

STANDARDS COMMITTEE

THURSDAY, 17 NOVEMBER 2022

PRESENT: Mrs M. Dodd [Chair] (Ph)

Independent Members:

C. Davies (R), Mrs. D Evans (Ph), J. James (Ph) and P. Rogers (Ph)

Councillors:

W. T. Evans (R) (substitute) and G.B. Thomas (R)

The following Officers were in attendance:

L. Rees-Jones - Head of Administration and Law / Monitoring Officer (R)
R. Edgecombe - Legal Services Manager / Deputy Monitoring Officer (Ph)
G. Morgan - Head of Democratic Services
J. Owens - Democratic Services Officer (Ph) (note taker)
S. Rees - Simultaneous Translator (Ph)

Also in attendance:

Ms K. Shaw, Office of the Public Services Ombudsman for Wales (R)
Ms S. Jones, Office of the Public Services Ombudsman for Wales (R)
Mr D. Daycock, Legal Representative for Councillor T. Davies (Ph)

[Ph = physical attendance at County Hall R = remote attendance via Zoom]

Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 11.30 am - 12.48 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Cllr B.W. Jones and Mr F. Phillips.

2. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of interest.

3. EXCLUSION OF PUBLIC.

UNANIMOUSLY RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following item as the report contained exempt information as defined in paragraph 12 of Part 4 of Schedule 12A to the Act.

4. PRE-HEARING REVIEW IN RELATION TO A REPORT ISSUED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN RESPECT OF COUNCILLOR TERRY DAVIES.

Following the application of the public interest test it was RESOLVED pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report

as it contained exempt information relating to a particular individual (Paragraph 12 of Part 4 of Schedule 12A to the Act). The public interest test in respect of this report outweighed the public interest in disclosing the information contained therein as disclosure at this stage would be a disproportionate and unwarranted intrusion into the private and family life of the Councillor in question and other third parties referred to in the report.

The Chair welcomed to the meeting Mr D. Daycock, Legal Representative for Councillor T. Davies, and Ms K. Shaw and Ms S. Jones of the Office of the Public Services Ombudsman for Wales.

The Committee was reminded that at the meeting of the Standards Committee held on 4th August, 2022 initial consideration was given to the report issued by the Public Services Ombudsman for Wales detailing the results of their investigation into allegations that Councillor T. Davies had breached the Members' Code of Conduct. The Committee concluded that the report did disclose evidence to suggest that there had been a breach of the Code of Conduct. The Committee resolved that Councillor T. Davies be given the opportunity to make representations to the Committee in respect of the findings of the investigation.

The main purpose of the Pre-Hearing Review was to consider any directions which may be required to facilitate the final hearing. Accordingly, the Deputy Monitoring Officer duly listed the directions required in terms of the provision of evidence, location of the final hearing, timings and narrowing of other issues.

Ms K. Shaw of the Public Services Ombudsman for Wales' Office and Mr. D Daycock, Legal Representative for Councillor T.Davies, were thereupon invited to address the Committee regarding the further progress of the case.

In considering the timings and written submissions to be provided in respect of the final hearing documentation, the Committee accepted that any such representations may need to be modified in light of any matters that transpired during the course of the final hearing.

Consideration was given to paragraphs 46-61 of the Public Services Ombudsman for Wales' report. The Public Service Ombudsman for Wales Representative was happy with the facts as written, while the Legal Representative for Councillor T. Davies stated that paragraphs 56-61 were under dispute by them.

The Deputy Monitoring Officer referred to the Authority's Code of Conduct for Members and confirmed that advice on the declaration of interests had been provided to the Standards Committee, and which would be reiterated prior to the final hearing.

Following a detailed consideration, it was

UNANIMOUSLY RESOLVED that:

- 4.1 The definition of Racial Discrimination enshrined within the Equalities Act 2010 be utilised for the purposes of the final**

- hearing.
- 4.2 Arrangements be made for the hearing to be conducted over a period of two days initially, based upon the time estimates provided by the Legal Representative and Public Service Ombudsman for Wales Representative.
- 4.3 The witness statement setting out the evidence for Cllr T. Davies be submitted to the Deputy Monitoring Officer by e-mail within 14 days of the meeting (4.00pm on 01 December 2022).
- 4.4 Any written representations, the content of which could be subject to change, prepared by the Public Service Ombudsman for Wales Representative and the Legal Representative for Cllr T. Davies, to be submitted to the Deputy Monitoring Officer by e-mail 10 days prior to the final hearing.
- 4.5 Councillor T. Davies was alleged to have breached the statutory Code of Conduct for members of Llanelli Town Council. Accordingly, any such sanctions imposed would only be applicable to Councillor T Davies' role as a Town Councillor.

The Public Service Ombudsman for Wales Representative and the Legal Representative for Cllr T. Davies agreed that determinations 4.1-4.5 were undisputed.

The Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment, the Committee reconvened to advise of its decision.

UNANIMOUSLY RESOLVED that

- 4.6 In line with the requirement for openness and transparency in relation to the duties undertaken by the Standards Committee, the final hearing of the case in respect of Councillor T. Davies be held in public but with the Committee entering into private session should it be deemed in the public interest at any stage.
- 4.7 The final hearing documentation to include additional visual images in the form of photographs and plans of the site in question which would negate the need for a formal site visit.
5. **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 to be considered.

CHAIR

DATE