

Pecyn Dogfennau



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DYDD GWENER, 30 AWST 2024

AT: HOLL AELODAU Y PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD AML-LEOLIAD O'R **PWYLLGOR SAFONAU** A GYNHELIR YN **SIAMBR, NEUADD Y SIR, CAERFYRDDIN. SA31 1JP AC O BELL AM 10.00 YB DYDD LLUN, 9FED MEDI, 2024** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Julie Owens
Ffôn (Ilinell uniongyrchol):	01267 224028
E-Bost:	GwasanaethauDemocrataidd@sirgar.gov.uk
Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- https://carmarthenshire.public-i.tv/core/portal/home	

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

PWYLLGOR SAFONAU

Aelodau Annibynnol (5)

1. Mrs Mary Dodd
2. Ms Caryl Davies
3. Mrs Daphne Evans
4. Mr Frank Phillips
5. Lle Gwag

Aelod Pwyllgor Cymunedol (1)

1. Lle Gwag

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Betsan Jones
2. Y Cynghorydd Gareth Thomas
3. Y Cynghorydd Philip Warlow

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR A GYNHALIWYD AR Y :-
 - 3.1 24 MAI 2024 (heb gworwm) 5 - 6
 - 3.2 19 GORFFENNAF 2024 7 - 12
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15. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYN YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

24 MAI 2024

PRESENNOL (Yn y Siambr) M. Dodd (Cadeirydd)

Cynghorydd (Yn y Siambr):

G.B. Thomas

Cynghorwyr (Yn rhithwir):

B.W. Jones P.T. Warlow

Aelod Cymunedol (Yn rhithwir):

Cynghorydd P. Rogers

Hefyd yn bresennol (Yn y Siambr):

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;

L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith;

S. Rees, Cyfieithydd Ar Y Pryd;

M. Runeckles, Swyddog Cefnogi Aelodau;

J. Owen, Swyddog Gwasanaethau Democrataidd.

Hefyd yn bresennol (Yn rhithwyr):

D. Hall-Jones, Swyddog Cefnogi Aelodau

[Sylwer: Yn unol ag Erthygl 9 rhan 9.2 (c) ii o Gyfansoddiad y Cyngor, gohiriwyd y cyfarfod gan nad oedd cworwm gan fod llai na hanner y rhai a oedd yn bresennol yn aelodau cyfetholedig annibynnol].

Siambr, Neuadd y Sir, Caerfyrddin, SA31 1JP ac o bell: 10:00yb - 10:05yb

1. YMDDIHEURIADAU AM ABSENOLDEB.

Derbyniwyd ymddiheuriadau'r Aelodau Annibynnol; Mrs C. Davies a Mrs D. Evans.

Ar y pwynt hwn, datganodd y Cadeirydd nad oedd cworwm yn y cyfarfod a chafodd y cyfarfod ei ohirio.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

PWYLLGOR SAFONAU

DYDD GWENER, 19 GORFFENNAF 2024

PRESENNOL Cynghorydd M. Dodd (Cadeirydd)

Aelodau Annibynnol (Yn rhithwir):

C. Davies

D. Evans

F. Phillips

Cynghorwyr (Yn rhithwir):

B.W. Jones

P.T. Warlow

Aelod Cymunedol:-

Y Cynghorydd P. Rogers

Hefyd yn bresennol (Yn y Siambr):

S. Murphy, Pennaeth y Gyfraith Llywodtaethau a Gwasanaethau Sifil

R. Morris, Swyddog Cefnogi Aelodau

J. Owens, Swyddog Gwasanaethau Democrataidd

Hefyd yn bresennol (Yn rhithwyr):

D. Hall-Jones, Swyddog Cefnogi Aelodau

S. Rees, Cyfieithydd Ar Y Pryd

Siambr, Neuadd y Sir, Caerfyrddin. SA31 1JP ac o bell - 11.30 - 11.58 yb

1. YMDDIHEURIADAU AM ABSENOLDEB.

Cafwyd ymddiheuriad am absenoldeb gan y Cynghorydd G.B. Thomas.

2. DATGAN BUDDIANNAU PERSONOL.

Ni chafwyd datganiadau o fuddiant personol.

