

STANDARDS COMMITTEE

ANNUAL REPORT 2014/2015

| Item | Subject |
|-------------|---|
| 1. | Introduction |
| 2. | Period covered by the report |
| 3. | Committee Membership |
| 4. | Code of Conduct complaints |
| 5. | Applications for Dispensation |
| 6. | Code of Conduct Training |
| 7. | Whistle-Blowing Policy |
| 8. | Complaints and Compliments |
| 9. | Ombudsman's Report 2014/2015 |
| 10. | Annual Standards Committee Conference |
| 11. | Adjudication Panel Report for 2013/14 |
| 12. | Code Compliance by Town and Community Councillors |

1. INTRODUCTION

The law requires each and every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council and the constituent community and town councils within the principal council's area.

The Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct, and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales. However it should be noted that only rarely has the Committee been requested to undertake this latter function.

The Committee also receives reports in relation to complaints and compliments, and the operation of the Council's whistle-blowing policy.

2. PERIOD COVERED BY THIS REPORT

This report covers the period 1st April 2014 to 31st March 2014

3. COMMITTEE MEMBERSHIP

The Committee has nine members, made up of five independent co-opted members, an elected member of a community council in the County and three elected members of the County Council. The Chair and Vice-Chair are both independent co-opted members.

The vacancy caused by the resignation of independent member Mrs Gillian Whitehead and referred to in my report for 2013/2014 has been filled with the appointment of Mrs Mary Dodd to the Committee.

The names of the committee members, together with the Committee's terms of reference, are shown on the Council's website.

4. CODE OF CONDUCT COMPLAINTS

The Committee has not been required to adjudicate upon any Code of Conduct complaints during the period of this report.

Formal complaints about councillors who are suspected of breaching the Code of Conduct are referred directly to the Public Service Ombudsman for Wales without involving the Standards Committee. Most complaints are resolved by the Ombudsman but, occasionally the Ombudsman may require the Committee to investigate and adjudicate on a complaint. In 2014-15, however, the Ombudsman did not refer any complaints to the Committee.

During the year a total of 24 Code complaints were made against Councillors from Carmarthenshire. Of these 15 were against County Councillors and 9 against Town and Community Councillors. This represents a significant increase over recent years; however the following points should be noted;

- (i) 8 of the complaints relating to County Councillors arose out of the same incident and were in regard to the same Councillor. The Ombudsman found that no action was required as the Councillor had followed the Code in his conduct at a meeting of the Planning Committee.
- (ii) The Ombudsman found that the Code had been breached on only 1 occasion (by a Town Councillor), and even then concluded that no further action should be taken.
- (iii) 8 of the complaints were by councillors against a fellow councillor. All these complaints related to Town and Community Councils.

No particular trends can be identified from the cases that have been notified.

Highlights of the Public Service Ombudsman's report for the whole of Wales are given in section 9.

5. APPLICATIONS FOR DISPENSATION

The Committee has considered 17 applications for dispensation from County and Community and Town Councillors during the year.

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.

The Committee continues to approach each application with a presumption in favour of granting a dispensation, wherever it can. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business.

Details of the applications that have been dealt with can be viewed as part of the minutes of the meetings of the Committee which are accessible on Carmarthenshire County Council's website www.carmarthenshire.gov.uk.

A comparison between the numbers of dispensation applications received since 2009 shows the following;

| YEAR | TOTAL | CCC | T/CC | GRANTED | REFUSED | OTHER |
|---------|-------|-----|------|---------|---------|-------|
| 2009/10 | 9 | 1 | 8 | 6* | 0 | N/A |
| 2010/11 | 6 | 4 | 2 | 6* | 0 | N/A |
| 2011/12 | 7 | 6 | 1 | 7* | 0 | N/A |
| 2012/13 | 23 | 18 | 5 | 8 | 15 | N/A |
| 2013/14 | 27 | 7 | 20 | 26* | 1 | N/A |
| 2014/15 | 17 | 1 | 16 | 17 | 0 | N/A |

*includes cases where the application was partially granted

As can be seen the overall number of applications received was lower than in 2013/20134 and 2012/2013. An analysis of the applications reveals that of the 16 applications received from Town and Community Councils (T/CC), 10 were from one particular council.

A review of all the T/CC applications received shows that they all related to instances where a councillor's membership of another organisation created a personal and prejudicial interest. In the vast majority of cases these organisations were voluntary or community based and, in those instances, the committee granted dispensations to speak but not vote.

It continues to be of some concern that the majority of applications for dispensation originate from one Council although this year the Council in question is different to the one that supplied 16 out of 20 applications in 2013/2014.

6. CODE OF CONDUCT TRAINING

Following a review of the code of conduct training provided to Town and Community Councillors in May and June 2014 a decision was taken to again invite each Town and Community Council to send representatives to two training sessions that were held on separate evenings during June this year. Although technically falling outside the period of this report, I am pleased to confirm that the sessions were well attended, with over 100 delegates present on behalf of 40 different Councils, making the sessions the most successful that we have provided.

