councillor who is subject for the investigation and any other individuals involved. It is also intended to fulfil the wider public interest of having an open and fair adjudication process.

The Committee may revise the procedure in any case having regard to the public interest and the need for a proportionate adjudication process.

1. Background

1.1 The Standards Committee (the Committee) may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:

- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act and the Monitoring Officer then investigating the matter and reporting the conclusion of his/her investigation to the Committee or,
- (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.

1.2 The following procedure has been agreed by the Standards Committee to comply with the legislative requirements and laws of natural justice.

2. Initial Determination

2.1 Upon receipt of a report from either the Monitoring Officer or the PSOW, together with any recommendations of the Monitoring Officer, the Standards Committee must meet and make an initial determination that either:

- (a) There is no evidence of any failure to comply with the Code of Conduct; or
- (b) That any person who is the subject of the investigation should be given the opportunity to make representations to the Committee, either orally or in writing, in respect of the findings of the investigation.

- 2.2 The Committee will write to the Councillor to notify him/her of the Committee's decision. If the Committee determines that there is no evidence of a failure to comply with the Code that will be confirmed to the Councillor and the Investigating Officer.
- 2.3 If the Committee determines that there is evidence of a failure to comply with the code then the Committee will either hold a hearing of the case at a further meeting or, by agreement with all parties, proceed by way of written evidence and representations only.
- 2.4 The letter sent to the Councillor in accordance with paragraph 2.3 will include a summary of the possible sanctions open to the Committee and invite a written response to the following:
- (a) Clarification as to whether the Councillor wishes to make written representations or proceed by way of an oral hearing.
 - (b) Clarification as to whether the Councillor will be represented and if so, by whom.
 - (c) Details as to which areas of the Investigation Report are disputed and not disputed and if possible, with brief reasons.
 - (d) Details of any witnesses which the Councillor proposes to call at the Committee Hearing and a summary of the evidence they will give.
 - (e) Details of any written evidence upon which the Councillor proposes to rely including any documentation listed within the unused material schedule served by the Investigating Officer.
 - (f) An indication as to whether the Councillor intends to make representations to the Committee as to whether members of the public should be excluded from the Committee Hearing and grounds for doing so.
 - (g) Any dates of unavailability to attend a Committee Hearing to include unavailability dates of witnesses and legal representation.
 - (h) Any other information that the Committee feels appropriate at this stage.
- 2.5 The Committee will also write to the Investigating Officer requesting:
- (a) That the Investigating Officer attend the Committee Hearing to present the Investigation Report or to ask if the Investigating Officer wishes to attend the Committee Hearing for this purpose.
 - (b) Clarification as to whether the Investigating Officer will be represented and if so, by who.
 - (c) Any dates of unavailability to attend a Hearing to include unavailability dates of any witnesses and legal representation.
 - (d) Any other information that the Committee feels appropriate at this stage.
- 2.6 The letters sent to both the Councillor and Investigating Officer will also confirm the date of any Pre-Hearing Review meeting should the Committee conclude that such a meeting would be desirable.

3. The Monitoring Officer

- 3.1 The Committee Hearing will have the support of legal and democratic service assistance and advice. Legal advice will be provided by either the Monitoring Officer, the Deputy Monitoring Officer or another suitably qualified lawyer.
- 3.2 In the event that the Monitoring Officer has investigated a complaint then he/she will attend the Committee Hearing in that capacity and will not be the legal advisor to the Committee hearing. In such cases, the Deputy Monitoring Officer or another suitably qualified lawyer will be present to advise the Committee Hearing.

4. Pre-Hearing review

- 4.1 Where the Committee considers that a pre-hearing review is appropriate notice of at least 14 days will be given to the Councillor, who may attend with or without any representation. The pre-hearing review will be held in private session unless the Committee directs otherwise.
- 4.2 The purpose of the pre-hearing review would be to consider any directions which may be required to facilitate the final hearing including directions relating to evidence, location of hearing, timings and narrowing of any issues.
- 4.3 The committee will also decide as to whether the final hearing should be held in public.