3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFODYDD Y PWYLLGOR A GYNHALIWYD AR:-

3.1. 22 EBRILL 2024

PENDERFYNWYD YN UNFRYDOL lofnodi bod cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 22 Ebrill 2024 gan eu bod yn gywir.

3.2. 30 EBRILL 2024

PENDERFYNWYD YN UNFRYDOL lofnodi bod cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 30 Ebrill 2024 gan eu bod yn gywir.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

4. ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU 2023-2024

Bu'r Pwyllgor yn ystyried ei Adroddiad Blynyddol drafft 2023/24 a oedd yn manylu ar y gwaith yr oedd wedi'i wneud yn ystod y cyfnod hwnnw. Os caiff ei gymeradwyo, byddai'r adroddiad yn cael ei gyflwyno i gyfarfod o'r Cyngor Sir yn y dyfodol yn unol â'r gofynion a nodir yn Neddff Llywodraeth Leol ac Etholiadau (Cymru) 2021.

Mewn ymateb i ymholiadau, rhoddwyd gwybod i'r Pwyllgor y byddai'r wybodaeth ddiweddaraf mewn perthynas â'r gŵyn ar ffurf datgelu camarfer a oedd dal heb ei datrys a gwybodaeth am nifer y cynlluniau hyfforddi a gyhoeddwyd gan Gyngorau Tref a Chymuned yn cael ei darparu i'r Pwyllgor yn ei gyfarfod nesaf.

PENDERFYNWYD YN UNFRYDOL fabwysiadu a chyflwyno Adroddiad Blynyddol drafft y Pwyllgor Safonau 2023/24 i'r Cyngor.

5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ANJULI FAYE DAVIES

Bu'r Pwyllgor yn ystyried cais a gyflwynwyd gan y Cynghorydd Cymuned Anjuli Faye Davies am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio ac i gyflwyno sylwadau ysgrifenedig mewn perthynas â busnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch y cynigion ar gyfer peilonau trydan yn y Sir (Cynllun Bute Energy). Dywedwyd y byddai gan y Cynghorydd Davies fuddiant personol a rhagfarnol yn y busnes hwn gan ei bod yn byw ac yn ffermio ger llwybr arfaethedig y peilonau.

Dywedwyd bod y Cynghorydd Davies yn gofyn am ollyngiad yn rhinwedd y canlynol:

Rheoliad 2(2)(d) – mae natur buddiant yr aelod yn golygu na fyddai cyfraniad yr aelod i'r busnes y mae'r buddiant yn ymwneud ag ef yn niweidio hyder y cyhoedd o ran cynnal busnes yr awdurdod perthnasol,

Rheoliad 2(2)(e) mae'r buddiant yn gyffredin i'r aelod a chyfran sylweddol o'r cyhoedd yn gyffredinol a;

Rheoliad 2(2)(f) mae cyfranogiad yr aelod yn y busnes y mae'r buddiant yn ymwneud ag ef wedi'i gyfiawnhau gan rôl neu arbenigedd penodol yr aelod.

Dywedwyd wrth y pwyllgor pe bai'n caniatáu cais y Cynghorydd Davies, y byddai angen iddo benderfynu ar hyd y gollyngiad hwnnw hefyd.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliadau 2(2)(d), 2(2)(e) a 2(2)(f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Anjuli Faye Davies i siarad a chyflwyno sylwadau ysgrifenedig ond NID pleidleisio ar fusnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch y cynigion ar

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

gyfer peilonau trydan yn y Sir (Cynllun Bute Energy) a bod y gollyngiad yn ddilys tan ddiwedd y tymor etholiadol presennol.

6. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ELIZABETH ANN DAVIES

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cyngorydd Cymuned Elizabeth Ann Davies am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio a chyflwyno sylwadau ysgrifenedig mewn perthynas â busnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch trosglwyddo trydan o Barc Ynni Nant Mithil i'r cysylltiad grid yn Sir Gâr.

Dywedwyd y byddai gan y Cyngorydd Davies fuddiant personol a rhagfarnol mewn busnes o'r fath gan fod llwybr arfaethedig y peilonau trydan yn effeithio ar ei heiddo hi ac eiddo ei chymdogion.