7. WHISTLE –BLOWING POLICY

The Committee has oversight of the authority’s whistle-blowing policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for workers who disclose information in the public interest in prescribed circumstances to prescribed persons.

Details of the complaints dealt with during the period 2014/2015 are set out below;

| New Complaints | Complaints carried over from 2013/14 | Cases Concluded | Cases Continuing |
|----------------|--------------------------------------|-----------------|------------------|
| 3 | 0 | 3 | 0 |

The Committee has taken a particular interest in the steps being taken by the Council to raise awareness amongst staff of the policy and to train managers in its implementation and has closely monitored progress throughout the year.

When considering the number of complaints made under the policy, it is necessary to keep in mind that the policy is only intended to cover concerns that fall outside the scope of other procedures. For example there is often some overlap with matters relating to safeguarding, grievance, disciplinary matters and dignity at work. The number of whistle blowing complaints received appears to be consistent with those received by other local authorities.

8. COMPLAINTS AND COMPLIMENTS FROM THE GENERAL PUBLIC

In June 2015 the Committee was presented with a report on complaints and compliments received by the Council for 2014/2015. The report provided comparative data with the previous year and an analysis by department. It also summarised the targets and initiatives pursued to date and planned for the following year.

There has been a decrease overall in the number of complaints received compared with 2013/2014 (from 676 to 573), but there are again variations between departments.

The number of cases dealt with within the required time period fell from 71% to 66% reversing the improvement that that had been made the previous year.

The overall decrease in complaints, following on from a similar decrease in 2013/2014 is pleasing to note and a very encouraging trend.

9. PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT FOR 2013/2014

In September 2015 the Committee received the 2014/2015 annual report of the Public Services Ombudsman for Wales. The Ombudsman investigates complaints of maladministration and service failure and also deals with complaints against councillors in respect of alleged breaches of the member's Code of Conduct.

Maladministration

Maladministration complaints against public bodies in general have risen again by 8%. However complaints against local authorities rose by 5% during this period. However once again, the majority of complaints were closed after initial consideration as they did not merit investigation.

In relation to Carmarthenshire County Council, a total of 58 matters were determined by the Ombudsman. Unfortunately one of these matters did result in a Public Interest report being issued and which was reported to Full Council on the 24th February 2015. The Committee noted however that this report related to events that occurred in 2012.

Members Code of Conduct

The Ombudsman reported a 1% increase in Code of Conduct complaints overall compared to the previous year. Although there was a decrease in the number of Code complaints against Town and Community Councillors, there was a surprising 13% increase in complaints against County Councillors.

This increase reverses the general downward trend since 2011/12.

10. ANNUAL STANDARDS CONFERENCE

No Standards Conference was held during the period of this report. However one did take place in Cardiff during October of this year and was attended by three members of the Standards Committee, together with the Monitoring Officer and Deputy Monitoring Officer. The theme of the Conference was whether the Nolan Principles were still fit for purpose.

11. ADJUDICATION PANEL REPORT 2013/2014

The Committee has also considered the Adjudication Panel's Annual Report for 2013/2014.

The panel deals with the most serious allegations of misconduct under the Code of Conduct and is a venue for appeals against decisions made by Standards Committees.

Throughout Wales, 1 case was referred to the Panel by the Ombudsman during the year and a further 2 were carried over from the previous year.

None of these cases related to Carmarthenshire.

12. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS

In September 2015 the Committee received a report upon the general level of Code compliance by Town and Community Councillors since the 1st April 2012. The report considered in detail the number of code complaints, dispensation applications and declarations of interest recorded in respect of each of the 72 Councils, and also the level of Code training given to members. This information will be used to help formulate and target training and guidance in the future.

13. MR PAUL STAIT

I would like to take this opportunity to say a few words about my colleague and friend Mr Paul Stait, who was Chair of the Standards Committee throughout the period covered by this report and who sadly passed away in September. After being educated at the Bristol Cathedral School and the Royal Naval College, Dartmouth Paul pursued a naval career until 1970. Following a further period of study at Cranfield University he pursued a lengthy and highly successful business career primarily with companies involved in the world of motorsport. Paul became a member of Carmarthenshire County Council's Standards Committee in March 2010 and was elected as its Chairman in December 2011. His election as Chair coincided with a period of considerable transition for the committee, with 3 new co-opted members being appointed at the same time as well as a new Monitoring Officer and Deputy Monitoring Officer also having recently taken up their posts. Over the following four years Paul guided the committee through further significant changes in membership and was instrumental in developing and promoting the highly successful Code of Conduct training programme for Town and Community Councillors referred to earlier. Under his leadership the Standards Committee also took a keen interest in the operation of the Council's Whistle blowing

policy, particularly in relation to measures to improve the understanding of managers and generally to raise staff awareness. The subsequent improvements in these areas owed much to his intervention. Paul approached his role as Chairman not only with the skill and efficiency that one might expect of someone with his professional background, but also with considerable charm and humour. He will be missed by all those who were fortunate enough to work with him.

Christopher Downward

Vice-Chairman - Standards Committee