

Standards Committee

Monday, 13 December 2021

PRESENT: M. Dodd (Chair)

Independent Members:

C. Davies, D. Evans, J. James and F. Phillips

Community Member:

Town Councillor P. Rogers

Councillors:

W.T. Evans (In place of G.B. Thomas) and S.J.G. Gilasbey

The following Officers were in attendance:

L.R. Jones, Head of Administration and Law

R. Edgecombe, Legal Services Manager

E. Evans, Principal Democratic Services Officer

T. Jones, Translator

K. Evans, Assistant Democratic Services Officer

E. Bryer, Democratic Services Officer

Virtual Meeting - 2.00 - 3.20 pm

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor G.B. Thomas.

2. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

3. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee considered nominations for Chair and Vice-Chair of the Standards Committees for the remainder of the Municipal Year.

UNANIMOUSLY RESOLVED

3.1 That M. Dodd be appointed Chair of the Standards Committee for the remainder of the Municipal Year.

3.2 That D. Evans be appointed Vice-Chair of the Standards Committee for the remainder of the Municipal Year.

4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 20TH SEPTEMBER, 2021.

RESOLVED that the minutes of the meeting of the Standards Committee held on the 20th September, 2021 be signed as a correct record.

5. CODE OF CONDUCT DATA FROM TOWN AND COMMUNITY COUNCILS

In accordance with previously established practice, letters were sent to all Town and Community Councils in the County in April 2021 seeking information regarding code of conduct compliance over the preceding 12 months. Further letters had been sent in July and November to those Councils who had not responded.

The data provided had been combined with other information held by the County Council. The report contained comparable data for previous years to help identify any trends.

The Committee noted the following conclusions:

- There was no obvious correlation between code training and the number of complaints
- The number of complaints, although higher this year, was still low overall bearing in mind the large numbers of councillors involved
- Problems in a single council could disproportionately affect the overall number of complaints during the year
- There was a wide variation in the numbers of declarations of interest being made between councils.

It was noted that owing to the disruption caused by the Coronavirus pandemic no request for data was sent to councils last year in respect of the period 1st April 2019 to 31st March 2020. Data shown for that period was limited to that held by the County Council.

It was suggested that the data was difficult to interpret, and that it could be presented in a different format. In response the Legal Services Manager advised that graphs and charts would not provide enough information or enable users to clearly see the trends for a particular Council.

Concern was expressed that some Councils had not responded to the request for data. It was suggested that an automated email could be sent every three months. The Committee was advised that every Council that hadn't responded had received three letters, however with the changes to the Local Government and Elections (Wales) Act 2021 the process would be reviewed.

The Committee advised that they would like to see a complete record of data and requested that Councils be asked to provide data for the period 1st April 2019 to 31 March 2020. The Legal Services Manager confirmed that he would write to the Councils requesting this data.

It was asked if it would have been possible to telephone the Councils that hadn't provided data. The Committee was advised that to have done this would have involved over 20 phone calls to be made but this was simply not viable.

The Head of Administration and Law reminded the Committee that even without the data, by law the Committee Clerks were the responsible officers for the Councils and would be monitoring the performance of the Council.

UNANIMOUSLY RESOLVED to note the available code of conduct data from Town and Community Councils.

6. STANDARDS COMMITTEE ANNUAL REPORT

The Committee considered its 2020/21 Annual Report detailing the work undertaken during that period and noted that, if adopted, it would be presented to the Council meeting in early 2022 for approval.

Committee members noted that with effect from May 2022 the provisions of the Local Government and Elections (Wales) Act 2021 would apply regarding the production of reports and therefore both the timing and content of the reports would need to be change.

It was reported that in 2020-21 the Ombudsman had not referred any complaints to the Committee, nor were any matters referred to the Adjudication Panel for Wales in respect of Councillors from Carmarthenshire.

The report stated that during this period the Ombudsman had considered and closed total of 15 code of conduct complaints against Councillors from Carmarthenshire. However there were a further 2 that had not been closed and the report would be changed accordingly and the report updated to include a paragraph regarding the cases being carried forward.

The Committee asked if it would be possible for the report to include a table showing the number of meetings and attendance data for the Committee. The Legal Services Manager confirmed that this would be possible for future reports however due to the time constraints it would not be possible for this reporting period.

It was noted that St Clears Community Council was mentioned in the report and was asked why the other Councils whose councillors were on the Committee weren't mentioned. The Head of Administration and Law advised that the County Councillors wards should not be mentioned as they represented the County Council and not the Community Councils on the Committee.

It was suggested that Mr Andre Morgan (past Chair) should be asked to comment on the report and that the introduction paragraph should include reference to covid and also acknowledgement of the work done by Mr Andre Morgan and Mr Alun Williams.

It was asked if it would be possible to receive a copy of the draft report earlier than the December meeting. The Legal Services Manager advised that it had been the decision of the Committee to receive the report in December and not in September as it previously was. It was suggested that in the future draft reports could be circulated to the Committee via email prior to consideration at the Committee meetings.

The Legal Services Manager advised the Committee that he would liaise with them outside of the meeting regarding the amendments to the report taking into account the comments made.

UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT the Standards Committee Annual Report 2020/21 be adopted following inclusion of the suggested amendments.

7. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

The Committee received a report detailing the Local Government and Elections (Wales) Act 2021 which contained several provisions which directly related to political group leaders and the working of the Standards Committee.

These included:

- A duty on the leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group
- A duty on the leaders of political groups to co-operate with the standards committee in the exercise of that committee's functions
- Amending the functions of the Standards Committee to include monitoring compliance by group leaders with the above duties and advising and training them in respect of those duties.
- Introducing a statutory requirement on Standards committees to produce an annual report as soon as possible after the end of each financial year. And prescribes certain content to be included in those reports:
 - (a) A summary of what has been done to discharge the functions referred to above
 - (b) A summary of any reports or recommendations received
 - (c) A summary of any action taken following consideration of any reports or recommendations received
 - (d) An assessment of the extent to which political group leaders have complied with their duties under the Act

Following a discussion, it was:

Resolved:

- 7.1 That the Committee would discuss and agree the requirements of the meetings with the political group leaders at the March 2022 Standards Committee Meeting.**
- 7.2 To meet with the leaders of the political groups as soon as possible following the elections in May.**
- 7.3 That feedback from the discussions with the political group leaders be included as an agenda item at the Standards Committee Meeting in June 2022.**

8. RECENT CASE - NEWPORT CITY COUNCIL STANDARDS COMMITTEE DECISION - CLLR JOAN WATKINS

The Committee reviewed a report detailing the case considered by the Standards Committee for Newport City Council regarding Councillor Joan Watkins following a complaint to and an investigation by the Public Services Ombudsman for Wales.

The allegations were that Councillor Watkins had breached Newport City Council's Code of Conduct in that she had improperly used her position as a member of the council and local health board when she advocated on behalf of a patient at a

doctor's surgery and subsequently when making complaints to the health board about the surgery staff.

During discussions regarding the report, the preparedness of the Committee to deal with a similar case was questioned. The Head of Administration and Law advised that the Authority had limited experience of convening these meetings however this would not be an issue as it was possible to draw on the expertise of colleagues across Wales.

UNANIMOUSLY RESOLVED to note the report.

9. 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.

CHAIR

DATE