

STANDARDS COMMITTEE

MONDAY, 12 JUNE 2023

PRESENT: Councillor M. Dodd (Chair)(Ph);

Independent Members:

C. Davies (R), D. Evans (Ph), J. James, (Ph), F. Phillips (R);

Community Member:

Councillor P. Rogers (Ph);

Councillors:

R. James (R), B.W. Jones (R);

Also Present:

L.R. Jones, Head of Administration and Law (Ph);

R. Edgecombe, Legal Services Manager (Ph);

E. Evans, Principal Democratic Services Officer (Ph);

S. Hendy, Member Support Officer (R);

M.S. Davies, Democratic Services Officer (Ph).

[Ph = physical attendance at County Hall. R = remote attendance via Zoom]

Chamber, County Hall, Carmarthen and remotely: 10.00 am - 12.00 pm

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G.B. Thomas.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor Rob James	5 – Political Group Leaders Duties under the Local Government and Elections (Wales) Act 2021;	Labour Group Leader and author of Group Leader's report.
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3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE:

3.1. 14TH FEBRUARY 2023

Members thanked the Democratic Services Officers for the accuracy of the minutes appertaining to the recent hearings.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on 14th February, 2023 be signed as a correct record.

Note: These minutes are subject to confirmation at the next meeting.

3.2. 3RD APRIL 2023

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on 3rd April, 2023 be signed as a correct record.

4. ACTIONS UPDATE

The Committee considered an action log setting out the various completed and ongoing actions that had arisen since its meeting on December 12th 2022.

UNANIMOUSLY RESOLVED that the actions update be received and that completed actions be deleted from the log once reported to the Committee.

5. POLITICAL GROUP LEADERS DUTIES UNDER THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

(NOTE: Councillor R. James, having earlier declared an interest in this item, was not in attendance during the consideration of, and voting on, this item.)

In accordance with the requirements of the Local Government and Elections (Wales) Act 2021 the Committee considered whether reports received from the Leaders of the Council's three political Groups complied with their duties under the 2021 Act to:

- take reasonable steps to promote and maintain high standards of conduct by the members of their group and;
- co-operate with the Council's Standards Committee in the exercise of the Standards Committee's functions.

Disappointment was expressed with regard to the percentage of members of the Plaid Cymru and Independent Groups who had attended Code of Conduct training which the Chair agreed to convey to the Group Leaders. The importance of attending such sessions, both for newly elected and returning councillors, was emphasised. The Labour Group's monitoring of councillors' social media accounts to ensure that all posts on personal and professional pages met the standards expected was welcomed.

UNANIMOUSLY RESOLVED to accept that the reports submitted by the Group Leaders complied with their duties under the Local Government and Elections (Wales) Act 2021.

6. REVIEW OF WHISTLEBLOWING POLICY

The Committee considered a report wherein it was stated that officers had reviewed the Council's Whistleblowing Policy and, save for changes made to update the names and contact details of individuals, no other changes were considered necessary as there had been no developments in legislation, case law or guidance which necessitated any amendment.

It was noted that during the period 1st April 2022 to 31st March 2023 a total of 3 whistleblowing complaints had been received all of which had been investigated, and the investigations concluded. One whistleblowing complaint received in 2021/2022 had been carried over into the period covered by this report. The investigation of this complaint had also been concluded.

Note: These minutes are subject to confirmation at the next meeting.

UNANIMOUSLY RESOLVED that the updated Council's Whistleblowing Policy be approved.

7. ANNUAL REPORT TO FULL COUNCIL

The Committee considered its draft 2022/23 Annual Report which detailed the work it had undertaken during that period. If approved it would be presented to the Council at its July meeting in accordance with the Local Government and Elections (Wales) Act 2021.

With reference to minute 5 above it was noted that Group Leaders would be invited to provide feedback on the template they were provided with to complete their respective reports. It was suggested that the matter could be raised at the next Group Leaders meeting. The Committee was advised that the matter was also scheduled for further consideration at the December meeting and included in the proposed Forward Work Plan [minute 10 below refers].

