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FRIDAY, 4 JUNE 2021

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A VIRTUAL MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE **AT 10.00 AM, ON MONDAY, 14TH JUNE, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Janine Owen
Telephone (direct line):	01267 223040
E-Mail:	JanineOwen@carmarthenshire.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

STANDARDS COMMITTEE

MEMBERSHIP: 9 MEMBERS

Independent Members (5)

- | | | |
|----|--------------------|-----------------------------|
| 1. | Mrs Mary Dodd | Vice-Chair of the Committee |
| 2. | Mrs Daphne Evans | |
| 3. | Mrs Julie James | |
| 4. | Mr M. Andre Morgan | Chair of the Committee |
| 5. | Mr Alun Williams | |

Community Committee Member (1)

- | | |
|----|-------------------------------|
| 1. | Town Councillor Philip Rogers |
|----|-------------------------------|

Elected Members of the County Council (3)

- | | |
|----|------------------------------|
| 1. | Councillor Jeanette Gilasbey |
| 2. | Councillor Rob James |
| 3. | Councillor Gareth Thomas |

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 25TH MARCH 2021. 5 - 8
4. APPLICATION FOR DISPENSATION BY COUNCILLOR N. E. HOLMAN 9 - 18
5. REVIEW OF WHISTLEBLOWING POLICY 19 - 40
6. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 41 - 44
7. CODE OF CONDUCT DATA 45 - 48
8. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS 49 - 52
9. OMBUDSMANS CODE OF CONDUCT CASEBOOK 53 - 66
10. 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.

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Thursday, 25 March 2021

PRESENT: M. Dodd (Chair)*

Independent Members:

D. Evans, J. James, M.A. Morgan* and A. Williams;

Community Member:

Town Councillor P. Rogers;

Councillors:

S.J.G. Gilasbey and G.B. Thomas;

*[NOTE: M. Dodd (Vice Chair) chaired the meeting due to technical issues experienced by M.A. Morgan (Chair) in joining the virtual meeting]

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;
M. Evans Thomas, Principal Democratic Services Officer;
J. Corner, Technical Officer;
S. Rees, Simultaneous Translator;
R. Lloyd, Democratic Services Officer;
M.S. Davies, Democratic Services Officer.

Virtual Meeting: 10.00 am - 11.10 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. MINUTES - 14TH DECEMBER, 2020

UNANIMOUSLY RESOLVED that the minutes of the meeting held on the 14th December 2020 be signed as a correct record.

4. DISPENSATION APPLICATION BY CLLR. JOHN JENKINS

The Committee considered an application submitted by County Councillor John Jenkins for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and make written representations only at meetings of Llanelli Town Council and Carmarthenshire County Council in respect of "Matters relating to collection of refuse in Brettenham Street and highway safety issues exiting Brettenham Street onto Chapman Street and Pryce Street", Llanelli.

Councillor Jenkins's interest was personal and prejudicial as he lived in Brettenham street and 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.

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 John Jenkins to **SPEAK AND MAKE WRITTEN REPRESENTATIONS ONLY** on matters relating to collection of refuse in Brettenham Street and highway safety issues exiting Brettenham Street onto Chapman Street and Pryce Street, Llanelli.

5. ADJUDICATION PANEL FOR WALES DECISIONS

The Committee considered a report recently published by the Adjudication Panel for Wales detailing its findings in the cases of former Sully and Lavernock Community Councillor Baguley, in relation to social media posts, and Councillor Kevin O'Neill of Merthyr Tydfil Borough Council, in relation to a personal and prejudicial interest and his treatment of the former Chief Executive of the Relevant Authority.

The matters had been referred to the Panel by the Public Services Ombudsman for Wales as a result of complaints received.

With regard to former Councillor Baguley the Panel had concluded by a unanimous decision that the Respondent should be disqualified for 15 months from being or becoming a member of Sully and Lavernock Community Council or of any other relevant authority within the meaning of the Local Government Act 2000.

With regard to Councillor O'Neill the Panel had concluded by a unanimous decision that the Respondent should be suspended from acting as a member of the Relevant Authority for a period of seven months or, if shorter, the remainder of his term of office from the date of the decision notice.

The Committee was of the view that the first case referred to above emphasised the importance of including reference to the use of social media in Code of Conduct training.

UNANIMOUSLY RESOLVED that the report be received.

6. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

The Committee was reminded that arrangements for the delivery of code of conduct training to town and community councillors within the county was a task that fell within its remit. Whilst annual sessions were, in normal circumstances, usually held in County Hall, in 2020, due to the Coronavirus pandemic, these sessions had been cancelled and training notes had, instead, been circulated to all town and community councils. Following several enquiries from town and community councils about when further training sessions would be held the Committee was asked to consider, in light of the ongoing restrictions associated with the pandemic, the option of hosting an online training session via Zoom or Microsoft Teams as the only alternatives would be to defer the sessions for another year or provide copies of training notes as in 2020.

Members considered it important that a training session in some form should be held, as opposed to the distribution of notes, and that guidance on the use of social media should be included, particularly in light of the findings of the Adjudication Panel for Wales referred to in minute 5 above.

UNANIMOUSLY RESOLVED that the Legal Services Manager be requested to explore the possibility of arranging Code of Conduct Training online and ascertaining from town and community councils their ability to participate.

7. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS

The Legal Services Manager presented a report wherein the Committee was reminded that Town and Community Councils were annually requested to provide data regarding code of conduct compliance by their members and the responses received were combined with data held by the Monitoring Officer to provide a comprehensive overview of code compliance by these councillors covering:

1. Declarations of interest
2. Dispensation requests
3. Code of conduct complaints
4. Code of conduct training.

Whilst the majority of Councils had consistently provided the requested data, a small minority had failed to do so, some for several years. Accordingly, it was suggested that a letter requesting information along the lines appended to the report be sent to all Town and Community Councils immediately after the end of the current municipal year, with a view to the data being collated in time to be presented to the committee at its December meeting. The Legal Services Manager noted a number of minor suggested changes to the letter.