5. Public Notice of Hearings

- 5.1 Notice of any Committee Hearing will be given in accordance with statutory requirements.

6. Public Access to Hearings

- 6.1 The Committee will consider whether the case should be considered in public or private in accordance with the relevant statutory rules and with legal advice from the legal officer. The presumption will be that a final hearing will be heard in public unless there are exceptional circumstances which justify it being held in private.
- 6.2 The PSOW or the representative officer/s of the PSOW and the Monitoring Officer are entitled to attend the Hearing whether or not the Hearing is held in private.
- 6.3 The Committee may permit any other person to attend the Hearing which is held in private upon receiving legal advice.

- 6.4 The Committee may exclude from a Hearing, or any part of it, any person whose conduct is disruptive or is likely to disrupt the Hearing in accordance with the Council Procedure Rules as set out in the Constitution of Carmarthenshire County Council.

7. Failure of a Party to attend a hearing

- 7.1 If a Councillor fails to attend or be represented at a Hearing of which he/she has been notified, the Committee may:
- (a) Determine the matter in the Councillor's absence unless it is satisfied that there is good reason for the absence; or
 - (b) Adjourn the hearing.
- 7.2 Before deciding to determine a matter in the absence of the Councillor, the Committee will take legal advice and consider any written representations submitted by the Councillor or his/her representative in response to the notice of Hearing.

8. Procedure at the Hearing – Preliminary Matters

- 8.1 Where possible all committee members, parties, their representatives and witnesses should try to attend any final hearing in person. Facilities for remote attendance will however be provided if required.
- 8.2 When attending in person witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the Committee. A designated waiting area will be available to witnesses until they are called.
- 8.3 The Committee may limit the number of witnesses to be called, where it is considered, this would not detract from a fair hearing. This may, for example, be where the Committee considers that there are too many character witnesses being called or where witnesses are simply repeating previous evidence given to the Hearing which is not in dispute.
- 8.4 Where evidence is being given by way of written statement and the witness is not being called to give oral evidence, the Committee may at any stage during the proceedings require the attendance of any person making a written statement.
- 8.5 At the commencement of the Hearing the Chair will explain the order of proceedings that the Committee proposes to adopt and obtain confirmation from everybody taking part in the Hearing that they understand the procedure. The procedure to be followed is at the discretion of the Committee which will aim to conduct the Hearing in such manner as it considers most appropriate and suitable to be able to clarify all issues before it and to ensure a fair and just Hearing to take place. The Committee will, as far as possible, try to avoid formality in its proceedings.

8.6 After the Chair has explained the order of proceedings, the Committee will first seek to resolve any procedural issues or disputes arising from any direction which has been given.

9. Procedure at the Hearing – Determining the factual Issues

9.1 The Committee should then move on to consider whether or not there are any significant disagreements as to the facts contained in the Investigating Officer's report.

9.2 If there are no disagreement as to the facts the Committee can move to the next stage of the Hearing.

9.3 If however, there is disagreement as to the facts, the Investigating officer will be invited to make any necessary representations to support the relevant findings of fact in the Report and call witness evidence in support.

9.4 Members of the Committee and the Councillor or the Councillors representative will be given an opportunity to question any witness called by the Investigating Officer. There will also be an opportunity for committee members, the Councillor or the Councillor's representative to question the Investigating Officer regarding the conduct of the investigation.

9.5 The Councillor or the Councillor's representative can then make representations regarding his/her version of the facts and call witness evidence in support. The Committee and the Investigating Officer will have an opportunity to question the Councillor and any witness called by the Councillor.

9.6 At the conclusion of the Councillor's evidence the Councillor will be afforded an opportunity to sum up his or her case.

9.7 At any time, the Committee may ask questions any of the people who are involved in the hearing or who are giving evidence. The Legal Advisor to the Committee, may with the permission of the Chair, also ask questions of people involved in the hearing or who are giving evidence.

