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Dear Standards Committee Member

STANDARDS COMMITTEE - MONDAY, 18TH SEPTEMBER, 2023

Please find attached copies of the following reports to accompany the main Agenda.

Agenda No	Item
6.	<u>CODE OF CONDUCT DATA 2022-2023</u> Detailed Code Data Report (Pages 3 - 4)
8.	<u>PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT</u> Annual Letter 2022/23 (Pages 5 - 14)

Yours sincerely

Wendy Walters

Chief Executive

Encs

Wendy Walters

Prif Weithredwr, Neuadd y Sir,
Caerfyrddin, Sir Gaerfyrddin SA31 1JP
Chief Executive, County Hall,
Carmarthen, Carmarthenshire SA31 1JP



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg
You are welcome to contact me in Welsh or English

CODE OF CONDUCT DATA GATHERING EXERCISE

2022-2023

Section 1 - Code of Conduct Complaints

The Ombudsman's annual report records that in 2022-2023 a total of 4 Code of Conduct complaints were concluded against Town and Community Councillors from Carmarthenshire. This is the same number as in 2021-2022. As the committee is aware however the 2022-2023 figures include 2 cases referred to the committee for determination and which ultimately resulted in the suspension of the 2 councillors in question.

Overall, however the number of concluded complaints remains very low when considered against the overall number of Town and Community Councillors in the County.

There is no obvious pattern of complaints against councillors of particular councils. There were no concluded complaints against more than 1 councillor from the same council.

Section 2 – Dispensation Applications

During the year 2022-2023 the committee received 14 dispensation applications from Town and Community Councillors (including twin-hatted members). All but 1 was granted.

By comparison in 2021-2022 the committee received 3 dispensation applications from Town and Community Councillors. Again, all but one was granted.

The increase in the number of applications is likely to be driven by the May 2022 elections and the lapse of dispensations granted prior to that date.

The proportion of dispensation applications compared to the overall number of councillors continues to be extremely low.

Section 3 – Declarations of Interest

Of the 58 Councils that responded only four (Cynwyl Gaeo, Whitland, Henllanfallteg and Llangain) recorded no declarations of interest.

Thirteen councils recorded 20 or more declarations of interest, with 3 Councils (Pembrey and Burry Port, Llanelli Rural and Llanelli Town) recording 50 or more.

Nine councils recorded between 10 and 20 declarations, the remainder recording under 10.

By comparison, during the year 2021-2022 of the 67 councils that responded, nine councils recorded no declarations of interest and eleven councils recorded twenty or more

declarations. Again three councils recorded fifty or more declarations (Pembrey, Llanelli Rural and Cwmamman Town).

Twelve councils recorded between 10 and 20 declarations during that period , the remaining councils recording less than 10.

Therefore during the last 2 years of the councils that have responded to the survey 86% recorded at least 1 declaration in 2021-2022 and 93% did so in 2022-2023.

When considering these figures it needs to be recognised that the fact a declaration of interest has been made does not necessarily mean the councillor in question has been unable to participate in the relevant council business.

Section 4 – Code of Conduct Training

Twenty one Councils reported that their members had received no code of conduct training during 2022-2023. One Council reported that they were not sure whether any such training had been received. This overall represents 36% of the Councils that responded.

By comparison 36 out of the 67 Councils that responded in 2021-2022 reported that their members either had not received code training during the year or that they were unsure whether they had. This represented 53% of those who had responded.

Section 5 – Training Plans

Of the Councils that responded, 37 (64%) confirmed that they have formally adopted a training plan in line with the Local Government and Elections (Wales) Act 2021. 14 Councils (24%) confirmed that they had not and 7 Councils (12%) were unsure whether they had or not.

Given that, to be adopted a training plan should have been formally approved at a meeting of the Council in question (and that fact recorded in the minutes) then it is likely that those Councils who are 'unsure' if a plan has been adopted have not in fact done so.

If those Councils who failed to respond to the survey have also failed to properly adopt a training plan, then only 51% of Councils have adopted a plan and 49% have not, despite it being a legal requirement for them to do so.

Of the 37 training plans that have been adopted, 5 do not require their members to undertake code of conduct training.


Of the 37 Councils that had adopted training plans, 10 reported that they had not been implemented or were unsure if they had been implemented.

A spreadsheet and graphs setting out this data for 2022/2023 is also annexed to this report




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Ask for: Communications

 01656 641150

Date: 17 August 2023

 Communications
@ombudsman.wales

Cllr. Darren Price
Carmarthenshire County Council
By Email only: leader@carmarthenshire.gov.uk

Annual Letter 2022/23

Dear Councillor Price

I am pleased to provide you with the Annual letter (2022/23) for Carmarthenshire County Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

This letter coincides with my Annual Report – “[A year of change – a year of challenge](#)” – a sentiment which will no doubt resonate with public bodies across Wales. My office has seen another increase in the number of people asking for our help – up 3% overall compared to the previous year, and my office now receives double the number of cases we received a decade ago.

In the last year, I have met with public bodies across Wales – speaking about our casework, our recommendations, and our proactive powers. The current climate will continue to provide challenges for public services, but I am grateful for the positive and productive way in which local authorities continue to engage with my office.