UNANIMOUSLY RESOLVED to endorse the action proposed above.

8. 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

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STANDARDS COMMITTEE

14TH JUNE 2021

APPLICATION FOR DISPENSATION BY COUNCILLOR N. E. HOLMAN		
Recommendations / key decisions required: To consider and determine the application.		
Reasons: The committee has a statutory role to consider and determine such applications.		
Relevant scrutiny committee to be consulted NA		
Exec. Board Decision Required		NO
Council Decision Required		NO
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr. Emlyn Dole – Leader of the Council		
Directorate: Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Email addresses: rjedgeco@carmarthenshire.gov.uk 01267 224018

STANDARDS COMMITTEE

14TH JUNE 2021

APPLICATION FOR DISPENSATION BY COUNCILLOR N. E. HOLMAN

An application for dispensation has been received from Llannon Community Councillor Nathan Edward Holman to speak and vote in respect of matters relating to the finances and staff at Llannon Community Council.

Cllr. Holman has a personal and prejudicial interest in such matters as his partner is the RFO/Hall Manager for the Council.

Cllr Holman asks that the dispensation be granted on the grounds that his participation in any such council business will not damage public confidence and that his participation is justified by his expertise as a long-standing trade union representative.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed *Linda Rees-Jones* Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed *Linda Rees-Jones* Head of Administration and Law

1. Scrutiny Committee – N/A
2. Local Member(s) - N/A
3. Community / Town Council – N/A
4. Relevant Partners - N/A
5. Staff Side Representatives and other Organisations - N/A

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**
NO

N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services File	DPSC-187	County Hall, Carmarthen

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**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Cllr Nathan Edward Holman

Name of your Council: Llannon Community council

Your address and postcode: 113 Heol Bryngwili, Crosshands, Llanelli, SA14 6LY

Contact telephone number(s): 07853839506

Email address: nathan_holman21@hotmail.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration? Discussing and voting on matters pertaining to the finances and staff at Llannon Community council

What is your interest in the above matter? My partner is the RFO/Hall manager for Llannon community council.

When will the above matter be considered? All the time in the running of Llannon Community Council

Are you applying for dispensation to:

Speak only: ☐

Speak and vote: ☒

Make written
Representations ☐

Exercise Executive
Powers ☐

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

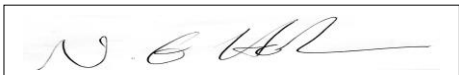
(Please note that failure to complete this section will result in the application form being returned to you)

I believe that my expertise in being a long-standing Union Representative and member of the Welsh Ambulance Services NHS Trust Board are invaluable in the decisions that need to be made relating to the finances and all staff matters within Llannon Community Council. I have a good knowledge and understanding, due to my positions, in Employment law, finances and senior management that are highly needed when considering employment matters and the financial running of the council. I believe that without this guidance the council could fail to see employment issues and are therefore open to scrutiny and possible action for failing to follow employment law along with losing my guidance in financial aspects of running the council. I believe that being prevented from taking part in debate and voting on financial issues and all staff matters in Llannon Community council is of detriment to the council and massively reduces my ability to function as a community councillor and potentially almost makes me redundant as an elected representative.

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

29 / May /2021

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

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- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	X
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 (as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

STANDARDS COMMITTEE

14TH JUNE 2021

REVIEW OF WHISTLEBLOWING POLICY		
Recommendations / key decisions required: To note and approve the changes to the Policy		
Reasons: Officers have reviewed the policy and resolved to make some slight changes to improve processes and reflect recent practical experience.		
Relevant scrutiny committee to be consulted NA		
Exec. Board Decision Required		NA
Council Decision Required		NA
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Emlyn Dole - Leader		
Directorate: Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Tel: Email addresses: rjedgeco@cardiffshire.gov.uk 01267 224018

EXECUTIVE SUMMARY
STANDARDS COMMITTEE

14TH JUNE 2021

REVIEW OF WHISTLEBLOWING POLICY
--

Council officers have recently reviewed the Whistleblowing Policy and made slight changes aimed at improving processes and reflecting recent experiences.

A copy of the draft revised policy is attached showing the changes

These are as follows

- A new paragraph 20 dealing with whistleblowing complaints by employees of the Council's Local Authority Trading Companies. *(NB. If approved, this will cause subsequent paragraphs to be renumbered accordingly.*
- A change to the flowchart in Appendix A to provide that the feedback form is sent to whistle-blowers by the Contact Officer instead of the Monitoring Officer.
- A change to the Feedback form inserting email contact details for where it should be sent.

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

NO

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services file	DPSC-187	County Hall, Carmarthen

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WHISTLEBLOWING POLICY



Legal Protection for Workers with Concerns at Work:

**Employee; Casual Worker; Volunteer; Contractor;
Agency Worker: Consultant.**

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What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistle-blowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.33), the Council's dedicated Whistleblowing Officers (para.33); a confidential mailbox (para.34), Senior Officers (para.35) or a recognised Trade Union Representative (para.36). You can also seek advice from prescribed organisations independent of the Council regarding your concerns (para.50). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.
9. If you do take the matter outside the Council you should ensure that you do not disclose any confidential information, e.g. client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service, will support the investigation process
- your concerns will be taken seriously
- the Council will do all it can to support you throughout the investigation, e.g. provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged and expected to come forward and voice those concerns.
12. We understand that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.

14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.
15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

Who can blow the whistle?

18. This policy applies to:
 - Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers
 - Employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
 - Those providing services under a contract or other agreement with the Council in their own premises, for example care homes
 - Voluntary workers working with the Council
 - Consultants engaged by the Council
19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within Welsh Government's 'Procedures for Whistleblowing in Schools and Model Policy'.

What can I blow the whistle about?

20. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:
 - Criminal offences
 - Breach of legal obligation
 - Miscarriages of justice
 - Danger to the health and safety of an individual
 - Damage to the environment
 - The deliberate concealing of information about any of the above

21. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The event may already have occurred or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:

- is potentially unlawful, fraudulent or corrupt
- might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations
- could amount to improper conduct by an officer or a member
- might fall below established standards of practice
- constitutes sexual, physical or emotional abuse
- potentially endangers the health and safety of an individual
- is causing, or is likely to cause, damage to the environment
- might involve a miscarriage of justice
- is an attempt to cover up any of the above examples

22. In addition, the Council has signed up to Welsh Government's Code of Practice on Ethical Employment in Supply Chains. The Code covers:

- Modern Slavery;
- Blacklisting;
- False self-employment;
- Unfair use of umbrella schemes and zero hours contracts;
- Paying the national living wage.

You are also encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place and is related to the direct activities or the supply chains of the Council, and this malpractice falls within one or more of the six areas described in Para. 20 above. Further information can be found in the Council's Ethical Employment & Supply Chains Policy.

23. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

How does the policy fit in with other Council policies?

24. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e. any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.

25. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working practices, working environment or organisational change should be raised through the Grievance procedure.

26. Concerns you may have about allegations of bullying, harassment, victimisation or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
27. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
28. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

What if I am already involved in another HR procedure?

29. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy or any other procedures to which you are already subject will not be halted as a result of raising concerns.

How does this policy fit with the Members' Code of Conduct?

30. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively, the Monitoring Officer may decide to refer the matter to the

Members

Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at www.ombudsman-wales.org.uk

What if I want to make anonymous allegations?

31. You can raise concerns anonymously, but they are much less powerful and will be considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

Is my identity kept confidential?

32. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

How do I raise a concern?

33. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead can raise your concerns with your line manager or if you prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:

Whistleblowing Officer	Job Title/e-mail address	Phone number
 Noelwyn Daniel	Head of ICT Service NDaniel@carmarthenshire.gov.uk	01267 246270 (extension 6270)
Nigel J Evans	Practice Support Manager nevans@carmarthenshire.gov.uk	01267 224694 (extension 4694)
Tracey Thomas	Principal Development Officer TrThomas@carmarthenshire.gov.uk	01267 246202 (extension 6202)
Stefan Smith	Head of Children's Services SJSmith@carmarthenshire.gov.uk	01267 246530 (extension 6530)
Nicola J Evans	Business Support Manager NJEvans@carmarthenshire.gov.uk	01267 224124 (extension 4124)
Alan Howells	Business and Development Manager AEHowells@carmarthenshire.gov.uk	01267 228140 (extension 5140)
Cathy Richards	Senior Safeguarding Manager CRichards@carmarthenshire.gov.uk	01267 228995 (extension 2995)



You are welcome to contact me in Welsh or English

1. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.
2. Alternatively, you could contact one of the people listed below;

Name	Job Title/e-mail address	Phone number
Wendy Walters	Chief Executive WSWalters@carmarthenshire.gov.uk	01267 224112
Linda Rees-Jones	Head of Administration and Law/Monitoring Officer lrjones@carmarthenshire.gov.uk	01267 224010
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer rjedgeco@carmarthenshire.gov.uk	01267 224018
Chris Moore	Director of Corporate Services (including responsibility for proper administration of financial affairs) cmoore@carmarthenshire.gov.uk	01267 224120
Paul Thomas	Assistant Chief Executive (People Management) prthomas@carmarthenshire.gov.uk	01267 226123
Andre Morgan	Chair of Standards Committee Andre.morgan@btinternet.com	01974 202564
Helen Pugh	Head of Revenues and Financial Compliance HLPugh@carmarthenshire.gov.uk	01267 246223



You are welcome to contact me in Welsh or English

36. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans	UNISON	unisoncarms1@btconnect.com	01267 224942
Mark Preece Allan Card	Unite	MAPreece@carmarthenshire.gov.uk Allan.Card@unitetheunion.org	07718925787 01646 690618
Peter Hill	GMB	Peter.Hill@gmb.org.uk	01792 467803

37. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

What happens after I have raised my concerns?

38. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your “**Contact Officer**”. This will depend on the nature of your concerns and could be someone else with your agreement. Your Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.
39. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that’s alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
40. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

How will we deal with your concerns?

41. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
- investigated internally by an appropriate person in line with the Council’s Investigation Policy
 - referred to the Police
 - referred to the Wales Audit Office
 - the subject of an independent inquiry.
42. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.
43. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
- indicate how it is proposed to deal with the matter
 - give you an estimate of how long it may take to provide a final response
 - tell you whether any initial enquiries have been made; and
 - inform you whether a full investigation will take place, and if not, why not.
44. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.

45. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.
46. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
47. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

What happens if my concerns are not confirmed after an investigation?

48. If, you raise a concern using this policy but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.
49. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

What happens if I am not happy with the Council's response?

50. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) the Council's Chief Executive or the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C).
Telephone 020 7404 6609 or e-mail info@pcaw.co.uk or
whistle@pcaw.co.uk

- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail whistleblowing@wao.gov.uk or web www.wao.gov.uk/whistleblowers-hotline
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail ask@ombudsman-wales.org.uk or web www.ombudsman-wales.org.uk
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web www.hse.gov.uk
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail cssiw.@wales.gsi.gov.uk or web www.cssiw.org.uk
- Care Council for Wales Tel: 0300 303 3444 ftp@ccwales.org.uk
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: post@childcomwales.org.uk or web www.childcomwales.org.uk
- Natural Resource Wales Tel: 0300 065 3000 Email: enquiries@naturalresourceswales.gov.uk
- The Information Commissioner's Office Tel: 0303 123 1113 or e-mail casework@ico.org.uk or web www.ico.org.uk
- Older People's Commissioner Tel: 02920 445 030 or e-mail ask@olderpeoplewales.com or web www.olderpeoplewales.com

A full list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Who is responsible for this policy?

