

STANDARDS COMMITTEE

Friday, 19 October 2018

PRESENT: Mr M.A. Morgan (Chair)

Independent Members:

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

Councillors:

S.J.G. Gilasbey, J.G. Prosser (In place of A.S.J. McPherson) and G.B. Thomas

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

K. Thomas, Democratic Services Officer

E. Bryer, Democratic Services Officer

Chamber, County Hall, Carmarthen - County Hall, Carmarthen. SA31 1JP. - 10.00 am - 12.00 pm

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor A. McPherson.

2. DECLARATIONS OF PERSONAL INTEREST.

Member	Item Number	Nature of Interest
Councillor J. Prosser	4 – Application for Dispensation by Councillor Andre McPherson	Personal Friend
Julie James	5 – Application for Dispensation by Councillor Edward Thomas	Co-member of the Audit Committee with Councillor Thomas

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 15TH JUNE, 2018

RESOLVED that the minutes of the meeting of the Standards Committee held on the 15th June, 2018 be signed as a correct record.

4. APPLICATION FOR DISPENSATION BY COUNCILLOR ANDRE McPHERSON

(NOTE: Councillor J. Prosser, having earlier declared an interest in this item, left the meeting during its consideration by the Committee)

The Committee considered an application submitted by County Councillor Andre McPherson, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak, vote and make written representations in respect of any council business relating to mental health issues, and the provision of mental health services, but not including any

application by Llanelli MIND or any other MIND Charities for funding or for any regulatory approval.

It was reported that a dispensation was sought as Councillor McPherson had a personal interest in these matters by virtue of paragraph 10(2)(a)(i) of the Members Code of Conduct in that he worked as a clinical psychologist and also paragraph 10(2)(a)(ix)(bb) in that he was Chairman of the charity Llanelli MIND.

Councillor McPherson's interest was also prejudicial in that 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 McPherson had accordingly requested that a dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

Following a discussion it was

RESOLVED that dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to County Councillor Andre McPherson to SPEAK, BUT NOT VOTE, AND MAKE WRITTEN REPRESENTATIONS on any council business relating to mental health issues and the provision of mental health services, excluding any application by Llanelli MIND or any other MIND Charities for funding, or for any regulatory approval, and the dispensation be valid until the end of his current term of office.

5. APPLICATION FOR DISPENSATION BY COUNCILLOR EDWARD THOMAS

(NOTE: Mrs J. James had earlier declared an interest in this item)

The Committee considered an application submitted by County Councillor Edward Thomas for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak at meetings of Llandeilo Fawr Town Council in respect of any council business relating to the annual grant from the Town Council to the Llandeilo and District Sports Association

It was reported that a dispensation was sought as Councillor Thomas had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Members Code of Conduct in that he was Chairman of the Llandeilo and District Sports Association.

Councillor Thomas' interest was also prejudicial in that 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 Thomas had accordingly requested that a dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

Following a discussion it was

RESOLVED that dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Edward Thomas to SPEAK ONLY at meetings of Llandeilo Fawr Town Council on any council business relating to the annual grant from the Town Council to the Llandeilo and District Sports Association, and the dispensation be valid until the 31st December, 2019.

6. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT

The Committee considered the Public Service Ombudsman for Wales' Annual Report for 2017/18 incorporating the Statement of Accounts and providing information on both maladministration and Code of Conduct cases dealt with by his office during the period of the report.

The Committee noted that the key points from the report detailed:

- A total of 270 code complaints had been received during the reporting period representing a 14% increase on the previous year, and being entirely due to a 33% increase in code complaints against town and community councils, the most common of which was a failure by a member to promote quality and respect.
- Of those complaints, (plus some brought forward from the previous year) the Ombudsman had closed 247, having investigated 30 (down 32%) and found evidence of a breach in only 13 (down 41%);

With specific reference to Carmarthenshire County Council, it was noted that a total of 6 Code of Conduct Complaints had been made against council members, all of which were closed after initial consideration.

With regard to Code of Conduct complaints against Town and Community Councils within Carmarthenshire, the Ombudsman had dealt with 17 complaints against community councillors i.e. Llanddowror & Llanmiloe (2), Llanelli Rural Council (1), and Pembrey and Burry Port (14).

The Legal Services Manager referred to the 14 complaints received against the Pembrey and Burry Port Town Council and advised that the Monitoring Officer would be providing Code of Conduct Training for that Authority.

A reference was made to the complaints made against both County and Town and Community Councillors and to whether it would be possible for the Committee to be provided with additional information on those complaints. The Legal Services Manager confirmed he would discuss the request with the Council's Monitoring Officer.