Dywedwyd bod y Cyngorydd Davies yn gofyn am ollyngiad yn rhinwedd y canlynol:

Rheoliad 2(2)(d) – mae natur buddiant yr aelod yn golygu na fyddai cyfraniad yr aelod i'r busnes y mae'r buddiant yn ymwneud ag ef yn niweidio hyder y cyhoedd o ran cynnal busnes yr awdurdod perthnasol a;

Rheoliad 2(2)(e) mae'r buddiant yn gyffredin i'r aelod a chyfran sylweddol o'r cyhoedd yn gyffredinol.

Dywedwyd wrth y pwyllgor pe bai'n caniatáu cais y Cyngorydd Davies, y byddai angen iddo benderfynu ar hyd y gollyngiad hwnnw hefyd.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRODOL ganiatáu gollyngiad o dan Reoliadau 2(2)(d) a 2(2)(e) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cyngorydd Elizabeth Ann Davies i siarad a chyflwyno sylwadau ysgrifenedig ond NID pleidleisio ar fusnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch trosglwyddo trydan o Barc Ynni Nant Mithil i'r cysylltiad grid yn Sir Gâr a bod y gollyngiad yn ddilys tan ddiwedd y cyfnod etholiadol presennol.

7. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD EIRYL REES

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cyngorydd Cymuned Eiryl Rees am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio a chyflwyno sylwadau ysgrifenedig mewn perthynas â busnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch trosglwyddo trydan o Barc Ynni Nant Mithil i'r cysylltiad grid yn Sir Gâr.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Dywedwyd y byddai gan y Cynghorydd Rees fuddiant personol a rhagfarnol mewn busnes o'r fath gan ei bod yn bosibl bod llwybr arfaethedig y peilonau trydan yn effeithio ar ei heiddo.

Dywedwyd bod y Cynghorydd Rees yn gofyn am ollyngiad yn rhinwedd y canlynol:

Rheoliad 2(2)(d) – mae natur buddiant yr aelod yn golygu na fyddai cyfraniad yr aelod i'r busnes y mae'r buddiant yn ymwneud ag ef yn niweidio hyder y cyhoedd o ran cynnal busnes yr awdurdod perthnasol;

Rheoliad 2(2)(f) mae cyfranogiad yr aelod yn y busnes y mae'r buddiant yn ymwneud ag ef wedi'i gyfiawnhau gan rôl neu arbenigedd penodol yr aelod.

Dywedwyd wrth y pwyllgor pe bai'n caniatáu cais y Cynghorydd Rees, y byddai angen iddo benderfynu ar hyd y gollyngiad hwnnw hefyd.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliadau 2(2)(d) a 2(2)(f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Eiryll Rees i siarad a chyflwyno sylwadau ysgrifenedig ond NID pleidleisio ar fusnes y cyngor yng nghyfarfodydd Cyngor Cymuned Llangathen ynghylch trosglwyddo trydan o Parc Ynni Nant Mithil i'r cysylltiad grid yn Sir Gâr a bod y gollyngiad yn ddilys tan ddiwedd y tymor etholiadol presennol.

8. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD NICOLA JONES, PHILIP DABIES, EIFION JONES, JENNY JONES, SHAN REES, CARYS THOMAS, RHEINALLT JONES, JANET KNOTT, ELFRYN WILLIAMS, VIV DAVIES & MEINIR JAMES

Bu'r Pwyllgor yn ystyried cais grŵp a gyflwynwyd gan y clerch i Gyngor Cymuned Llandyfaelog mewn perthynas â phob un o 11 aelod y cyngor hwnnw am ollyngiad o dan ddarpariaethau Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio mewn perthynas â busnes y cyngor ynghylch ymgynghoriadau cynllunio mewn perthynas â chysylltiadau Tywi - Wysg a Thywi - Teifi o Barciau Ynni Nant Mithil a Lôn Fawr i'r cysylltiad grid yn Sir Gâr.

Dywedwyd y byddai gan y Cynghorwyr Nicola Jones, Philip Davies, Eifion Jones, Jenny Jones, Shan Rees, Carys Thomas, Rheinallt Jones, Janet Knott, Elfryn Williams, Viv Davies a Meinir James fuddiannau personol a rhagfarnol mewn busnes o'r fath fel y manylir yn y cais. Nodwyd hefyd y byddai maint y prosiectau arfaethedig yn golygu y byddai effaith ar lesiant a/neu sefyllfa ariannol cysylltiadau personol agos y cynghorwyr, neu y byddai'r effaith yn debygol.