9.8 The Committee will then retire to consider their decision on the factual issues in dispute.

9.9 Once a decision on the disputed factual issues is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

10. Stage 2 – Whether the facts demonstrate a breach of the Code

10.1 Based on the facts as found the Committee will then consider whether the Councillor has breached the Code of Conduct. This stage does not provide the Councillor or the Investigating Officer an opportunity to re-examine the facts of the case.

- 10.2 The Committee may receive verbal or written representations from the Investigating Officer.
- 10.3 The Councillor will then be invited to make any relevant representations.
- 10.4 The Committee will then retire to consider their decision as to whether the Councillor is in breach of the Code of Conduct.
- 10.5 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

11. Stage 3 – Consideration of Sanctions

- 11.1 In the event that the Committee determines that there has been a breach of the Code by the Councillor, the Committee will then consider any written or verbal representations from the Investigating Officer and the Councillor as to whether or not the Committee should impose a sanction and if so, what form any sanction should take. The Councillor will be afforded an opportunity at this stage to rely on either written or oral evidence as to character/mitigating factors that the Committee should take into account before making a decision on sanction.
- 11.2 The Committee may question the Investigating Officer and/or the Councillor and, if appropriate, take legal advice in order to make an informed decision as to any sanction.
- 11.3 The Committee will then retire to consider their decision as to whether to impose a sanction and if so, the nature of the sanction.
- 11.4 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's decision.

12. Written Decision

- 12.1 The Committee will announce its decision on the day and provide a short written decision on the day. A full written decision, with reasons supporting the decision, will be issued within 10 working days of the end of the hearing and notified to the PSOW, the Councillor and the person who made the original allegation (if known).

13. Appeals

- 13.1 Where the Committee decides that a person has failed to comply with the Code of Conduct that person may appeal to the Adjudication Panel for Wales as per the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

STANDARDS COMMITTEE 11/12/2023

Subject

GIFTS AND HOSPITALITY

Purpose:

To note the Councils approach in relation to gifts and hospitality

Recommendations / key decisions required:

None

Reasons:

The latest guidance issued by Welsh Government recommends that Standards Committees regularly review their authority's approach to gifts and hospitality.

Cabinet Decision Required NO

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:- Not applicable

Directorate: Chief Executives

Designations:

Tel: 01267 224018

Name of Head of Service:

Email addresses:

Linda Rees-Jones

Head of Administration
and Law

rjedgeco@carmarthenshire.gov.uk

Report Author:

Robert Edgecombe

Legal Services Manager

EXECUTIVE SUMMARY

11/12/2023

GIFTS AND HOSPITALITY

Paragraph 17 of the Members Code of Conduct states

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value of £25, provide written notification to your authority's Monitoring Officer or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Paragraph 5.10 of the Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 issued by Welsh Government states that Standards Committees should undertake a

“regular review of the Council’s approach on gifts and hospitality and the use of thresholds. These matters should also be addressed in the committee’s annual report.”

A Councillor’s declaration is available for public scrutiny on the Councils website and can be accessed by navigating to the ‘Your Councillors’ webpage, clicking on the relevant Councillor and then clicking on the gifts and hospitality tab.

The £25 threshold is becoming the standard across Wales with all Councils having adopted or being in the process of adopting that standard.

A spreadsheet showing the total number of declarations made since the local government elections in May 2022 is attached to this report.

DETAILED REPORT ATTACHED?	No
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *Linda Rees-Jones*

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	N/A
Scrutiny Committee	N/A
Date the report was considered:-	N/A
Scrutiny Committee Outcome/Recommendations:-	
Not Applicable	

2. Local Member(s)

Not Applicable

3. Community / Town Council

Not Applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not Applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED NO	Not applicable
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**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-216	County Hall Carmarthen



