

# STANDARDS COMMITTEE

---

## ANNUAL REPORT 2019/2020

### Introduction

1. Period Covered by the Report
2. Terms of Reference
3. Membership of the Committee
4. Code of Conduct Complaints
5. Applications for Dispensation
6. Code of Conduct Training
7. Whistleblowing Policy
8. Code Compliance by Town and Community Councils
9. Other Activities
10. Conclusion

## **INTRODUCTION**

The law requires 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 the operation of the Council's whistle-blowing policy.

### **1. PERIOD COVERED BY THE REPORT**

This report covers the activities of the Standards Committee during the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020

### **2. TERMS OF REFERENCE**

The role and functions of the committee as set out in the constitution of the Council are:

- To promote and maintain high standards of conduct by councillors and co-opted members
- To assist councillors and co-opted members to observe the Members' Code of conduct
- To advise the Council on the adoption or revision of the Members' Code of Conduct
- To monitor operation of the Members' Code of Conduct
- To advise, or arrange training for councillors and co-opted members on matters relating to the Members' Code of Conduct
- To grant dispensations to councillors and co-opted members where they have a personal and prejudicial interest under the Members' Code of Conduct
- To deal with reports from the Adjudication Panel for Wales and reports from the Monitoring Officer or the Public Services Ombudsman for Wales
- The exercise of the above functions in relation to Town and Community Councils in the county
- To receive annual reports on the operation of the Council's Whistleblowing Policy

### **3. MEMBERSHIP OF THE COMMITTEE**

The Panel consists of 9 members, 3 County councillors, 1 Community councillor and 5 co-opted members.

There have been no changes to the co-opted members of the committee during the year. They are.

Mr. Andre Morgan (Chair)

Mrs. Mary Dodd (Vice-chair)

Mrs. Daphne Evans

Mrs. Julie James

Mr. Alun Williams

There have been no changes to the Community council member of the committee. He is: Councillor Philip Rogers (St. Clears Town Council)

There have been no changes to the County Councillor membership of the committee during the year. The current members are:

Councillor. Jeanette Gilasbey

Councillor. Gareth Thomas

Councillor. Rob James

### **4. CODE OF CONDUCT COMPLAINTS**

The Committee was not 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 2019-20 however, the Ombudsman did not refer any complaints to the Committee, nor were any matters referred to the Adjudication Panel for Wales in respect of Councillors from Carmarthenshire.

During the period covered by this report the Ombudsman considered and closed a total of 8 code of conduct complaints against councillors from Carmarthenshire. Four of these cases related to County Councillors and four to Town and Community Councillors.

It should be noted however that in all these cases the Ombudsman either closed his investigation after initial consideration or found no action was necessary.

Therefore the committee is satisfied that the vast majority of councillors do comply with the code and that where allegations of breach are made they are either unfounded or are not considered by the Ombudsman to be sufficiently serious to warrant enforcement action.

## 5. APPLICATIONS FOR DISPENSATION

The Committee considered 13 applications for dispensation from County and Community and Town Councillors during the year, all but one of which were either granted or partly granted.

In addition, the Committee gave the Council's Monitoring Officer delegated authority to grant dispensations to County Councillors in respect of their interests in the Dyfed Pension Fund, to enable them to participate in debates relating to the nature of the fund investments. A further 12 dispensations were granted under that delegated authority.

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 practicable, particularly in relation to granting a dispensation to speak.

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](http://www.carmarthenshire.gov.uk).

A comparison between the numbers of dispensation applications received since 2015/2016 shows the following:

YEAR	TOTAL	CCC	T/CC	GRANTED*	REFUSED	OTHER
2015/16	65	5	60	62	3	N/A
2016/17	21	4	17	18	3	N/A
2017/18	31	7	24	31	0	N/A
2018/19	55	42	13	52	3	N/A
2019/2020	25	19	6	24	1	N/A

\* either granted or partly granted

## 6. CODE OF CONDUCT TRAINING

Code of Conduct training sessions for Town and Community Councillors were held in Carmarthen on the 10<sup>th</sup> and 16<sup>th</sup> July 2019. A total of 94 people attended, representing 43 different Councils. This represents a slight increase in the number of attendees and a significant increase in the number of Councils compared to the previous year.

In addition, code training was separately provided to the members of one other council by legal officers of the authority.

## 7. WHISTLEBLOWING POLICY

The Committee has oversight of the authority's Whistleblowing 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 of this report are set out below.

New Complaints	Complaints carried over from 2018/19	Cases Concluded	Cases Continuing
6	7	2	11*

- 5 of these cases were concluded in the first half of 2020/2021

The number of complaints continues to be consistent with those received by other local authorities.

When considering the number of complaints made under the policy, it is necessary to keep in mind that there is often some overlap with matters relating to grievance, disciplinary matters and dignity at work. This can significantly impact upon the time it takes to bring these matters to conclusion.

The Committee reviewed the Whistleblowing Policy during the period covered by this report and made changes which reflected the experience of its operation during the year.

## 8. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS

The committee again received a report regarding the extent to which Town and Community Councils within the County are complying with the Code of Conduct. The report contained data relating to:

- Code complaints
- Dispensation requests
- Declaration of interests
- Code Training

Again, no pattern could be discerned from the data, although it was pleasing to note that a larger number of Councils responded than in previous years. It remains of concern however that a small minority of Councils have consistently failed to provide data and engage with the Committee over several years and the Committee will look to focus its attention on those Councils moving forward.

#### **9. OTHER ACTIVITIES**

In addition to the above activities the Committee also:

- Received and considered the Annual Report of the Public Services Ombudsman for Wales
- Received and considered case decisions of the Adjudication Panel for Wales
- Received and considered case decisions made by other Standards Committees in Wales
- Received and considered the Code of Conduct casebook published by the Ombudsman

Where appropriate the Committee has identified points of learning and best practice and has taken them into account in their own decision making and included them in the training referred to in paragraph 5 above.

#### **10. CONCLUSION**

The committee had a busy year and we are grateful for the help and support given to us by the council's legal department. We have been much encouraged by the generally good levels of compliance with the Code of Conduct exhibited by Councillors across the County and very much hope this will continue.