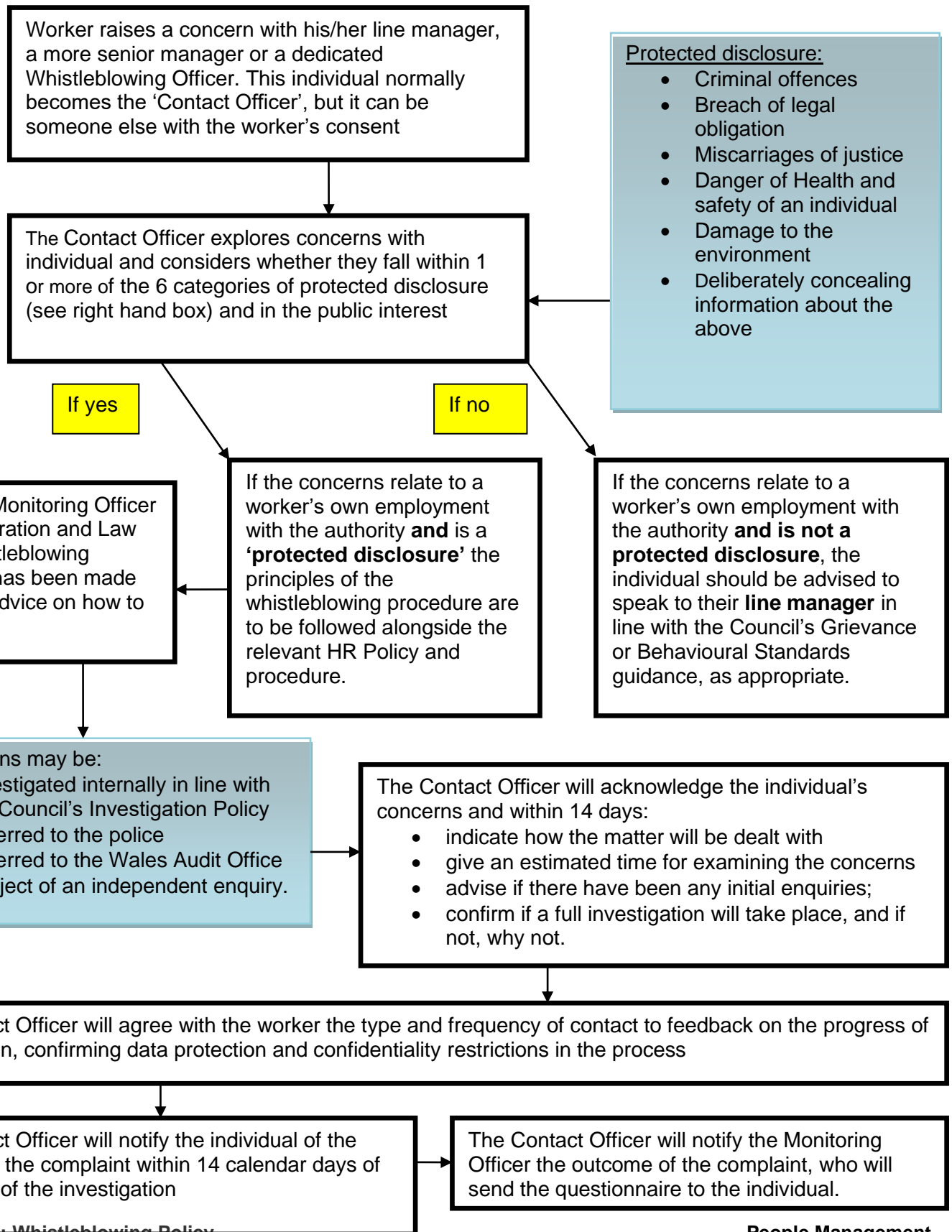
51. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in a format that does not endanger confidentiality) and will report to the Standards Committee annually.
52. This edition of the policy was agreed by the Council's Standards Committee on 15th June. The policy is reviewed annually.

What happens to your 'information' and 'personal data'?

53. The proper handling of personal information by Carmarthenshire County Council is very important to the delivery of our services, undertaking our legal obligations as an employer and maintaining public confidence. Personal data is any information that relates to a person who can be directly or indirectly identified from the information. The terms 'information' and 'personal data' are used and have the same meaning. To ensure that the Council treats your information correctly, we seek to adhere in full to the requirements of Data Protection legislation. The Human Resources – People Management and Legal Services privacy notices have therefore been produced to explain as clearly as possible what we do with your personal data and are available to view on the Council's website.

If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.

WHISTLEBLOWING FLOWCHART



~~Policy: Whistleblowing Policy~~

Adopted: March 2004

Revised: 14th June 2019 at Standards Committee.

CONFIDENTIAL WHISTLEBLOWING PROCEDURE FEEDBACK FORM

We have recently concluded an investigation into your concerns raised under the Council's Whistleblowing Policy. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

1. **To whom did you report your concern?**

☐ Line Manager
☐ Whistleblowing Officer
☐ Trade Union Rep
☐ Other (please specify)

.....
2. **Were you satisfied with the way in which your concern was dealt with by that person?**

☐ Yes
☐ No
3. **If no, please explain why:**

4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**

☐ Yes
☐ No
5. **If yes, where did you see a copy of the Whistleblowing Policy?**

☐ Line Manager
☐ Whistleblowing Officer
☐ Trade Union Rep
☐ Intranet
☐ Other (please specify)
6. **Were you advised of how the concern was being dealt with and the outcome?**

☐ Yes
☐ No
7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**

☐ Yes
☐ No
8. **If no, please explain why:**

Thank you for completing this questionnaire. Please return it to the Monitoring Officer in the envelope provided.

Appendix C

Policies: Whistleblowing Policy
 Adopted: March 2004
 Revised: 14th June 2019 at Standards Committee.