User Gifts and Hospitalities

Thursday, 26th October, 2023, 3.18 pm
8 results

Date range 05/05/2022 - 27/10/2023

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Type	Name	Date	Title	Comment	Provided By	Value	Description
Councillors							
	Clr. Dai Thomas	02/05/2023 0:00	Hospitality		Schroders Asset Management	£125	I received a meal from Schroders Asset Management while in London with Dyfed Pension Fund.
	Clr. Darren Price	17/07/2022 0:00	Hospitality		Llanelli Rural Council	£30	Civic Service & Lunch for Clr Giles Morgan. Lunch at the Diplomat Hotel, Felinfoel, Llanelli. Approx value £30.00
		16/02/2023 0:00	Hospitality		Carmarthenshire County Council	£0	Pre-Event VIP Reception at Actif Sports Awards 2022 at Ffwrnes Theatre, Llanelli. Refreshments and Canapes. Value unknown.
		25/05/2023 0:00	Hospitality		Welsh Local Government Association - Executive Board Meeting	£40	Evening Meal at Y Seler, Aberystwyth. Pre-Dinner refreshments and meal (2 course). Approx Value £40.00.
		23/06/2023 0:00	Hospitality		Trinity Saint David University	£0	Retirement Dinner for the Vice Chancellor of Trinity Saint David – Prof. Medwin Hughes at Halliwell Centre, Trinity, Carmarthen. Approx value £30.00.
		16/07/2023 0:00	Hospitality		Llanelli Rural Council	£30	Civic Service & Lunch for Clr Susan Phillips. Lunch at the Diplomat Hotel, Felinfoel, Llanelli. Approx value £30.00.
	Clr. Emlyn Schiavone	06/09/2023 0:00	Gift	Gift Declined. Gift offered for providing general advice to a resident	Withheld	£50	Gift received from Consituent
	Clr. Llinos Mai Davies	08/03/2023 0:00	Gift	Value Unknown	Gwendraeth Valley Mens Shed	£0	Wooden Bucket Hat - Yma o Hyd

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STANDARDS COMMITTEE 11/12/2023

Subject

PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS

Purpose:

To make the Committee aware of the content of the Protocol and the use that has been made of it.

Recommendations / key decisions required:

None

Reasons:

Complaints dealt with under the Protocol form part of the Group Leaders Annual Reports to the Committee

Cabinet Decision Required	NO
Council Decision Required	YES - if the Standards Committee wish to recommend changes to the Protocol.

CABINET MEMBER PORTFOLIO HOLDER:- Not applicable

Directorate: Chief Executives	Designations:	Tel: 01267 224018
Name of Head of Service:		Email addresses:
Linda Rees-Jones	Head of Administration and Law	rjedgeco@carmarthenshire.gov.uk
Report Author:	Legal Services Manager	
Robert Edgecombe		

EXECUTIVE SUMMARY

11/12/2023

PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS

In or around 2013 the Public Services Ombudsman for Wales asked County and County Borough Councils to voluntarily adopt a their own protocol for informally resolving low-level member on member code breach complaints so as to firstly, speed up the complaints process and secondly to ensure that his resources were devoted to the investigation of serious complaints, failing which he might have to consider asking Welsh Government to legislate it. Authorities complied and produced their own Protocols.

As the Protocol was aimed at resolving low level complaints and Authorities were not specifically given powers to sanction, the arrangements being put in place needed to be proportionate. The Protocol adopted by this Authority at its meeting of the 10th July 2013 is annexed to this Report. As can be seen it places the responsibility for resolving such complaints on the Group Leader/s, that is the Group Leader of the complained about member and the Group Leader of the complaining member where the two members are from different Groups, or the Chair of Council in the case of Unaffiliated members.

Low level member on member complaints typically concern 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.

Very little use has been made of the protocol since adoption although to an extent this is reflective of the relatively low number of member-on-member code of conduct complaints between County Councillors. The Group Leaders Reports provided to the Standards Committee for the 2022/2023 municipal year revealed 2 matters had been considered under this protocol.

