

# STANDARDS COMMITTEE

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## ANNUAL REPORT 2016/2017

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## **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 activities of the Standards Committee during the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017

## **3. 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

#### **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 2016-17, however, the Ombudsman did not refer any complaints to the Committee and neither was any matter referred to the Adjudication Panel.

The Committee is kept informed by the Monitoring Officer about the number of complaints relating to Carmarthenshire councillors notified to her by the Ombudsman.

During the period covered by this report a total of 9 code complaints have been made in respect of councillors and co-opted members of councils in Carmarthenshire. This represents a significant reduction from the 14 complaints made during the previous year. The committee considers this reduction to be particularly welcome given that the period coincided with local authority elections.

#### **5. APPLICATIONS FOR DISPENSATION**

The Committee has considered 21 applications for dispensation from County and Community and Town Councillors during the year. Of these 18 were granted or partially granted and 3 refused.

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. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business. However no such delegation has been given during the period of this report.

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 2009 shows the following:

YEAR	TOTAL	CCC	T/CC	GRANTED*	REFUSED	OTHER
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
2015/16	65	5	60	62	3	N/A
2016/17	21	4	17	18	3	N/A

\* Either to speak and vote or to speak only

The significant decrease in the number of applications received in 2016/17 compared to the previous year can be accounted for by a number of dispensations previously having been granted until the end of the councillors' terms of office in May 2017.

## **6. CODE OF CONDUCT TRAINING**

Following a review of the code of conduct training provided to Town and Community Councillors in previous years a decision was again taken to invite each Town and Community Council to send representatives to two training sessions that were held on separate evenings during June 2016. The sessions were well attended, with a total of 92 delegates attending on behalf of a number of different 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.

Details of the complaints dealt with during the period of this report are set out below.

New Complaints	Complaints carried over from 2015/16	Cases Concluded	Cases Continuing
3	0	2	1

The number of complaints recorded is slightly lower than in the previous year

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. The number of whistleblowing complaints received therefore still appears to be consistent with those received by other local authorities.

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. COMPLAINTS AND COMPLIMENTS FROM THE GENERAL PUBLIC**

In September 2016 the Committee was presented with a report on complaints and compliments received by the Council for 2015/2016. 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 reduction in the number of complaints received compared with 2014/2015 from 573 to 501, but there are again variations between departments.

However the number of cases dealt with within the required time period fell from 66% to 62%.

The overall decrease in complaints, following on from a similar decrease in previous years, is pleasing to note and continues a very encouraging trend.

## **9. PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT FOR 2015/2016**

In September 2016 the Committee received the 2015/2016 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 Members' Code of Conduct.

### **Maladministration**

Maladministration complaints against public bodies in general have risen again by 4%. However, the total number of complaints against local authorities fell from 938 to 906 compared to last year, the overall increase in complaints being due to a rise in complaints against the NHS.

In relation to Carmarthenshire County Council, there was a significant (57%) reduction in the number of complaints received and the total of 40 complaints compares well with the Welsh average of 53. Of the 40 complaints received only 3 were investigated (in line with the Welsh average) and no public interest reports were issued.

The Ombudsman continues to be concerned however at the time it takes the Council to respond to requests for information.

#### Members' Code of Conduct

The Ombudsman reported a disappointing 19% increase in Code of Conduct complaints overall compared to the previous year, which is largely attributable to complaints relating to Town and Community Councillors. However the vast majority of complaints continue to be closed after initial consideration.

As indicated earlier however, the number of complaints against councillors in Carmarthenshire has fallen compared to the previous year.

### **10. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS**

The committee has 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 applications
- Declarations of interest
- Code training

No particular trends or patterns could be discerned from the data.

### **11. CONCLUSION**

The committee has had a very busy and full year and we are grateful for all the help and support given to us by the council's legal department. We have been very much encouraged by the effort all councillors have made to attend training sessions and the subsequent requests for dispensations.