People Management

WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

Case 1 – Fraud in the NHS

The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

Case 2 - Involving a Regulator

The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was

anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

What PCaW advised

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

What happened

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

Case 3 – Theft in a care home

The story

FA worked as a care assistant in an old people's home. He and some of his colleagues were worried that SM, one of the managers, might be stealing cash from the residents. SM, looked after residents' pocket money and kept a record of when sums were paid out. FA was fairly sure that money was recorded as being given out to particular residents when they had received none.

After a while, he thought he had to raise the concern as the amount involved was adding up. After he raised his concerns with the owners of the home, an investigation quickly found FA was right, SM was dismissed and the police were called in. Relations within the home were tense as some of SM's friends strongly objected to the whistleblowing. Within weeks, FA was suspended over allegations that he had mistreated the residents. He rang us.

What PCaW advised

We advised that he should bite his lip and deal with these allegations squarely. Although the investigation found they had no substance, the owners decided to transfer FA to another home. FA was very unhappy and rang us again. We helped him draft a letter to the owners explaining that he wanted to stay at that home and that transferring him after he had blown the whistle would give out the wrong messages to other staff.

What happened

The owners reconsidered and FA stayed at the home. When FA rang to tell us that SM had been convicted of stealing £1400 from the residents, he said the atmosphere in the home was now much improved.

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STANDARDS COMMITTEE

14TH JUNE 2021

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

Recommendations / key decisions required:

To note the legislative changes being made by the Act and how they impact upon the work of the committee

Reasons:

The Act contains several provisions relating to member conduct and the role of Standards Committees

Relevant scrutiny committee to be consulted	NA
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Exec. Board Decision Required	NA
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Council Decision Required	NA
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EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Emlyn Dole - Leader

Directorate:	Designations:	Tel:
Name of Head of Service:	Head of Administration and Law	Email addresses:
Linda Rees-Jones		rjedgeco@carmarthenshire.gov.uk
Report Author:	Legal Services Manager	01267 224018
Robert Edgecombe		

EXECUTIVE SUMMARY

STANDARDS COMMITTEE 14TH JUNE 2021

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

The Local Government and Elections (Wales) Act 2021 contains several provisions coming into force in the future which directly impact upon the work of the committee. These are

- A duty on the leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group.
- A duty on the leaders of political groups to co-operate with the standards committee in the exercise of that committee's functions.
- Amending the functions of the Standards Committee to include monitoring compliance by group leaders with the above duties and advising and training them in respect of those duties.
- Introduces a statutory requirement on Standards committees to produce an annual report as soon as possible after the end of each financial year. And prescribes certain content to be included in those reports, namely.
 - (a) A summary of what has been done to discharge the functions referred to above
 - (b) A summary of any reports or recommendations received
 - (c) A summary of any action taken following consideration of any reports or recommendations received
 - (d) An assessment of the extent to which political group leaders have complied with their duties under the Act
- A duty on Town and Community Councils to develop and publish training plans for their members and staff

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

NO

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services file	DPSC-187	County Hall, Carmarthen

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STANDARDS COMMITTEE

14TH JUNE 2021

CODE OF CONDUCT DATA		
Recommendations / key decisions required: To note the progress made to date in obtaining data from Town and Community Councils		
Reasons: The committee has asked to be kept informed of progress		
Relevant scrutiny committee to be consulted NA		
Exec. Board Decision Required		NA
Council Decision Required		NA
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Emlyn Dole - Leader		
Directorate: Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Tel: Email addresses: rjedgeco@carmarthenshire.gov.uk 01267 224018

EXECUTIVE SUMMARY

STANDARDS COMMITTEE 14TH JUNE 2021

CODE OF CONDUCT DATA

At its meeting in March 2021 the Committee resolved to undertake another annual exercise collecting code compliance data from Town and Community Councils. A letter was sent to all 72 councils on the 13th April 2021 asking for replies by the 1st June 2021.

To date responses have been received from 23 Councils (as at 1st June)

Officers will write again to those Councils that have not responded to date and report back at the next committee meeting.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

EXECUTIVE BOARD PORTFOLIO HOLDER(S) AWARE/CONSULTED

NO

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STANDARDS COMMITTEE

14TH JUNE 2021

CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

Recommendations / key decisions required:

To agree the date for the proposed online training sessions

Reasons:

Dates need to be set following consultation with Town and Community Councils

Relevant scrutiny committee to be consulted	NA
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Exec. Board Decision Required	NA
-------------------------------	----

Council Decision Required NA

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Emlyn Dole - Leader

Directorate:	Designations:	Tel:
Name of Head of Service:	Head of Administration and Law	Email addresses:
Linda Rees-Jones		rjedgeco@carmarthenshire.gov.uk
Report Author:	Legal Services Manager	01267 224018
Robert Edgecombe		

EXECUTIVE SUMMARY

STANDARDS COMMITTEE 14TH JUNE 2021

CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

At its meeting in March, 2021 the committee resolved to offer further code of conduct training to Town and Community Councillors, in the form of two online events during the summer.

Letters were sent to all Town and Community Councils informing them of this and seeking their views.

Of the councils that responded the overwhelming majority indicated an interest in attending such events. A small number however did express concern that a few their members would be unable to attend the event due to a lack of suitable equipment or confidence in its use.

Several councils expressed a desire that the sessions be split between the evening and daytime to accommodate the working patterns of their members.

It is therefore proposed that 2 online sessions be held in July, one in the afternoon and one in the evening. Each session to be held via Zoom.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

EXECUTIVE BOARD PORTFOLIO HOLDER(S) AWARE/CONSULTED

NO

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STANDARDS COMMITTEE

14TH JUNE 2021

OMBUDSMANS CODE OF CONDUCT CASEBOOK		
Recommendations / key decisions required: To note the latest edition of the casebook and identify any relevant points of learning.		
Reasons: The Casebook provides useful guidance on the practical application of the members code of conduct.		
Relevant scrutiny committee to be consulted NA		
Exec. Board Decision Required		NA
Council Decision Required		NA
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Emlyn Dole - Leader		
Directorate: Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Tel: Email addresses: rjedgeco@carmarthenshire.gov.uk 01267 224018

EXECUTIVE SUMMARY

STANDARDS COMMITTEE 14TH JUNE 2021

OMBUDSMANS CODE OF CONDUCT CASEBOOK

The Ombudsman has published the latest edition of his Code of Conduct Casebook, which covers the whole of 2020.

