

# STANDARDS COMMITTEE

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## ANNUAL REPORT 2018/2019

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## **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 the operation of the Council's whistle-blowing policy.

### **1. PERIOD COVERED BY THE REPORT**

This report covers the activities of the Standards Committee during the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019

### **2. 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

### **3. MEMBERSHIP OF THE COMMITTEE**

The Panel consists of 9 members, 3 County councillors, 1 Community councillor and 5 co-opted members.

There have been no changes to the co-opted members of the committee during the year. They are;

Mr. Andre Morgan (Chair)

Mrs. Mary Dodd (Vice-chair)

Mrs. Daphne Evans

Mrs. Julie James

Mr. Alun Williams

There have been no changes to the Community council member of the committee. This is Councillor Philip Rogers (St. Clears Town Council)

There have been some changes to the County Councillor membership of the committee during the year. The current members are;

Councillor. Jeanette Gilasbey

Councillor. Gareth Thomas

Councillor. Rob James (from 12/12/2018)

In addition, the following Councillors have also been members of the committee during the year;

Councillor Louvain Roberts (from 01/04/2018 to 16/05/2018)

Councillor Andre McPherson (from 16/05/2018 to 12/12/2018)

### **4. CODE OF CONDUCT COMPLAINTS**

The Committee was not 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 2018-19 however, the Ombudsman did not refer any complaints to the Committee, nor were any matters referred to the Adjudication Panel for Wales in respect of Councillors from Carmarthenshire.

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 the Ombudsman dealt with a total of 35 code complaints in respect of councillors and co-opted members of councils in Carmarthenshire. Unfortunately this represents a further increase from the number of complaints dealt with during the previous year. Of these 35 complaints, 9 related to County Councillors (6 of which were carried over from 2016/2017) and 26 to Town and Community Councillors (15 of which related to just 1 Town Council).

It should be noted however that in all of these cases the Ombudsman either closed his investigation after initial consideration or found no action was necessary.

Therefore despite the increase in the number of code complaints the committee is satisfied that the vast majority of councillors do comply with the code and that where allegations of breach are made they are either unfounded or are not considered by the Ombudsman to be sufficiently serious to warrant enforcement action.

## **5. APPLICATIONS FOR DISPENSATION**

The Committee considered 55 applications for dispensation from County and Community and Town Councillors during the year, all but 3 of which were either granted or partly granted.

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 practicable, particularly in relation to granting a dispensation to speak. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business. However no such delegation was 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](http://www.carmarthenshire.gov.uk).

A comparison between the numbers of dispensation applications received since 2014/15 shows the following:

YEAR	TOTAL	CCC	T/CC	GRANTED*	REFUSED	OTHER
2014/15	17	1	16	17	0	N/A
2015/16	65	5	60	62	3	N/A
2016/17	21	4	17	18	3	N/A
2017/18	31	7	24	31	0	N/A
2018/19	55	42	13	52	3	N/A

\* either granted or partly granted

## 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 2018. The sessions were well attended, with a total of 80 delegates present representing a large number of different Councils.

## 7. WHISTLEBLOWING POLICY

The Committee has oversight of the authority's Whistleblowing 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 2017/18	Cases Concluded	Cases Continuing
6	3	1	8

The number of complaints continues to be consistent with those received by other local authorities.

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. This can significantly impact upon the time it takes to bring these matters to conclusion.

The Committee reviewed the Whistleblowing Policy during the period covered by this report and made changes which reflected the experience of its operation during the year.

## **8. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS**

The committee 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. However overall the number of code complaints against town and community councillors continues to be very low and none of the complaints that were made were considered serious enough to warrant the Ombudsman taking formal action.

## **9. OTHER ACTIVITIES**

In addition to the above activities the Committee also:

- Received and considered the Annual Report of the Public Services Ombudsman for Wales
- Received and considered case decisions of the Adjudication Panel for Wales
- Received and considered case decisions made by other Standards Committees in Wales
- Received and considered the Code of Conduct casebook published by the Ombudsman

Where appropriate the Committee has identified points of learning and best practice and has taken them into account in their own decision making and included them in the training referred to in paragraph 5 above.

## **10. CONCLUSION**

The committee had a busy year and we are grateful for the help and support given to us by the council's legal department. We have been much encouraged by the generally good levels of compliance with the Code of Conduct exhibited by Councillors across the County and very much hope this will continue.