

STANDARDS COMMITTEE

MONDAY, 9 SEPTEMBER 2024

PRESENT: M. Dodd (Chair)

Independent Members (In Person):

D. Evans

Independent Members (Virtually):

C. Davies

F. Phillips

Councillors (In Person):

B.W. Jones

Councillors (Virtually):

G.B. Thomas

P.T. Warlow

In attendance (In Person):

Councillor J. Tremlett (agenda item 5)

Also Present (In Person):

R. Edgecombe, Legal Services Manager

M. Runeckles, Members Support Officer

J. Owens, Democratic Services Manager

Also Present (Virtually):

D. Hall-Jones, Member Support Officer

S. Rees, Simultaneous Translator

Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 10.00 - 11.33 am

[Notes:

- The Chair advised that Councillor Philip Rogers had recently resigned from his role as Town Councillor and therefore, in accordance with regulations, he had consequently ceased to be a Town and Community Council representative on the Standards Committee. The Chair extended the Committee's best wishes and gratitude to Councillor Rogers for his sterling contribution to the work of the Standards Committee and agreed that a letter of thanks be issued to him.
- During the meeting the Committee was advised that, in accordance with Council Procedure Rule 2(3) the order of business on the agenda would be varied to enable Agenda Item 8 to be heard earlier in the meeting. For ease of reference the minutes would reflect the order of business outlined on the published agenda].

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

1. APOLOGIES FOR ABSENCE.

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON THE:-

3.1. 24TH MAY 2024 (Inquorate meeting)

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on the 24th May 2024 be signed as a correct record.

3.2. 19TH JULY 2024

It was requested that the minutes refer to the comments made by members in respect of the Committee's gratitude for the sterling contribution made by Mrs Linda Rees-Jones to the work of the Standards Committee following her recent retirement as Head of Administration and Law, and that a letter of thanks be issued to Mrs Rees-Jones to reflect those sentiments.

UNANIMOUSLY RESOLVED that, subject to the inclusion above, the minutes of the meeting of the Standards Committee held on the 19th July 2024 be signed as a correct record.

4. REVIEW OF THE STANDARDS COMMITTEE ACTION LOG

The Committee received a report detailing the progress achieved in relation to the actions, requests or referrals that had emanated from previous meetings.

In respect of action DPSC-221, the Committee expressed the view that the code of conduct refresher training should be modified to ensure that it was applicable for both County Councillors and Town and Community Councillors and offered to all Councillors on an annual basis by way of a remote session. It was confirmed to members that the training would be recorded to enable those not in attendance to access the course online in their own time, along with copies of the training materials.

UNANIMOUSLY RESOLVED that:

4.1 The report be received;

4.2 The code of conduct training materials for County Councillors and Town and Community Councillors be combined into one remote training session and be offered to all Councillors on an annual

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basis. The training to be recorded and made available to those not in attendance to access the course online in their own time

5. MEETING WITH POLITICAL GROUP LEADERS

Further to minute 4 of the Standards Committee meeting held on 22 April 2024, the Chair welcomed the Leader of the Independent Group to the meeting.

The Committee duly considered the Leader of the Independent Group's annual report in accordance with the requirements of the Local Government and Elections (Wales) Act 2021 and received a presentation from Councillor Tremlett on her submission in line with the statutory guidance issued by the Welsh Government which provided that Group Leaders should meet with the whole Standards Committee at the start of each year to discuss:

- the frequency of meetings between the Committee and Group Leaders during the year;
- the compliance by the Group Leaders with their duties under the 2021 Act;
- the annual reporting process; and
- any issues arising from the analysis of complaints in respect of standards of behaviour.

In respect of Code of Conduct Training, the Leader of the Independent Group suggested that Group Leaders could highlight the importance of relevant training sessions to group members in order to facilitate optimum attendance at development events. The Legal Services Manager added that invitations would also be issued directly to all members as a means of ensuring that unaffiliated members were also included.

In response to a query, it was confirmed that 10 members of the Independent Group had attended the Induction Training and Development session on Compliance, Equalities and Standards and Code of Conduct following the 2022 election. Since that training session, an additional member had joined the Independent Group.

Reference was made to the case studies on the outcome of investigations of complaints made against elected members throughout Wales, whether following Standards Committee hearings or Adjudication Panel for Wales hearings. In this regard the Legal Services Manager clarified that Group Leaders would be provided with a link to the Standards Committee Agenda when case studies were being considered for subsequent dissemination to their members, in accordance with the resolution made by the Committee at its meeting on 22 April 2024.