The Local Government and Elections (Wales) Act 2021 imposed a new duty on Group Leaders to promote high standards of conduct amongst their Group members, which is consistent with the arrangements this Authority put in place in 2013 to place responsibility on resolving low level complaints on Group Leaders.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *Linda Rees-Jones*

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	Any changes to the Protocol would be a decision for Full Council	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	N/A
Scrutiny Committee	N/A
Date the report was considered:-	N/A
Scrutiny Committee Outcome/Recommendations:-	
Not Applicable	

2. Local Member(s)

Not Applicable

3. Community / Town Council

Not Applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not Applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
NO	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-216	County Hall Carmarthen



PROTOCOL FOR RESOLVING LOW-LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS

Introduction and General Principles

Members' conduct is regulated by the Code of Conduct for Members and complaints alleging breaches of the Code are currently required to be made to the Public Services Ombudsman for Wales.

However, the Ombudsman and Welsh Government have expressed concern about the volume of low-level member on member Code complaints being made which results in the Ombudsman's Office's time and resources being tied up.

The "Programme for Government" published in September 2011 included a commitment to review the process for making a complaint under the Code of Conduct for members to ensure that it was used only for the purpose for which it was intended.

The "Promoting Local Democracy" White Paper published in 2012 conveyed Welsh Government's view that there was scope for a more local approach to the resolution of low-level complaints, without immediate resort to the full and potentially costly investigatory role of the Public Services Ombudsman for Wales, in some circumstances. The White Paper indicated that Welsh Government wished to see such processes implemented by all County and County Borough Councils as soon as practicable after the May 2012 elections.

To facilitate the introduction of local resolution procedures Welsh Government intends to remove the obligation on members contained in para. 6 (1)(c) of the Code to report potential breaches of the Code to the Ombudsman, but considers that the need for that amending legislation should not delay the implementation of local resolution procedures.

What is a low-level complaint ?

The Ombudsman defines low-level complaints as typically being complaints made by a member against another member about:

- failures to show respect and consideration for others as required by para. 4(b) of the Code of Conduct; or
- the duty not to make vexatious, malicious or frivolous complaints against other members under para. 6(1)(d).

Resolution Procedure for Low-Level Complaints

A low-level complaint by a member relating to a member of the same Group will be referred to and resolved by the Group Leader in consultation with the Chief Executive.

A low-level complaint by a member against a member of a different political group will be referred to the complainant's own Group Leader, who will if s/he deems it necessary refer the complaint to the Group Leader for the member complained of who shall resolve the complaint in consultation with the Chief Executive

A low-level complaint by an Unaffiliated Member shall be made to the Chair of Council who shall refer the complaint to the Group Leader for the member complained of for resolution in conjunction with the Chief Executive

A low-level complaint against an Unaffiliated member shall be referred to the complainant's own Group Leader, who will if s/he deems it necessary refer the complaint to the Chair of Council for resolution in consultation with the Chief Executive.

Appropriate sanctions

Where a complaint is upheld appropriate sanctions may include:

- A requirement for the member in breach to provide an apology.
- A requirement for the member in breach to undergo appropriate training

The Group Leader resolving the complaint (or the Chair of Council in the case of the resolution of a complaint against an Unaffiliated member) shall keep a record of the decision and the sanction imposed, and shall notify the Monitoring Officer.

Persistent Breaches

Where a member has repeatedly breached the Code and/or Protocol the member's persistent conduct may be referred through to the Ombudsman's Office.

STANDARDS COMMITTEE

11/12/2023

GROUP LEADERS DUTY

Purpose: To agree the steps to be taken to prepare for the review of the compliance by Group Leaders with their duties for the 2023-2024 municipal year.

To consider and comment on the following issues:

- The form of the reporting template to be used by Group Leaders.
- The timescale for Group Leaders to report.
- The criteria against which Group Leader performance is to be measured.

Reasons:

- The Committee will be meeting with Group Leaders in April 2024 to discuss their performance and will need to report to Full Council shortly thereafter.