Gofynnwyd am y gollyngiadau yn rhinwedd y canlynol:

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Rheoliad 2(2)(a) - nid llai na hanner aelodau'r awdurdod perthnasol y mae'r busnes i gael ei ystyried ganddo sydd â buddiant mewn perthynas â'r busnes hwnnw.

Rheoliad 2(2)(d) – mae natur buddiant yr aelod yn golygu na fyddai cyfraniad yr aelod i'r busnes y mae'r buddiant yn ymwneud ag ef yn niweidio hyder y cyhoedd o ran cynnal busnes yr awdurdod perthnasol a;

Rheoliad 2(2)(e) mae'r buddiant yn gyffredin i'r aelod a chyfran sylweddol o'r cyhoedd yn gyffredinol.

Dywedodd yr adroddiad fod y cais yn cyfeirio at y sail yn Rheoliad 2(2) (c) - cydbwysedd gwleidyddol, ond dim ond i Gynghorau Sir a Bwrdeistref Sirol y byddai'r sail hon yn berthnasol ac felly ni fyddai'n berthnasol i'r cais hwn.

Dywedwyd wrth y pwyllgor pe bai'n caniatáu'r cais, y byddai angen iddo benderfynu ar hyd y gollyngiad hwnnw hefyd.

Yn dilyn trafodaeth

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiadau o dan Reoliadau 2(2)(a), 2(2)(d) a 2(2)(e) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorwyr Nicola Jones, Philip Davies, Eifion Jones, Jenny Jones, Shan Rees, Carys Thomas, Rheinallt Jones, Janet Knott, Elfryn Williams, Viv Davies a Meinir James i SIARAD A PHLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Llandyfaelog mewn perthynas ag ymgynghoriadau cynllunio mewn perthynas â chysylltiadau Tywi - Wysg a Thywi - Teifi o Barciau Ynni Nant Mithil a Lôn Fawr i'r cysylltiad grid yn Sir Gâr a bod y gollyngiadau'n ddilys tan ddiwedd eu tymhorau presennol yn y swydd.

CHAIR

DATE

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Mae'r dudalen hon yn wag yn fwriadol

Y Pwyllgor Safonau
09/09/2024

**ADOLYGU COFNOD O GAMAU GWEITHREDU'R PWYLLGOR
SAFONAU**

Y Pwrpas:

Nodi'r cynnydd a wnaed mewn perthynas â'r camau a nodwyd yng nghyfarfod diwethaf y pwyllgor.

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi'r cynnydd a wnaed.**

Y rhesymau:

Mae hyn yn helpu'r pwyllgor i fonitro ei waith.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywodraethu a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriadau e-bost:
rjedgco@sirgar.gov.uk

EXECUTIVE SUMMARY

Review of the Standards Committee Action Log

The Standards Committee maintains a log of agreed actions arising from committee meetings, and reviews progress against those actions at every scheduled meeting.

The updated Action Log is attached, reflecting actions agreed at the quarterly meeting in March 2024.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-226	County Hall, Carmarthen.



Reference Meeting Date ACTION

DPSC-218/1 04/03/24 Code Training For Town and Community Councillors. Identify training date and organise session for June or July.

DPSC-218/2 04/03/24 Send Code data questions for translation and then send out snapsurvey

DPSC-218/3 04/03/24 Add review of APW and PSOW decisions and minutes of Standards Committee Chairs Forum to Forward Work Programme and send for publication

DPSC-218/4 04/03/24 Progress recruitment of new co-opted member and set provisional dates for shortlisting and interviews with the aim of Full council approval July 2024

DPSC-221 22/04/24 Arrange refresher code of conduct training for County Councillors to coincide with the mid point of their current term of office

PROGRESS	Officer	Status
Training event set for 28/06/2024. Invitation letter to councils sent 11/04/2024. Report to be presented to committee 09/09/2024	RJEdgecombe	Completed
Survey sent for distribution on 07/05/2024. Report to be presented to committee 09/09/2024	RJEdgecombe	Completed
Programme amended 04/03/2024 and sent to DSU for publication	RJEdgecombe	Completed
Interviews held 17/07/2024. Report to be taken to full council on 11th September confirming appointment	RJEdgecombe	Ongoing
	RJEdgecombe	Ongoing