At the request of the Committee the Leader of the Independent Group provided a synopsis of the joint working arrangements amongst the Group Leaders and as part of the coalition arrangement within the Council.

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UNANIMOUSLY RESOLVED to accept that the annual report submitted by the Leader of the Independent Group complied with their duties under the Local Government and Elections (Wales) Act 2021.

6. DISPENSATION REQUEST BY COUNCILLOR ANGELA CAROL HUGHES

The Committee considered an application submitted by Community Councillor Angela Carol Hughes for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote and make written representations in relation to council business at meetings of Llangathen Community Council regarding the Bute Energy/Green Gen – Tywi Usk Pylon Project. It was reported that Councillor Hughes would have a personal and prejudicial interest in this business as she lives and farms near the proposed route of the pylons.

It was reported that a dispensation was sought by Councillor Hughes by virtue of:

Regulation 2(2)(d) – the nature of the member’s interest was 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 and;

Regulation 2(2)(f) – the participation of the member in the business to which the interest relates is justified by the member’s particular role or expertise.

The Committee was advised that if it was minded to grant Councillor Hughes’ request it would also need to determine the duration of that dispensation.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(2)(d) and 2(2)(f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Angela Carol Hughes to speak and make written representations but NOT vote on council business at meetings of Llangathen Community Council regarding the proposals for a chain of electricity pylons in the County (Bute Energy/Green Gen – Tywi Usk Pylon Project) and the dispensation be valid until the end of the current electoral term.

7. DISPENSATION REQUEST BY COUNCILLOR WENDY HERON

The Committee considered an application submitted by Community Councillor Wendy Heron for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to council business at meetings of Henllanfallteg Community Council regarding general matters pertaining to Henllanfallteg Village Hall and Community Association. It was reported that Councillor Heron would have a personal and prejudicial interest in a grant application by Henllanfallteg Community Hall as she is a member of the Hall Committee.

It was reported that a dispensation was sought by Councillor Heron by virtue of:

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Regulation 2(2)(d) – the nature of the member’s interest was 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,

Regulation 2(2)(e) the interest is common to the member and a significant proportion of the general public;

Regulation 2(2)(f) – the participation of the member in the business to which the interest relates is justified by the member’s particular role or expertise; and

Regulation 2(2)(h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the councillor is a member of and the councillor has no other interest in the business.

The Legal Services Manager advised that the ground pertaining to Regulation 2(2)(e) could not be considered as fact. Furthermore, the Committee was reminded that the ground pertaining to Regulation 2(2)(h) would prevent the Committee from granting a dispensation to vote.

The Committee was advised that if it was minded to grant Councillor Heron’s request it would also need to determine the duration of that dispensation.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(2)(d), 2(2)(f) and 2(2)(h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Wendy Heron to speak and make written representations but NOT vote on council business at meetings of Henllanfallteg Community Council regarding matters pertaining to Henllanfallteg Village Hall and Community Association and the dispensation be valid until the end of the current electoral term.

8. DISPENSATION REQUEST BY COUNCILLOR SARAH JANE THOMAS

The Committee considered an application submitted by Community Councillor Sarah Jayne Thomas for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote and make written representations in relation to council business at meetings of Llanfynydd Community Council regarding the Bute Energy/Green Gen – Tywi Usk Pylon Project. It was reported that Councillor Thomas would have a personal and prejudicial interest in this business as she as she owns land on which it is proposed pylons be located.

The Legal Services Manager advised that whilst the dispensation had been sought by Councillor Thomas by virtue of Regulation 2(2)(e) (the interest is common to the member and a significant proportion of the general public), it was considered that the following grounds would be more appropriate:

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Regulation 2(2)(d) – the nature of the member’s interest was 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 and;

Regulation 2(2)(f) – the participation of the member in the business to which the interest relates is justified by the member’s particular role or expertise.

The Committee was advised that if it was minded to grant Councillor Thomas’ request it would also need to determine the duration of that dispensation.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(2)(d) and 2(2)(f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Sarah Jayne Thomas to speak and make written representations but NOT vote on council business at meetings of Llanfynydd Community Council regarding the proposals for a chain of electricity pylons in the County (Bute Energy/Green Gen – Tywi Usk Pylon Project) and the dispensation be valid until the end of the current electoral term.

9. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS - 2024

The Committee considered a report on the code of conduct training session held for Town and Community councillors on the 28th June 2024. In accordance with previous decisions of the committee, only 1 session was held, which took place remotely via Zoom and delivered by officers within the Legal department.

A total of 53 delegates indicated an intention to attend the session, of which 34 could be positively identified as doing so. It was noted that the session was recorded, and the link provided to all councils along with copies of the training materials which enabled councillors who were unable to attend the session to watch it in their own time.

The Committee extended its gratitude to the Head of Legal Services and his colleagues for the provision of an informative, interesting training and professional training course.

UNANIMOUSLY RESOLVED that the report be noted.

10. CODE OF CONDUCT DATA 2023-2024

The Committee received a report in respect of the annual exercise undertaken between May and July 2024 to collate code compliance data from Town and Community Councils.

The Committee was advised that a total of 66 responses were received from the 72 councils asked to provide data. Furthermore, it was reported that a small

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number of Councils experienced difficulties with the survey software but this did not seem to be an issue for the majority.

The Committee reviewed the detailed analysis of the survey responses, along with other relevant code of conduct data for the reporting period in respect of complaints, dispensation applications, declarations of interest, Code of Conduct training and training plans. In this regard it was highlighted that whilst the number of complaints had increased, none had resulted in formal action being taken against the Councillors in question.

Overall, the available data suggested that Town and Community councillors in the County have a good awareness of the code of conduct and generally comply with the provisions therein.

Committee members confirmed to the Legal Services Manager that they were satisfied with the presentation of the information set out within the report which was considered to be clear and comprehensive.

UNANIMOUSLY RESOLVED that the Code of Conduct Data gathered in respect of Town and Community Councils be noted.

11. REVIEW OF WHISTLEBLOWING POLICY

In accordance with the requirements of the Public Interest Disclosure Act 1988, the Committee reviewed the Council's Whistleblowing Policy which sought to raise awareness and facilitate protected disclosures. The Committee was advised that no substantive changes were considered necessary as there had been no developments in legislation, case law or guidance which necessitated any amendment, however authority was sought for officers to update the names and contact details of individuals as and when required.

It was noted that during the period 1st April 2023 to 31st March 2024 a total of 2 whistleblowing complaints had been received and remained under investigation. In this regard, the Legal Services Manager clarified that the timescales for investigating matters would vary according to the nature and complexity of the concerns raised.

UNANIMOUSLY RESOLVED that

11.1 The Council's Whistleblowing Policy be approved;

11.2 Delegated authority be given to officers to update the names and contact details of individuals within the policy as and when required.

12. REVIEW OF DISCIPLINARY HEARING PROCEDURES

The Committee reviewed its formal procedure for the conduct of disciplinary proceedings against councillors in the event of a report being received from the

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Public Services Ombudsman for Wales (PSOW) pursuant to Part III of the Local Government Act 2000.

The procedure was initially adopted in June 2022 and amendments were made by the Committee in December 2023 [minute 5 thereof refers] to reflect the experience gained in conducting two hearings in 2023. The Committee was advised that no further changes were considered necessary at this time.

The Legal Services Manager clarified, in response to a query, that the Council utilised the contact information provided by the PSOW to inform and liaise with Councillors and relevant attendees in respect of disciplinary hearings. It was further confirmed that the matter would be followed up periodically in instances where the correspondence had not been acknowledged.

UNANIMOUSLY RESOLVED that the formal procedure for the hearing of Code of Conduct disciplinary proceedings against councillors in the event of a report being received from the Public Services Ombudsman for Wales, pursuant to Part III of the Local Government Act 2000, be adopted.

13. RECENT ADJUDICATION PANEL AND OMBUDSMAN DECISIONS

The Committee considered a report which detailed the findings of the Adjudication Panel for Wales (APW) and the Public Services Ombudsman for Wales (PSOW) in respect of published code of conduct complaints. The information provided the Committee with points of learning when implementing the code and providing training to councillors.

UNANIMOUSLY RESOLVED that the report be received.

14. ALL-WALES STANDARDS COMMITTEE FORUM

The Committee received a copy of the all-Wales Standards Committee Forum minutes on the 29th January 2024. The Forum provided an opportunity for Chairs of Standards Committees to exchange best practice and discuss issues of mutual concern.

UNANIMOUSLY RESOLVED that the minutes of the all-Wales Standards Committee Forum held on 29 January 2024 be received.

15. 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.

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CHAIR

DATE

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