CABINET MEMBER PORTFOLIO HOLDER: Not Applicable

<p>Directorate</p> <p>Name of Head of Service: Linda Rees Jones</p> <p>Report Author: Robert Edgecombe</p>	<p>Designations: Head of Administration and Law</p> <p>Legal Services Manager</p>	<p>Tel Nos. 01267 224012 LRJones@carmarthenshire.gov.uk</p> <p>01267 224018 rjedgeco@carmarthenshire.gov.uk</p>
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EXECUTIVE SUMMARY
STANDARDS COMMITTEE
11/12/2023

GROUP LEADERS DUTY

In June 2023 the Standards Committee reviewed reports received from Group Leaders regarding their compliance with their duties under the Local government and Election (Wales) Act.

Since then, Welsh Government has issued revised guidance regarding these duties, which were considered by the Committee in September 2023.

The Committee now needs to agree the following.

1. Any changes to the template to be used by Group Leaders when reporting to the committee.
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.

Revised draft reporting template and draft performance criteria are attached to this report.

DETAILED REPORT ATTACHED ?	No
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - not applicable
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED
NO

N/A

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

There are none.

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Statutory and Non - Statutory Guidance issued June 2023 (and updated in July 2023 and August 2023.)

Role of Leader of Political Group -

Section 52 of the Local Government 2000 Act as amended by section 62 of the Local Government and Elections (Wales) Act 2021, requires that a leader of a political group consisting of members of a County Council or County Borough Council in Wales –

1. must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
2. must cooperate with the council's standards committee (and any sub - committee of the committee) in the exercise of the standards committee's functions.

The Statutory and Non- Statutory Guidance includes at Part 2 the requirements to establish -

“the threshold which the Standards Committee will use to establish whether it is content that Political Group Leaders have complied with the duties of the 2021 Act” .

Following discussions with the Chair and the Vice-Chair the following suggestions have been put forward with regard to the threshold to be used it being noted that the threshold would not have regard to historical matters which arose before the duty was in place;

1. Group Leaders to make themselves available to meet with the Monitoring Officer, Chair and Vice-Chair of the Standards Committee and Standards Committee as required,
2. Group Leaders to meet with the Standards Committee on an annual basis at the start of each council year,
3. Group Leaders to meet with the Monitoring officer and Chair and Vice-Chair of Standards Committee on a six monthly basis.
4. Group Leaders to take reasonable steps to ensure that Members within their group make themselves available to meet with the Monitoring officer as required,
5. Group Leaders to take reasonable steps to ensure that Members within their group cooperate with the Monitoring Officer and the Standards Committee when an issue is referred to the Monitoring Officer and or the Standards Committee,
6. Group Leaders to record any areas of concern in their Groups and raise them with the Monitoring Officer in a timely manner.
7. Group leaders to take reasonable steps to ensure Member attendance at mandatory training events,
8. Group Leaders to take reasonable steps to ensure that factually inaccurate information is not put into the public domain by their Members so as not to damage the reputation of the Council,

9. Group Leaders to ensure that the relevant DBS checks are applied for by Members, as and when required, in line with Cabinet resolution and that Members engage with the process in a timely manner,
10. Group Leaders to complete the Group Leader proforma, promoting compliance with the Code of Conduct, as required,

Report on Compliance With the Group Leaders Duty

Report by:			
Political Group:			
No. of members:		No. trained on Code:	X (Y%)
For the period:			

Number, Source and Level of Complaints

From	Local Resolution	Public Services Ombudsman			Other
		No Action	Referred to Standards committee	Referred to APW	
Public					
Officers					
Councillors					

Steps taken to Promote Compliance (To Be Completed by Group Leader)

Address such matters such as:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct.
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct.
- ensuring nominees to a committee have received the recommended training for participating on that committee;

STEPS TAKEN TO PREVENT POOR BEHAVIOUR

Address such matters as:

- promoting civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging a culture within the group which supports high standards of conduct and integrity;

STEPS TAKEN TO WORK WITH THE STANDARDS COMMITTEE AND/OR OTHER GROUP LEADERS

Address such matters as:

- Attending any meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues.
- Implementing any recommendations from the standards committee about improving standards.
- Working with the standards committee to proactively identify, consider and tackle patterns of inappropriate behavior.
- Working together with other group leaders to collectively support high standards of conduct within the council.