The casebook provides summaries of 9 cases where no evidence of a breach was found. One of these cases related to a member of Carmarthenshire County Council and another to a member of Pembrey and Burry Port Town Council.

The casebook also identifies two cases where matters were referred to the relevant standards committee for consideration. These cases relate to Denbighshire County Council and Laleston Community Council.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - it is suggested that such consultation take place
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

EXECUTIVE BOARD PORTFOLIO HOLDER(S) AWARE/CONSULTED

NO

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Introduction

The Public Services Ombudsman for Wales considers complaints that members of relevant authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers January to December 2020.

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Case summaries

No evidence of breach

There are no summaries in relation to this finding.

No action necessary

Wrexham County Borough Council – Duty to uphold the law Case Number: 201804590 – Report issued in January 2020

The Ombudsman received a complaint about a Member of Wrexham Council. It was alleged that the Members' conduct and behaviour had brought the Council into disrepute in breach of the Code of Conduct. The Ombudsman investigated the matters complained about. Information was provided by relevant parties including the Council. After careful consideration of the evidence obtained during the investigation the Ombudsman determined that it would not be in the public interest to pursue matters further and that no action should be taken in respect of the matters investigated.

Pembrey & Burry Port Town Council – Promotion of equality and respect Case Number: 201906707 - Report issued in March 2020

The Ombudsman received a complaint that a Member ("the Member") of Pembrey & Burry Port Town Council ("the Council") had breached the Code of Conduct. It was alleged that the Member did not show respect and consideration for others, used bullying behaviour, and behaved in a manner which could reasonably be regarded as bringing the Council into disrepute. During the early stages of the investigation, the Member provided an account. He said that he believed his actions to have been justified and offered an apology if his assertiveness had been perceived differently by the Complainant. The Ombudsman considered the Member's response and his offer of an apology to be sufficient to resolve the complaint. The Ombudsman, therefore, considered that no action needed to be taken in respect of the matters investigated.

St Donats Community Council – Disclosure and registration of interests Case Number: 201905525 – Report issued in March 2020

The Ombudsman received a complaint that a Member ("the Member") of St Donats Community Council ("the Community Council") had breached the Code of Conduct. It was alleged that the Member failed to declare a personal and prejudicial interest when she sat on the Interview Panel during an interview for the role of Co-opted Member of the Community Council. The Ombudsman found that the Member had a personal interest in the interview by virtue of her relationship with the applicant's estranged brother and admittance that there was tension between them. It was the Ombudsman's view that a member of the public, with knowledge of the circumstances, would regard the Member's interest as so significant as to prejudice her judgement of the public interest. The investigation established that the Member was advised by the Clerk that she was not required to declare an interest in the interview. Whilst a decision

to declare an interest is the responsibility of each individual member, it was not unreasonable for the Member to have acted upon the Clerk's advice. The investigation considered whether the Member's failure to declare a personal and prejudicial interest caused any harm and whether it affected the decision to appoint to the role of Co-opted Member. There was no documentary evidence or written record of the interviews. Therefore, the Ombudsman's decision was guided by the fact that the decision to appoint the successful applicant was taken unanimously by the Interview Panel. On the basis of the information available it was not considered that the applicant's application was adversely affected by the Member's presence and involvement in the interview process. In view of these factors it was concluded that the Ombudsman did not need to take further action in the public interest. However, he recommended to the Clerk of the Council that training on members interests and their obligations under the Code of Conduct is provided to the Council.

St Harmon Community Council – Disclosure and registration of interests **Case Number: 201903933 – Report issued in March 2020**

The Ombudsman received a complaint that a member ("the Member") of St Harmon Community Council had breached the Code of Conduct for members ("the Code"). It was alleged that the Member had failed to show respect and consideration to others, and that he had failed to take appropriate action in respect of a personal and prejudicial interest he had in a co-option process the Council undertook.

During the course of the investigation, information was sought from the Council as well as from a number of witnesses. The evidence gathered did not substantiate that the Member's behaviour had demonstrated a failure to show respect and consideration to others such that could be considered a breach of the Code.

The evidence suggested that the Member had failed to take appropriate action in relation to a personal and prejudicial interest he had in the co-option process. However, the Member did not influence the decision taken on co-option in any way, he had already acknowledged, accepted and apologised for his actions and he had taken steps to seek training on his obligations under the Code.

Therefore, the Ombudsman determined that no action needed to be taken in respect of the matters investigated.

Carmarthenshire County Council – Integrity **Case Number: 201900874 – Report issued in March 2020**

The Ombudsman received a complaint that a Member ("the Member") of Carmarthenshire County Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had failed to treat members of staff at the Council with respect and consideration, had breached confidentiality, and had brought the office of Councillor into disrepute in relation to 2 incidents which occurred during the selection process for the Council's new Chief Executive. The first incident was that the Member had deliberately informed the unsuccessful candidate for the post that they had not been successful, thus circumventing the Human Resources ("HR") procedures in place. The second incident was that the Member had ignored a clear instruction that Councillors should not publicise the identity of the successful candidate for 30 minutes.

The Ombudsman interviewed a number of witnesses and found that the evidence suggested the Member had accidentally informed the unsuccessful candidate that they had not been successful and had not intended to circumvent HR procedures. The Ombudsman accepted that the Member had shown remorse and had apologised. The Ombudsman determined that no breaches of the Code had occurred as this had been a genuine error by the Member.

