

STANDARDS COMMITTEE

ANNUAL REPORT 2015/2016

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1. INTRODUCTION

The law requires each and every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council and the constituent community and town councils within the principal council's area.

The Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct, and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales. However it should be noted that only rarely has the Committee been requested to undertake this latter function.

The Committee also receives reports in relation to complaints and compliments, and the operation of the Council's whistle-blowing policy.

2. PERIOD COVERED BY THIS REPORT

This report covers the period 1st April 2015 to 31st March 2016

3. TERMS OF REFERENCE

The role and functions of the committee as set out in the constitution of the Council are;

- To promote and maintain high standards of conduct by councillors and co-opted members
- To assist councillors and co-opted members to observe the Members Code of conduct
- To advise the Council on the adoption or revision of the Members Code of Conduct
- To monitor operation of the Members Code of Conduct
- To advise, or arrange training for councillors and co-opted members on matters relating to the Members Code of Conduct
- To grant dispensations to councillors and co-opted members where they have a personal and prejudicial interest under the Members code of Conduct
- To deal with reports from the Adjudication Panel for Wales and reports from the Monitoring Officer or the Public Services Ombudsman for Wales
- The exercise of the above functions in relation to Town and Community Councils in the County
- To receive annual reports on the operation of the Council's whistleblowing policy

4. CODE OF CONDUCT COMPLAINTS

The Committee has not been required to adjudicate upon any Code of Conduct complaints during the period of this report.

Formal complaints about councillors who are suspected of breaching the Code of Conduct are referred directly to the Public Service Ombudsman for Wales without involving the Standards Committee. Most complaints are resolved by the Ombudsman but, occasionally the Ombudsman may require the Committee to investigate and adjudicate on a complaint.

In 2015-16, however, the Ombudsman did not refer any complaints to the Committee and neither was any matter referred to the Adjudication Panel.

The Committee is kept informed by the Monitoring Officer about the number of complaints relating to Carmarthenshire councillors notified to her by the Ombudsman.

During the period covered by this report a total of 14 code complaints have been made in respect of councillors and co-opted members of councils in Carmarthenshire. These complaints break down as follows;

County Councillors	3
Co-opted Members	0
Town or Community Councillors	11*

- Includes cases where the councillor is also a County Councillor, but where the complaint related to their conduct when acting as a Town or Community Councillor

There has been a significant decrease overall in the number of complaints against Carmarthenshire Councillors, particularly County Councillors compared to last year. However there has been a slight increase in the number of complaints against Town and Community Councillors during this period and it is disappointing to note that that the majority of these complaints were made in relation to members of just one Town Council.

However, the Committee is pleased to note that in none of these cases has the Ombudsman considered that disciplinary action against the members concerned is warranted.

5. APPLICATIONS FOR DISPENSATION

The Committee has considered 65 applications for dispensation from County and Community and Town Councillors during the year.

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.

The Committee continues to approach each application with a presumption in favour of granting a dispensation, wherever it can. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business. However no such delegation has been given during the period of this report.

Details of the applications that have been dealt with can be viewed as part of the minutes of the meetings of the Committee which are accessible on Carmarthenshire County Council's website www.carmarthenshire.gov.uk.

A comparison between the numbers of dispensation applications received since 2009 shows the following;

YEAR	TOTAL	CCC	T/CC	GRANTED	REFUSED	OTHER
2009/10	9	1	8	6	0	N/A
2010/11	6	4	2	6	0	N/A
2011/12	7	6	1	7	0	N/A
2012/13	23	18	5	8	15	N/A
2013/14	27	7	20	26	1	N/A
2014/15	17	1	16	17	0	N/A
2015/16	65	5	60	62	3	N/A

The significant increase in the number of applications received compared to previous years can be accounted for by a number of applications by groups of Town and Community Councillors who share a common interest in a community or voluntary organisation.

6. CODE OF CONDUCT TRAINING

Following a review of the code of conduct training provided to Town and Community Councillors in previous years a decision was again taken to invite each Town and Community Council to send representatives to two training sessions that were held on separate evenings during June 2016. The sessions were well attended, with a total of 92 delegates attending on behalf of a number of different Councils.

7. WHISTLE –BLOWING POLICY

The Committee has oversight of the authority’s whistle-blowing policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for workers who disclose information in the public interest in prescribed circumstances to prescribed persons.

Details of the complaints dealt with during the period of this report are set out below;

New Complaints	Complaints carried over from 2014/15	Cases Concluded	Cases Continuing
9	2	10	1

The number of complaints recorded is higher than in previous years and reflects the considerable work undertaken by the Council to raise awareness of the whistleblowing policy amongst staff and particularly managers.

Of the 10 cases concluded during the period covered by this report two of the complainants were satisfied by the outcome, four dissatisfied, and four provided no feedback.

When considering the number of complaints made under the policy, it is necessary to keep in mind that there is often some overlap with matters relating to grievance, disciplinary matters and dignity at work. The number of whistle blowing complaints received therefore still appears to be consistent with those received by other local authorities.

The Committee has reviewed the Whistle-blowing policy and made changes which reflect the experience of its operation during the year and feedback from elected members following a briefing session in April.

8. COMPLAINTS AND COMPLIMENTS FROM THE GENERAL PUBLIC

In September 2016 the Committee was presented with a report on complaints and compliments received by the Council for 2015/2016. The report provided comparative data with the previous year and an analysis by department. It also summarised the targets and initiatives pursued to date and planned for the following year.

There has been a reduction in the number of complaints received compared with 2014/2015 from 573 to 501, but there are again variations between departments.

However the number of cases dealt with within the required time period fell from 66% to 62%

The overall decrease in complaints, following on from a similar decrease in previous years is pleasing to note and continues a very encouraging trend.

9. PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT FOR 2015/2016

In September 2016 the Committee received the 2015/2016 annual report of the Public Services Ombudsman for Wales. The Ombudsman investigates complaints of maladministration and service failure and also deals with complaints against councillors in respect of alleged breaches of the member's Code of Conduct.

Maladministration

Maladministration complaints against public bodies in general have risen again by 4%. However, the total number of complaints against local authorities fell from 938 to 906 compared to last year, the overall increase in complaints being due to a rise in complaints against the NHS.

In relation to Carmarthenshire County Council, there was a significant (57%) reduction in the number of complaints received and the total of 40 complaints compares well with the Welsh average of 53. Of the 40 complaints received only 3 were investigated (in line with the Welsh average) and no public interest reports were issued.

The Ombudsman continues to be concerned however at the time it takes the Council to respond to requests for information.

Members Code of Conduct

The Ombudsman reported a disappointing 19% increase in Code of Conduct complaints overall compared to the previous year, which is largely attributable to complaints relating to Town and Community Councillors. However the vast majority of complaints continue to be closed after initial consideration.

As indicated earlier however, the number of complaints against elected members of this authority has fallen considerably compared to 2014/2015

10. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS

The committee has again received a report regarding the extent to which Town and Community Councils within the County are complying with the Code of Conduct. The report contained data relating to;

- Code complaints
- Dispensation applications
- Declarations of interest
- Code Training

No particular trends or patterns could be discerned from the data.

CONCLUSION

Christopher Downward
Chairman
Standards Committee

