

STANDARDS COMMITTEE

Thursday, 28 September 2017

PRESENT: M.A. Morgan

Independent Members:

M. Dodd and A. Williams

Councillors:

S.M. Allen

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

K. Thomas, Democratic Services Officer

Chamber, 3 Spilman Street, Carmarthen - 2.00 - 3.10 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B.A.L. Roberts and G.B. Thomas

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interests.

3. ELECTION OF CHAIR AND VICE CHAIR

The Legal Services Manager advised that following Mr C Downward's resignation as both the Chair and independent member of the Standards Committee, the Committee would need to give consideration to appointing a new Chair and, dependent upon that appointment, a new Vice-Chair.

RESOLVED

3.1 That Mr A. Morgan be appointed Chair of the Standards Committee

3.2 That Mrs M. Dodd be appointed Vice-Chair of the Standards Committee.

4. MINUTES

UNANIMOUSLY RESOLVED that the minutes of the meetings of the Committee held on the 1st and 9th June, 2017 be signed as correct records.

5. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2016/2017

The Committee considered the Public Service Ombudsman for Wales' Annual Report for 2016/17 incorporating the Statement of Accounts.

The Committee noted that the key points from the report detailed a:

- 13% increase in maladministration enquiries and complaints across Wales;
- 14% reduction in code of conduct complaints across Wales;

- 19% increase in the number of code complaints investigated;
- 38% increase in the number of code investigations which uncovered evidence of a breach of the Code.

With specific reference to Carmarthenshire County Council, it was noted that a total of 47 maladministration complaints had been concluded during the year. Of those, 40 were either out of jurisdiction, premature, or closed after initial consideration, 5 were resolved voluntarily, one upheld, and one not upheld. One Code of Conduct complaint against a county councillor had also been concluded and closed after initial consideration.

With regard to Code of Conduct complaints against Town and Community Councils within Carmarthenshire, the Ombudsman had dealt with 11 complaints against community councillors in Cwmamman Town Council (1), Kidwelly Town Council (1), Llanelli Rural Council (6), Llanelli Town Council (1) and Llangennech Community Council (2). It was noted that none of those cases had involved any disciplinary action being taken.

The Legal Services Manager referred to the six complaints received against the Llanelli Rural Council and advised that he would be providing Code of Conduct Training for that Authority, at its invitation.

RESOLVED that the report be received.

6. CODE OF CONDUCT CASEBOOK

The Committee considered the Public Service Ombudsman for Wales' latest issue of the 'Code of Conduct Casebook' detailing summaries of 12 code investigations relating to members of County and Community Councils which had been brought to a conclusion during the preceding quarter.

The Committee noted that of those 12, three were of particular significance relating to two cases referred to Powys County Council's Standards Committee and one to the Adjudication Panel for Wales, with copies of the rulings in each of those three cases having been appended to the report of the Head of Administration and Law.

RESOLVED that the report be received.

7. CODE OF CONDUCT TRAINING FOR COUNTY COUNCILLORS

The Committee was advised that, following the local government elections in May 2017, a training session had been arranged for all members of Council on the Members Code of Conduct, with 43 councillors attending.

The Committee discussed the need for follow-up training arrangements for example, a review in two years, issuing reminders to members of the need to be aware of the code or, inviting members to attend training provided to Town and Community Councils. The Legal Services Manager suggested that any discussion on additional member training could be undertaken in the New Year when consideration was being given to providing training to Town and Community Councils.

UNANIMOUSLY RESOLVED

7.1 that the report be received.

7.2 that consideration of the provision of additional Code of Conduct Training for County Councillors be deferred to the new year when consideration would be given to the provision of training for Town and Community Councils.

8. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

The Committee received a report on two training sessions held on the 29th June and 6th July, 2017 on the Members Code of Conduct for Town and Community Councils attended by 103 delegates across a wide range of Councils from all parts of the County.

UNANIMOUSLY RESOLVED that the report be received.