The Ombudsman determined that there was evidence that the Member had ignored a clear instruction not to publicise the identity of the successful candidate, and that this may have amounted to a breach of the Code. The Member had not considered the impact on the candidates, their wider friends and families, or the staff employed by the Council with due respect when publishing the result. Further, the information had been confidential until the proper procedures to publicise it had been completed, which the Member had pre-empted. The Ombudsman determined that these actions were capable of bringing the office of Councillor into disrepute.

However, the Ombudsman was not persuaded that it would be proportionate and in the public interest to make a referral to the Standards Committee, due to the short period of time the information was disclosed before the official announcement and taking into account the opinions of the candidates that the effect on them was limited; however, he considered that it had been appropriate for the matter to be referred to him. The Ombudsman found that no action needed to be taken in respect of the matters investigated.

Llantwit Fardre Community Council – Promotion of equality and respect **Case Number: 201904216 - Report issued in May 2020**

The Ombudsman received a complaint that a Member ("the Member") of Llantwit Fardre Community Council ("the Council") had breached the Code of Conduct.

It was alleged that the Member made several accusations against serving Community Councillors during a Community Council meeting on 24 September 2019. It was further alleged that the Member then shared a written copy of his address, in which he accused Community Councillors of bullying the former Clerk of the Community Council, with members of the press and public.

The investigation considered the following paragraphs of the Code:

- Paragraph 5(a) – disclosing confidential information.
- Paragraph 6(1)(a) – disrepute.
- Paragraph 6(1)(c) – reporting breaches of the Code to the Monitoring Officer.
- Paragraph 6(1)(d) – vexatious, frivolous or malicious complaints.
- Paragraph 8(a) – having regard to the advice of the authority's officers.

The investigation established that the Member addressed the Community Council at its meeting on 24 September 2019, where members of the press and public were present. There was no evidence to suggest that the Member disclosed confidential information during the meeting.

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The investigation found that during his address, the Member made several accusations against other members of the Council. Rather than airing his concerns in public the Member should have raised his concerns through the proper processes available for doing so. Raising accusations in such a public forum when those being accused did not have a fair opportunity to respond could amount to a breach of paragraph 6(1)(a) of the Code of Conduct. The investigation found that the Member disregarded advice from the Clerk of the Council and that his actions were in breach of paragraph 8(a) of the Code.

When deciding whether to take further action in relation to these possible breaches of the Code of Conduct, the Ombudsman carefully considered whether it was in the public interest for him to do so. The Ombudsman considered recent steps taken by Rhondda Cynon Taf's Monitoring Officer and the Chair of the Council's Standards Committee to meet with the majority of the members of the Council in February to encourage better working relationships within the Council. It was understood that a collective agreement was reached on taking a fresh approach on how to deal with situations where disagreement had previously escalated into personal attacks. The Member was present at this meeting. As the events which were considered as part of this investigation took place some months before the meeting with the Monitoring Officer and Chair of the Standards Committee, it was not in the public interest to pursue this investigation further.

Torfaen County Borough Council – Promotion of equality and respect Case Number: 202000681 & 202000667 - Report issued in July 2020

The Ombudsman received complaints that an elected Member ("the Member") of Torfaen County Borough Council ("the Council") had breached the Council's Code of Conduct for Members ("the Code").

Two Police Community Support Officers ("PCSOs") complained that, on 7 June 2020, the Member approached them at Cwmbran Boating Lake ("the Lake") in an aggressive manner. They said that the Member was shouting and demanding that they dealt with people who were angling at the Lake whilst it was the closed season. They said that the Member did not accept that it was not a policing matter and identified himself as a Councillor to try and use his position to intimidate them.

The Ombudsman received an account from the Member, obtained a witness account from another Councillor who was present at the Lake, and obtained information from Gwent Police. On the balance of probabilities, the evidence indicated that the Member may have breached paragraph 4(b) of the Code by speaking to the PCSOs in a raised voice.

The investigation found that there was no dispute that the Member identified himself as a Councillor. The Member explained that he had done so to explain his knowledge of angling legislation. The Ombudsman found that the Member did contact Gwent Police to seek clarification regarding the enforcement of angling legislation and to raise a concern that the PCSOs had not spoken to, or provided advice, to the anglers as they had informed him.

The Ombudsman did not find sufficient evidence that the Member had displayed bullying and/or harassing behaviour, or that he had brought the authority into disrepute.

The Ombudsman found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue matters further.

The Ombudsman asked the Member to be mindful of how his conduct may be perceived when acting in his role as a Councillor and suggested that he complete refresher training on the Code.

Glynneath Town Council – Promotion of equality and respect **Case Number: 201904472 - Report issued in July 2020**

The Ombudsman received a complaint that a Member ("the Member") of Glynneath Town Council ("the Council") had breached the Council's Code of Conduct ("the Code").

A member of the public complained that when the Member entered Glynneath Town Hall ("the Hall") on 20 September 2019 she had been aggressive and shouted at them, and that the Member had threatened to "put paid" to their Hall Hire Agreement with the Council.

The Ombudsman obtained conflicting witness statements from 3 members of the public, as well as the complainant and the Member. On balance, the evidence obtained suggested that the Member may have breached paragraph 4(b) of the Code by shouting at the member of the public.

The Ombudsman did not find sufficient evidence that the Member had displayed bullying behaviour, or that they had brought their authority into disrepute. Furthermore, there was no supporting evidence that the Member had threatened the complainant's future hire of the Hall, nor had the Member acted on such a threat.

The Ombudsman found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue further enquiries into the matter, given the conflicting nature of the evidence obtained.

The Ombudsman recommended to the Council that it should arrange training on the Code for its Members as soon as is practicable.

Tywyn Town Council – Promotion of equality and respect **Case Number: 201900952 - Report issued in September 2020**

An officer of Tywyn Town Council ("the Council") complained that a member had written a disrespectful letter to a third party.

The Ombudsman's investigation considered whether the content of the letter may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct for members ("the Code").