1,020 complaints were referred to us regarding local authorities last year - a reduction of 11% compared to the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the

ombwdsmon.cymru
holwch@ombwdsmon.cymru
0300 790 0203
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Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Supporting improvement of public services

Despite the challenges of last year, we have pushed forward with our proactive improvement work and launched a new Service Quality process to ensure we deliver the standards we expect.

Last year, we began work on our second wider Own Initiative investigation – this time looking into carers assessments within local authorities. This investigation will take place throughout the coming year, and we look forward to sharing our findings with all local authorities – not just those involved in the investigation.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating our model policy. We've also now provided more than 400 training sessions since we started, with local authorities, in September 2020.

We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 4% of Carmarthenshire County Council's complaints were referred to PSOW.

I would encourage Carmarthenshire County Council, and specifically your Audit and Governance Committee, to use this data to better understand your performance on complaints and consider how well good complaints handling is embedded throughout the Authority.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

cc. Wendy Walters, Chief Executive, Carmarthenshire County Council.
By Email only: chiefexecutive@carmarthenshire.gov.uk



Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	16	0.24
Bridgend County Borough Council	55	0.38
Caerphilly County Borough Council	49	0.28
Cardiff Council*	142	0.39
Carmarthenshire County Council	53	0.28
Ceredigion County Council	35	0.49
Conwy County Borough Council	31	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	65	0.42
Cyngor Gwynedd	36	0.31
Isle of Anglesey County Council	25	0.36
Merthyr Tydfil County Borough Council	17	0.29
Monmouthshire County Council	23	0.25
Neath Port Talbot Council	39	0.27
Newport City Council	42	0.26
Pembrokeshire County Council	44	0.36
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council**	54	0.23
Swansea Council	94	0.39
Torfaen County Borough Council	16	0.17
Vale of Glamorgan Council	49	0.37
Wrexham County Borough Council	65	0.48
Total	1020	0.33
* inc 9 Rent Smart Wales		
** inc 2 South Wales Parking Group		



Appendix B - Received by Subject

Carmarthenshire County Council	Complaints Received	% share
Adult Social Services	4	8%
Benefits Administration	1	2%
Children's Social Services	1	2%
Community Facilities, Recreation and Leisure	1	2%
Complaints Handling	12	23%
Covid19	0	0%
Education	1	2%
Environment and Environmental Health	4	8%
Finance and Taxation	2	4%
Housing	18	34%
Licensing	0	0%
Planning and Building Control	7	13%
Roads and Transport	1	2%
Various Other	1	2%
Total	53	



Appendix C - Complaint Outcomes
(* denotes intervention)

Carmarthenshire County Council		% Share
Out of Jurisdiction	6	10%
Premature	27	45%
Other cases closed after initial consideration	20	33%
Early Resolution/ voluntary settlement*	7	12%
Discontinued	0	0%
Other Reports - Not Upheld	0	0%
Other Reports Upheld*	0	0%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
Total	60	



Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	16	0%
Bridgend County Borough Council	5	57	9%
Caerphilly County Borough Council	6	52	12%
Cardiff Council	25	145	17%
Cardiff Council - Rent Smart Wales	1	9	11%
Carmarthenshire County Council	7	60	12%
Ceredigion County Council	13	44	30%
Conwy County Borough Council	5	35	14%
Denbighshire County Council	2	33	6%
Flintshire County Council	5	70	7%
Cyngor Gwynedd	5	33	15%
Isle of Anglesey County Council	5	25	20%
Merthyr Tydfil County Borough Council	1	18	6%
Monmouthshire County Council	1	22	5%
Neath Port Talbot Council	7	38	18%
Newport City Council	8	48	17%
Pembrokeshire County Council	3	45	7%
Powys County Council	8	44	18%
Rhondda Cynon Taf County Borough Council	2	54	4%
Rhondda Cynon Taf County Borough Council - South Wales Parking Group	0	2	0%
Swansea Council	10	99	10%
Torfaen County Borough Council	1	17	6%
Vale of Glamorgan Council	15	53	28%
Wrexham County Borough Council	6	67	9%
Total	141	1086	13%



Appendix E - Code of Conduct Complaints

		Carmarthenshire County Council
Investigations	Decision not to investigate	0
	Discontinued	10
	No evidence of breach	0
	No action necessary	0
	Refer to Adjudication Panel	1
	Refer to Standards Committee	0
	Total	11



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Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations					Total
		Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	
Betws Community Council	0	0	0	0	0	0	0
Cwmaman Town Council	0	0	0	0	0	0	0
Kidwelly Town Council	1	0	0	0	0	0	1
Llandovery Town Council	0	0	0	0	0	1	1
Llanelli Rural Council	0	0	0	0	0	0	0
Llanelli Town Council	0	0	0	0	0	1	1
Llanfynydd Community Council [Carmarthenshire]	0	0	0	0	0	0	0
Llangunnor Community Council	0	0	0	0	0	0	0
Llannon Community Council	0	0	0	0	0	0	0
Pembrey & Burry Port Town Council	1	0	0	0	0	0	1



Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2022/23. These complaints are contextualised by the population of each authority.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2022/23. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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holwch@ombwdsmon.cymru
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