

# STANDARDS COMMITTEE

Friday, 9 September 2016

**PRESENT:** Mr. C.A. Downward (Chair);

**Independent Members:**

M. Dodd, M.A. Morgan and A. Williams;

**County Council Members:**

S.M. Allen, B.A.L. Roberts and G.B. Thomas;

**Community Member:**

J. Gilasbey;

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;

M.S. Davies, Democratic Services Officer.

**Chamber, 3 Spilman Street, Carmarthen - 10.00 - 11.10 am**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on the 3<sup>rd</sup> June 2016 be signed as a correct record.

**4. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS**

Further to minute 12 of the meeting held on the 11<sup>th</sup> March 2016 the Committee received a report on the Code of Conduct training sessions held in June for representatives of local Town and Community Councils. The sessions had been well attended and feedback overwhelmingly positive with delegates being particularly appreciative of the guidance booklet on personal and prejudicial interests.

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

**5. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS**

The Committee, in accordance with its role in monitoring Code of Conduct compliance by Town and Community Councillors, received a report detailing the levels of code training received, declarations of interest made, dispensation requests granted and Code complaints registered in respect of Town and Community Councils within the County.

**RESOLVED** that the report be noted.

## 6. REVIEW OF CORPORATE WHISTLEBLOWING POLICY

The Committee considered a report on the annual review of the Corporate Whistle Blowing Policy, with a view to incorporating relevant information thereon within the Chair's Annual Report to the Council. It was noted that the Council had continued to take steps to raise staff awareness of the policy and ensure managers were fully trained to recognise whistle blowing complaints and deal with them properly. The corporate Whistle blowing Policy had been updated to reflect organisational changes and feedback from the elected members briefing session earlier in the year.

The following observations/issues were raised on the report:-

- The Acting Legal Services Manager, in response to comment, stated that he had stressed to officers the need to keep staff apprised of developments in terms of their complaints subject to restrictions regarding personal information;
- The Acting Legal Services Manager agreed to follow up a concern relating to the appropriateness of including Whistleblowing case study 3, particularly if it was an actual case, given the outcome which indicated that 'the Council would be keeping a watchful eye over the home....'

**RESOLVED that the report be received and the revised policy approved.**

## 7. PUBLIC SERVICES OMBUDSMAN FOR WALES REPORT 2015/16

The Committee considered the Annual Report of the Public Services Ombudsman for Wales for the period 2015/16 which contained details of complaints of maladministration and service failure against public bodies and allegations against members of Local Authorities that they had broken the Code of Conduct. Overall the number of maladministration complaints against public authorities had risen by 4% compared to a 7% increase the previous year. Complaints against local authorities had fallen slightly from 938 to 906, the overall rise in complaints being due to a further increase in complaints against the NHS. Only 1 Public Interest Report had been issued against a local authority during this period and this had not related to Carmarthenshire County Council. The number of maladministration complaints against Carmarthenshire County Council had fallen by 57% to 40 in 2015/2016. This compared well with the Welsh average of 53 complaints. There had been a 19% increase in Code of Conduct complaints compared with last year, largely due to a 49% increase in complaints against Town and Community Councillors. A total of 8 Code complaints had been made against elected members of Carmarthenshire County Council although some of these had related primarily to the member's role as a Town and Community Councillor.

**RESOLVED that the report be received.**

## 8. COMPLAINTS AND COMPLIMENTS

The Committee considered the End of Year Complaints and Compliments report which provided an analysis of the complaints and compliments received by the Authority during 2015/16.

It was reported that the authority had received 501 complaints during 2015/2016, compared to 573 in 2014/2015. This represented a continuing trend which had seen the number of complaints reduce from 727 in 2012/2013. A total of 463 complaints had been responded to during the year, including a number carried over from the previous municipal year. The number of cases responded to within

the required time period had fallen from 66% to 62%, reversing the previous trend. Owing to significant departmental re-organisations during the relevant period it had been difficult to make direct comparisons with previous years. However the new Environment Department (which included planning and waste services) continued to account for the majority of complaints, followed by the new Communities Department, which would also be responsible for a proportion of the Statutory Complaints referred to in the report. The number of compliments received had fallen slightly from 545 to 542 with the Communities and Environment Departments accounting for 78% of the compliments received.

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

**9. APPLICATION FOR DISPENSATION BY COUNCILLOR I.R. LLEWELYN**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 9 refers) it had granted dispensation, until the 9<sup>th</sup> September, 2016, to Councillor I.R. Llewellyn, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Llewellyn seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor Llewellyn, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of County Council Assets to the Community Council.

It was reported that a dispensation was sought as Councillor Llewellyn had a personal interest in the matter by virtue of paragraph 10(2)(ii) of the Code of Conduct in that it related to or was likely to affect his employer, namely Carmarthenshire County Council.

Councillor Llewellyn's interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Llewellyn had accordingly requested that a dispensation be granted under regulation 2 (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations on the basis his participation in any debate at meetings of the Community Council would not damage public confidence.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor I.R. Llewellyn to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of County Council assets to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term [May 2017].**

**10. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R.A. DAVIES**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 8 refers) it had granted dispensation, until the 9<sup>th</sup> September, 2016, to Councillor W.R.A. Davies, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Davies seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor W.R.A. Davies, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of tennis facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Davies had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was Secretary and Treasurer of the Llandybie Tennis Club.

Councillor Davies' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor W.R.A Davies to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term [May 2017].**

**11. APPLICATION FOR DISPENSATION BY COUNCILLOR E.W. NICHOLAS**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 7 refers) it had granted dispensation, until the 9<sup>th</sup> September, 2016, to Councillor E.W. Nicholas, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Nicholas seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor E. W. Nicholas, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie

Community Council in relation to the proposed transfer of tennis facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Nicholas had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Tennis Club.

Councillor Nicholas' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor E.W. Nicholas to **SPEAK BUT NOT VOTE** at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term [May 2017].

## **12. APPLICATION FOR DISPENSATION BY COUNCILLOR B. REES**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 6 refers) it had granted dispensation, until the 9<sup>th</sup> September, 2016, to Councillor B Rees, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Rees seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor B Rees, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Rees had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Bowls Club.

Councillor Rees' interest was also prejudicial, as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor B Rees to **SPEAK BUT NOT VOTE** at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie

**Community Council, and that the Dispensation be valid until the end of the current electoral term [May 2017].**

**13. STANDARDS COMMITTEE ANNUAL REPORT 2015/16**

The Committee considered the draft Annual Report on the work undertaken by the Committee during 2015/16 and noted that, if adopted, it would be presented to either the November or December meeting of the County Council for approval.

The Chair agreed to provide a 'Conclusion' to the report.

**RESOLVED TO RECOMMEND TO COUNCIL that the Standards Committee Annual Report 2015/16 be adopted.**

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**CHAIR**

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**DATE**