9. WELSH GOVERNMENT WHITE PAPER ON REFORMING LOCAL GOVERNMENT

The Committee received a report on the Welsh Government's White Paper entitled "Reforming Local Government: Resilient and Renewed" detailing its proposals for the delivery of a wide range of council services on a regional basis, whilst retaining the existing 22 Unitary Authorities. It noted that whilst the Paper focussed on the regionalisation of service delivery, it contained a number of proposals with the potential to significantly impact on the Standards Committee viz:-

- The placing of specific statutory duties on Councillors in relation to how they engage with the public. ('Prescribed Performance Duties')
- Standards Committees to hear cases of alleged failure by Councillors to perform those duties
- Requiring Standards Committees to advise and train Councillors in respect of these duties
- The placing of specific statutory duties upon leaders of political groups to promote good standards of conduct within their group and co-operate with Standards Committees in the exercise of their functions
- Placing a duty on Town and Community Councils to consider and plan for their training needs.
- Possible changes to the Members Code of Conduct to reflect the duty of Councillors to act in the interests of their region, as well as the local authority of which they are a member.
- A duty on Standards Committees to, as soon as reasonably practicable after the end of each financial year, submit an annual report to the authority in respect of that year describing how the committee's functions have been discharged during that financial year. That includes a requirement to assess the extent to which leaders of political groups on the Council have complied with their duty to promote good standards of conduct and co-operated with the Standards Committee.

UNANIMOUSLY RESOLVED that the report be received

10. COMPLAINTS AND COMPLIMENTS

The Committee considered the End of Year Complaints and Compliments Report which provided an analysis of the complaints and compliments received by the Authority during 2016/17.

It was reported that the Authority had received 731 complaints during 2016/17 compared to 501 in 2015/16 with the increase largely being attributed to a significant rise in complaints relating to the waste collection service. A total of 693 complaints had been responded to during the year, including a number carried over from the previous municipal year. The number of cases responded to within the required time period rose to 74%, representing a significant improvement over 2014/15 and 2015/16. In relation to the number of compliments received, it was noted they had fallen slightly from 542 to 515.

UNANIMOUSLY RESOLVED that the report be noted.

11. APPLICATION FOR DISPENSATION BY COUNCILLOR G SQUIRES

The Committee considered an application submitted by Councillor Gloria Squires of St Ishmael Community Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote and make written representations in respect of applications for financial assistance submitted to the Council by Ferryside OAP Club and St Ishmael's United Parish.

It was reported that a dispensation was sought as Councillor Squires had a personal interest in these matters by virtue of paragraph 10 (2) (a) (1x) (ee) in that the business in question related to a private club, society or association operating in the authority's area in which she was a member.

Councillor Squires' interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillors' judgement of the public interest.

Councillor Squires had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) (g) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manger advised the Committee that in considering the application it should note that paragraphs 2 (e) and (g) did not apply in this instance and that paragraph (h) would only allow Councillor Squires to speak (but not vote or make written representations).

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2 (d) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Gloria Squires to SPEAK only at meetings of St Ismael Community Council in relation to any applications for financial assistance received from the Ferryside OAP Club and St Ishmael's United Parish until the end of their current term of office.

12. APPLICATION FOR DISPENSATION BY COUNCILLORS GARETH THOMAS, JEAN LEWIS, KEN HOWELL, TYSSUL EVANS, MANSEL CHARLES, EIRWYN WILLIAMS AND ANN DAVIES

The Committee considered applications submitted by County Councillors Gareth Thomas, Jean Lewis, Ken Howell, Tyssul Evans, Mansel Charles, Eirwyn Williams and Ann Dvaies for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and make written representations at meetings of Carmarthenshire County Council in respect of matters relating to or likely to affect farming and agriculture.

It was reported that a dispensation was sought by each councillor in that they could potentially have a personal interest in such business by virtue of paragraphs 10(2)(a)(i), 10(2)(a)(iv), 10(2)(b)(i) and 10(2)(b)9ii) of the Code of Conduct in that they are all either actively engaged in farming in the County, own farm land which is actively farmed by others, or have close personal associates who were actively engaged in farming.

The members' interests were also prejudicial as a member of the public with full knowledge of the facts would reasonably regard that interest as being so significant as to prejudice their judgement of the public interest.

The County Councillors had accordingly requested that they be granted a dispensation be granted under regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

The Acting Legal Services Manager reminded the Committee that at its meeting held on the 3rd June, 2016 (minutes 7 &8 refer) it had granted both Councillor Gareth Thomas and Jean Lewis dispensation to speak, but not vote and to make written representations in relation to any discussions regarding farming in general until the end of their current term of office at the Local Government Elections in May 2017.

The Committee in considering the application was mindful of the position that six of the seven members seeking dispensation were members of the Council's Planning Committee who would be required to consider planning applications for the farming community. Views were expressed on the potential for a conflict of interest to arise by virtue of that membership and on the need to monitor the number of occasions/circumstances any dispensation was used. Following detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to County Councillors Gareth Thomas, Jean Lewis, Ken Howell, Tyssul Evans, Mansel Charles, Eirwyn Williams and Ann Davies to SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matters relating to or likely to affect farming and agriculture until the 30th September 2018.

CHAIR

DATE