

# STANDARDS COMMITTEE

14 JUNE 2019

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

**Independent Members:**

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

**Community Member:**

Town Councillor P. Rogers.

**Councillor:** G.B. Thomas

**The following Officers were in attendance:**

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

R. Edgecombe, Legal Services Manager;

C.M. Rees, Graduate Trainee Solicitor;

J. Owen, Democratic Services Officer.

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

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J. Gilasbey.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. APPLICATION FOR DISPENSATION BY COUNCILLOR B CHAPMAN  
WHITLAND TOWN HALL COMMITTEE**

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in relation to matters regarding Whitland Town Hall Committee.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member of the Committee.

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

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

The Graduate Trainee Solicitor 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 dispensation be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to **SPEAK** only at meetings of Whitland Town Council in relation to matters regarding Whitland Town Hall Committee and that the dispensation be valid until the end of his current term of office.

#### **4. APPLICATION FOR DISPENSATION BY COUNCILLOR B CHAPMAN DEMENTIA FRIENDLY COMMUNITY ACTION GROUP**

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to matters regarding the Laugharne, St. Clears, Whitland and surrounding areas Dementia Friendly Community Action Group.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member and Chair of the Group's Committee.

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

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

The Graduate Trainee Solicitor 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 and vote.

Following a discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to **SPEAK** only at meetings of Whitland Town Council in relation to matters regarding the Laugharne, St. Clears, Whitland and surrounding areas Dementia Friendly Community Action Group until the end of his current term of office.

## **5. APPLICATION FOR DISPENSATION BY COUNCILLOR B CHAPMAN - WHITLAND CIVIC WEEK COMMITTEE**

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in relation to matters regarding Whitland Civic Week Committee.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member of the Committee.

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

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

Following a discussion it was

**RESOLVED that dispensation be granted under Regulation 2 (d) (e) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to SPEAK only at meetings of Whitland Town Council in relation to matters regarding Whitland Civic Week Committee until the end of his current term of office.**

## **6. REVIEW OF THE CORPORATE WHISLEBLOWING POLICY**

The Committee considered the Corporate Whistleblowing Policy which had been reviewed by officers in light of any changes in legislation, case law and guidance since the last review. However it was reported that officers were satisfied that the Policy remained fit for purpose and therefore further revision at this stage were not required.

The Committee noted that between 1<sup>st</sup> April, 2018 and 31<sup>st</sup> March, 2019 a total of 6 Whistle blowing complaints were received. One was resolved after an initial investigation concluded where no action was required and the remaining 5 matters were ongoing.

Furthermore, it was reported that 3 cases had been carried over from 2017/2018, of these one was still ongoing. The other 2 cases, one resulted in no action due to there being no evidence to substantiate the complaint and the other case resulted in recommendations to improve procedures, which had since been implemented.

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

- In response to an observation, the Legal Services Manager stated that he would ensure that the section 35 of the policy was updated with correct contact details.
- Reference was made to the Whistleblowing Flowchart appended to the policy as Appendix A. In response to a number of comments raised in relation to training for contact officers and personal safety, the Legal Services Manager explained that depending on the nature of the allegation each case would be risk assessed on an individual basis. Furthermore, the officer would handle the case using their professional judgement. The Head of Legal Services added that 1-2-1 offsite meetings would be exercised in accordance with the Authority's Lone Working Policy.

**UNANIMOUSLY RESOLVED that**

**6.1 the report be noted;**

**6.2 the Council's Corporate Whistle blowing Policy be approved for the next 12 months.**

**7. CODE OF CONDUCT CASEBOOK**

The Committee considered the Public Service Ombudsman for Wales' latest issue of the 'Code of Conduct' Casebook, published in February 2019, detailing summaries of 4 code investigations undertaken where no evidence of a breach was found and 7 cases where although evidence of a breach was found, the Ombudsman considered it was not necessary for him to take any action.

The Committee noted that one of the cases related to a Town Council within Carmarthenshire.

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

**8. CODE COMPLIANCE DATA**

Members were reminded that at its meeting held on the 15<sup>th</sup> March 2019 Committee members expressed concern that a significant proportion of Councils had not provided the requested data for 2017/2018 and that in some cases Councils had never provided data in response to a request from the committee. In light of this, Committee members therefore requested that it be provided with an update as to progress at subsequent meetings.

The Committee considered an update report which stated that as at the date of preparing the report, a total of 35 responses had been received out of 72 Councils.

The Legal Services Manager verbally updated the Committee that a follow-up letter would be sent, this week, to those Councils who have not yet responded and that a further report would be presented to the Committee in September.

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

## **9. CODE OF CONDUCT TRAINING 2019**

The Committee received a report which provided information in relation to the arrangements for the Code of Conduct Training 2019.

The report detailed that, responses had been received from 14 councils. Of these;

- One council had indicated that they would not be taking up the offer of training as members have recently received training from One Voice Wales.
- One council had booked places for the training session in Llanelli on the 10<sup>th</sup> July (3 delegates in total)
- Thirteen councils have booked places for the training session in Carmarthen on the 16<sup>th</sup> July (53 delegates in total)

The Legal Services Manager reported to the Committee that the up to date position was that 89 delegates were due to attend Carmarthen and only 3 had expressed an interest in attending Llanelli.

The Committee noted the oversubscription of attendees on the 16<sup>th</sup> July at Carmarthen and the lack of interest in the Llanelli venue on 10<sup>th</sup> July. In light of this information, the Committee, having discussed a number of options, proposed to cancel the Llanelli venue and hold an additional session in County Hall, Carmarthen in the evening of 10<sup>th</sup> July 2019.

### **UNANIMOUSLY RESOLVED**

- 9.1 the report be received;**
- 9.2 to cancel the Llanelli session on 10<sup>th</sup> July 2019;**
- 9.3 that as well as the Code of Conduct training session in County Hall, Carmarthen on 16<sup>th</sup> July 2019 an additional session be arranged in County Hall, Carmarthen on 10<sup>th</sup> July 2019.**

## **10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 24<sup>TH</sup> APRIL, 2019**

**RESOLVED** that the minutes of the meeting held on the 24<sup>th</sup> April 2019 be signed as a correct record.

## **11. ANY OTHER ITEMS OF BUSINESS**

There were no other items of business raised.

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**CHAIR**

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**DATE**