The member asserted that they were not acting in their capacity as member when writing the letter. However, the Ombudsman found that, as the letter referred to Council business, it was reasonable to conclude that the member gave the impression they were acting in their capacity as a member of the Council when they wrote the letter. The Ombudsman found that the majority of the comments made by the member were political in nature.

However, the member's comments to the third party recipient of the letter were considered to be disrespectful. Whilst the Ombudsman considered that those comments were suggestive of a breach of paragraph 4(b) of the Code, having taken into consideration the information provided by the recipient and the wider evidence available, he did not consider it would be proportionate or in the public interest for any further action to be taken.

The Ombudsman did not consider that there was evidence to suggest that the content of the letter sent by the member was suggestive of a breach of paragraph 6(1)(a) of the Code.

Mumbles Community Council – Duty to uphold the law **Case Number: 201904820 - Report issued in November 2020**

The Ombudsman received a self-referred Code of Conduct ("the Code") complaint from a Member ("the Member") of a Community Council in Wales ("the Council") because they had been named in a Welsh Audit Office ("Audit Wales") Report concerning unauthorised Council expenditure. The Ombudsman considered whether the Member may have breached paragraph 7 (b) (i), (ii), (iii) of the Code for use of Council resources which was imprudent, in breach of the authority's requirements and unlawful.

The Ombudsman's investigation found that a Planning Consultancy had billed the Council for work which had not been agreed, and the Planning Consultancy said it had been instructed by the Member. The Member said at the time of the events he was new to the Council and he thought the work undertaken for the Council by the Planning Consultancy had been part of a previously agreed arrangement with the Council. The Member said he had not worked with planning consultants before and he had not realised that his specific communications with them would incur additional costs. The Ombudsman's investigation found that the Member had a responsibility to fully understand the terms of the Council's arrangements with the Planning Consultancy, and the Member's actions and failure to do so, could reasonably be considered as a potential breach of paragraph 7(b) (i), (ii), (iii) of the Code.

However, the Ombudsman also found that whilst the Clerk had suggested the Member should contact the Planning Consultancy, the Member had not been provided with clear guidance on the implications of doing so, and that the Member's communications had a limited impact on the overall expenditure. In addition, Audit Wales had not engaged with the Member or the Planning Consultancy to establish what instruction it attributed to the Member.

Please Note: Summaries are prepared for all reports issued by the Ombudsman. This summary may be displayed on the Ombudsman's website and may be included in publications issued by the Ombudsman and/or in other media. If you wish to discuss the use of this summary please contact the Ombudsman's office.

Having taken into consideration the evidence available and the information provided by the Member, the Ombudsman did not consider it would be proportionate or in the public interest for any further action to be taken.

Referred to Standards Committee

Denbighshire County Council – Objectivity and propriety Case Number: 201806601 - Report issued in September 2020

The Ombudsman received a complaint that a Member (“the Member”) of Denbighshire County Council (“the Council”) failed to observe the Code of Conduct for members of the Council. It was alleged that the member abused his position by visiting a member of the public’s place of work and complaining to her employer about a private altercation between her and a constituent in a local store car park.

The Ombudsman determined that there was evidence to suggest that the Member had conducted himself in a bullying and harassing manner, and that his actions sought to create a disadvantage for the member of the public in the eyes of her employer. The evidence also suggested that such conduct was capable of damaging the reputation of the Council and bringing it into disrepute. The Ombudsman determined that the member had failed to abide by paragraphs 4(c), 6(1)(a) and 7(a) of the Council’s Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of the Council for consideration by its Standards Committee.

Laleston Community Council – Duty to uphold the law Case Number: 201807411 - Report issued in November 2020

The Ombudsman received a complaint that a Former Member (“the Former Member”) of Laleston Community Council (“the Council”) had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Former Member had misused Council funds via unauthorised cashpoint withdrawals and debit card transactions between November 2018 and January 2019.

A police investigation took place, and the Former Member subsequently resigned from the Council. The Ombudsman’s investigation established that at the time of the events the Former Member had taken on extra duties and been paid agreed allowances by the Council. It was found that the Former Member then took charge of the Council’s debit card and used it for purchases and cash withdrawals which were in excess of what he already received and could not be accounted for. The Former Member said he had accessed the Council’s finances in this way because he felt he was entitled to the funds; however, he did not provide any further information to suggest his transactions were for the benefit of the Council.

The Ombudsman determined that the Former Member may have breached the Council’s Code of conduct, in particular, paragraphs 7(a) and 7(b) i), ii), iii), iv) and vi) as he has sought to gain a personal and financial advantage via unauthorised access to Council finances, and misused Council funds. The Ombudsman also found that the Former Member’s actions and conviction could reasonably be regarded as behaviour which might bring the office of member or the Council into disrepute and a potential breach of paragraph (6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Bridgend County Borough Council for consideration by its Standards Committee.

Referred to Adjudication Panel for Wales

Sully and Lavernock Community Council – Integrity Case Number: 201901994 - Report issued in September 2020

The Ombudsman received a complaint that a member (“the Member”) of Sully and Lavernock Community Council (“the Council”) failed to observe the Code of Conduct for elected members. It was alleged that the Member made a series of public posts, on the social media platform Facebook, which could have the potential to damage the reputation of the Council.

The Ombudsman found that 3 public posts, dated between 10 January and 11 March 2019, which made reference to high profile female politicians, were gratuitously offensive and could reasonably be regarded as bringing the Councillor’s Office or Authority into disrepute which was suggestive of a breach of paragraph of 6(1)(a) of the Code of Conduct. The Ombudsman considered that the language used went beyond political expression and was so egregious that, should a breach of the Code of Conduct be found and a sanction imposed, it would be a proportionate interference with the Councillor’s right to freedom of expression.

The Ombudsman also found that the Councillor had failed to supply evidence he claimed to hold in respect of the privacy of the posts and that, in refusing to provide information, he had failed to comply with a request in connection with the investigation which was suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The Ombudsman referred his investigation report to the Adjudication Panel for Wales for its consideration.