UNANIMOUSLY RESOLVED that the draft Standards Committee Annual Report 2022/23 be adopted and presented to Council.

8. WELSH GOVERNMENT CONSULTATION ON THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK (PENN REPORT)

The Committee considered a Welsh Government consultation document detailing its proposed responses to the recommendations contained within the Penn report which had been produced following a review of the current Ethical Standards Framework for local government established under the provisions of the Local Government Act 2000. Much of the consultation document, which the Committee was invited to formulate its own responses to, related to the role and operation of the Adjudication Panel for Wales (APW).

In response to a comment relating to the threshold for declarations of any gift, hospitality, material benefit or advantage [Recommendation 1] the Committee was informed that the Council's current Code of Conduct for Members and Co-opted Members stipulated that within 28 days of receiving any gift, hospitality, material benefit or advantage above a value of £25, written notification had to be provided to the Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

The Committee supported the recommendation that training on the Code of Conduct [Recommendation 7] should be mandatory for all members of principal councils and community councils including councillors elected for a successive term. The view was expressed that this might lead to a reduction in the number of cases referred to the Ombudsman and thereafter Standards Committees.

Members agreed to forward any further comments individually to the Legal Services Manager in order that he could formulate a response to the Consultation Document on behalf of the Committee prior to the deadline of 23rd June 2023.

Note: These minutes are subject to confirmation at the next meeting.

UNANIMOUSLY RESOLVED that the Welsh Government's proposed responses to the recommendations contained within the Penn report be endorsed.

9. REVIEW OF DISCIPLINARY HEARING PROCEDURES

Further to minute 6 of the meeting held on the 13th June 2022 the Committee was invited to consider whether, in light of its recent experiences in hearing two cases received from the Ombudsman, it wished to make any changes to the formal procedure adopted at the aforementioned meeting for the conduct of disciplinary proceedings against councillors.

The Legal Services Manager suggested the following changes that the Committee might wish to consider:

- Merging the initial consideration hearing and pre-hearing review to shorten the overall length of the proceedings (Sections 2 and 5 of the procedures);
- Amending the procedures to reflect that the Councillor may be legally represented;
- Amending Section 7 to make it clear that final hearings would usually be heard in public;
- Amending section 10 of the procedures to provide for questions to be put to the Ombudsman's investigating officer (where that officer was not also a witness in the case);
- Including a general statement that the procedure was intended to provide justice and fairness both for the councillor who was subject for the investigation, any other parties involved and that it was also intended to fulfil the wider public interest of having an open and fair adjudication process;
- Including a general statement that the Committee may revise the procedure in any case having regard to the public interest and the need for a proportionate adjudication process.

Members were supportive of the changes suggested particularly the need to shorten the length of the proceedings for all parties involved, including the Standards Committee itself, and agreeing pre-set dates at the outset where possible. Whilst the view was expressed that it would be preferable if all parties involved in a hearing were able to attend in person rather than remotely this was not mandatory under current legislation.

The Legal Services Manager was thanked for his assistance and direction during the recent hearings.

UNANIMOUSLY RESOLVED that the suggestions outlined above be endorsed and incorporated in a revised Disciplinary Hearing Procedures document for consideration at the meeting scheduled for 18th September 2023.

10. FORWARD WORK PLAN

The Committee considered a draft Forward Work Programme [FWP] for 2023/24 which identified the key reports it should expect to receive at its scheduled quarterly meetings. It was noted that the FWP did not include reference to such

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matters as dispensations and disciplinary reports as it was not possible to predict when these would appear on the agenda of a meeting, if at all.

Reference was made to the fact that dispensation requests from councillors frequently appeared on the Committee's agendas and it was suggested that a note be added to the FWP to highlight this.

In response to a query the Legal Services Manger agreed to include a report on the Local Resolution Policy for informal complaints about councillors on the FWP for the December meeting.

UNANIMOUSLY RESOLVED that the draft 2023/24 Forward Work Programme be adopted subject to the inclusion of the matters raised above and the draft revised Disciplinary Hearing Procedures referred to in minute 9.

11. 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

Note: These minutes are subject to confirmation at the next meeting.