

# STANDARDS COMMITTEE

---

## ANNUAL REPORT 2020-2021

### 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 2020 to 31<sup>st</sup> March 2021

### **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 were no changes to the co-opted members of the committee during the period covered by this report. The co-opted members were.

Mr. Andre Morgan (Chair)

Mrs. Mary Dodd (Vice-chair)

Mrs. Daphne Evans

Mrs. Julie James

Mr. Alun Williams

There was no change to the Community council member of the committee. He was Councillor Philip Rogers (St. Clears Town Council)

There were no changes to the County Councillor membership of the committee during the year. The members were:

Councillor. Jeanette Gilasbey

Councillor. Gareth Thomas

Councillor. Rob James

Although falling outside the period of this report, I would like to thank both my predecessor as Chair, Mr. Andre Morgan and Mr Alun Williams, both of whose terms of office on the committee came to an end in December 2021. Both Mr Morgan and Mr Williams contributed greatly to the work of the committee and their contribution was highly valued by their fellow members.

### **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 2020-21 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's Annual Report stated that he had considered and closed a total of 15 code of conduct complaints against councillors from Carmarthenshire. The breakdown of these complaints is shown in the table below

<b>COUNCIL</b>	<b>No. of Complaints</b>
Carmarthenshire County Council	3
Betws Community Council	4
Llanelli Rural Council	3
Llanelli Town Council	2
Llanfynydd Community Council	2
Llangunnor Community Council	1
Total	15

In all these cases the Ombudsman either closed his investigation after initial consideration or found no action was necessary.

However it should be noted that there are small number of other complaints received during this period which have yet to be concluded as at the time of preparing this report

Therefore, although the number of complaints does represent an increase over 2019-2020 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 7 applications for dispensation from County and Community and Town Councillors during the year, all but one of which were either granted or partly granted.

This represents a significant reduction compared to previous years.

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 only.

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
2020/2021	7	6	1	6	1	N/A

\* either granted or partly granted

## 6. CODE OF CONDUCT TRAINING

Due to the disruption caused by the Coronavirus pandemic that usual annual code of conduct training sessions for Town and Community Councils could not be held. Instead, the proposed training presentation and reference materials were circulated to all Councils.

## 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.

The number of whistleblowing complaints recorded during the period of this report are set out below.

New Complaints	Complaints carried over from 2019/20	Cases Concluded	Cases Continuing
3	6	8	1

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

It is pleasing to note a significant reduction in the number of cases being carried over into the following year for investigation, from 6 in 2019/2020 to just 1 in 2020/2021.

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

No obvious patterns or trends could be discerned from the data. Overall levels of compliance with the code appear to be good.

## **OTHER ACTIVITIES**

In addition to the above activities the Committee also:

- 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.

## **9. 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 in to the coming election year.