Reference was made to page 73 of the report and the analysis by age group of complaints received by the Ombudsman, whereby 60% were in the 35-65 age group and only 14% in the under 35's. A question was raised on whether it would be possible for Town and Community Councils to provide a breakdown of their members by age and how many had attended Code of Conduct Training. The Legal Services Manager advised that he would include such a request within the annual questionnaire sent to the Town and Community Council's and for the incorporation of the responses within the Committee's next annual report.

UNANIMOUSLY RESOLVED that the report be received.

7. ADJUDICATION PANEL FOR WALES DECISION

The Committee considered a report recently published by the Adjudication Panel for Wales detailing its findings in the case of a former Monmouthshire County Councillor (now community councillor) Graham Down. The matter had been referred to the Panel by the Public Services Ombudsman for Wales as a result of complaints received that Councillor Down had breached the Code by failing to show respect and consideration for others by making a series of homophobic statements in e-mails to the Council's Chief Executive. The Panel having considered the content of five of the e-mails had found Councillor Down had breached the Members Code of Conduct in respect of two of those and had imposed a 2 month period of suspension.

UNANIMOUSLY RESOLVED that the report be received.

8. ADJUDICATION PANEL FOR WALES - SANCTIONS GUIDANCE

The Committee considered guidance issued by the Adjudication Panel for Wales to Standards Committees on the imposition of sanctions following a finding that a councillor had breached the Code of Conduct. The Guidance identified the following five areas for Standards Committees in investigating code complaints:-

1. The underlying principles to be applied when imposing a sanction in such cases;
2. The relevance of human rights laws, particularly Article 10 of the European Convention on Human Rights (freedom of expression);
3. The correct process for determining an appropriate sanction, namely:-
 - (a) Assessing the seriousness of the breach
 - (b) Identifying the most appropriate type of sanction
 - (c) Considering relevant mitigating and aggravating sanctions
 - (d) Considering if any further adjustment was necessary to ensure the sanction was appropriate
 - (e) Confirming the sanction and the reasons for choosing it.
4. The range of sanctions available to Standards Committees.
5. Examples of mitigating and aggravating factors that may be taken into account.

In addition to the above, the Guidance also provided advice on the power of the Adjudication Panel to make recommendations to a local authority and its Standards Committee regarding their functions and the authority's code of conduct.

UNANIMOUSLY RESOLVED that the report be received.

9. OMBUDSMAN'S CODE OF CONDUCT CASEBOOK

The Committee considered the Public Service Ombudsman for Wales' latest issue of the 'Code of Conduct' Casebook, published in July 2018, detailing summaries of 3 code investigations undertaken relating to members of County and Community Councils. None of the cases related to councillors from Carmarthenshire.

UNANIMOUSLY RESOLVED that the report be received.

10. WLGA SOCIAL MEDIA GUIDE FOR COUNCILLORS

The Committee considered a guide issued by the Welsh Local Government Association for councillors in relation to the use of social media. The guide explained some of the more common types available, the advantages and disadvantages of its use, 'Golden Rules' for its use and its relationship with the Members' Code of Conduct and also referencing the various criminal and civil liabilities that could arise from any misuse.

The Committee welcomed the report and commented on the need for use of social media to be incorporated within future code of conduct training provided by the Council. It was also of the view the guidance should be forwarded to the clerks of Town and Community Councils within Carmarthenshire for dissemination to their elected members.

The Legal Services Manager responded to a question on whether a newer edition of the Guide had been issued by the WLGA containing a section on online abuse and if available would ensure that version's circulation to the Clerks of the Town and Community Councils

UNANIMOUSLY RESOLVED:

- 10.1 That the report be received;**
- 10.2 That use of Social Media be incorporated within future Code of Conduct Training provided for County and Town and Community Councillors within Carmarthenshire**
- 10.3 A copy of the Social Media Guide be sent to the clerks of the Town and Community Councils within Carmarthenshire.**

11. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS 2018

The Committee received a report on two training sessions held on the 14th and 26th June, 2018 on the Members Code of Conduct for Town and Community Councils attended by 80 delegates representing 30 different Town and community Councils. It was noted that copies of the training presentation, case studies and the 'easy use' guide on personal interests had been sent to all the Town and Community Councils within Carmarthenshire.

A discussion was held on various ways of increasing the number of town and community councillors attending the training which, included retention of the existing training format in County Hall, increased use of the Welsh medium, issue of personal invitations to councillors, use of social media, online electronic aides together with an online video of the training,

UNANIMOUSLY RESOLVED that the report be received

12. 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