**Y Pwyllgor Safonau
09/09/2024**

CYFARFOD AG ARWEINWYR GRWPIAU GWLEIDYDDOL

Y Pwrpas:

Trafod ag Arweinwyr Grwpiau gwleidyddol y materion a amlinellir mewn canllawiau statudol ynghylch Deddf Llywodraeth Leol ac Etholiadau 2021

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Dylai'r pwyllgor drafod y canlynol ag Arweinwyr Grwpiau: (1) amllder y cyfarfodydd rhwng y Pwyllgor ac Arweinwyr Grwpiau yn ystod y flwyddyn, (2) cydymffurfiaeth yr Arweinwyr Grwpiau â'u dyletswyddau o dan Ddeddf 2021, (3) y broses adrodd flynyddol a (4) unrhyw faterion sy'n codi yn sgil dadansoddi cwynion mewn perthynas â safonau ymddygiad.

Y rhesymau:

Yn unol â chanllawiau statudol a gyhoeddwyd gan Lywodraeth Cymru.

Angen i'r Cabinet wneud penderfyniad	NAC OES
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Angen i'r Cyngor wneud penderfyniad	NAC OES
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YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif Weithredwr	Swydd:	Ffôn: 01267 224018
Enw Pennaeth y Gwasanaeth: Linda Rees-Jones	Pennaeth Gweinyddiaeth a'r Gyfraith	Cyfeiriadau e-bost: rjedgeco@sirgar.gov.uk
Awdur yr Adroddiad: Robert Edgecombe	Rheolwr y Gwasanaethau Cyfreithiol	

EXECUTIVE SUMMARY

MEETING WITH POLITICAL GROUP LEADERS

The Local Government and Elections (Wales) Act 2021 places a statutory duty upon the leaders of political groups in County and County Borough Councils to take reasonable steps to promote and maintain high standards of conduct by the members of their political group, and to co-operate with the council's standards committee in the exercise of the standards committee's functions. Carmarthenshire County Council has three political group leaders, namely.

Councillor Darren Price (Plaid Cymru)

Councillor Deryk Cundy (Labour)

Councillor Jane Tremlett (Independent Group)

The Act also places a duty on the Standards Committee to monitor compliance by leaders of political groups on the council with their duties under the Act, and to publish an annual report which must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under the 2021 Act. Statutory guidance issued by the Welsh Government expands upon these duties and provides that Group Leaders should meet with the whole Standards Committee at the start of each year to discuss.

- (1) the frequency of meetings between the Committee and Group Leaders during the year,
- (2) the compliance by the Group Leaders with their duties under the 2021 Act,
- (3) the annual reporting process and
- (4) any issues arising from the analysis of complaints in respect of standards of behaviour

As part of this process each Group Leader was asked to provide an annual report to the committee which then forms a basis for these discussions. The leaders of 2 of the Council's political groups, namely Cllr. Darren Price (Plaid Cymru) and Cllr. Derek Cundy (Labour), met with the committee on the 22nd April. However, the leader of the Independent Group, Cllr. Jane Tremlett, was unable to attend on that occasion and therefore her attendance was deferred to the 9th September. A Copy of Cllr Tremlett's the annual report is attached for ease of reference.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Stephen P Murphy

Head of Law, Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	YES	NONE	NONE	NONE	NONE	NONE	NONE

2. Legal

It is a requirement of the 2021 Act and the associated statutory guidance that the Standards Committee meet with leaders of political groups to discuss these issues.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Stephen P Murphy

Head of Law Governance and Civil Services

Scrutiny Committee request for pre-determination	NA
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Include any observations here
No	Not applicable

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THERE ARE NONE

Report on Compliance With the Group Leaders Duty

Report by:	Jane Tremlett		
Political Group:	Independent		
No. of members:	Eleven	No. trained on Code: None	X (Y%)
For the period:	2023-March 31 2024		

Number, Source and Level of Complaints

From	Local Resolution	Public Services Ombudsman			Other
		No Action	Referred to Standards committee	Referred to APW	
Public					
Officers					
Councillors	None	None	None	None	None

Steps taken to Promote Compliance (To Be Completed by Group Leader)

Address such matters such as:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct.
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct.
- ensuring nominees to a committee have received the recommended training for participating on that committee;

Independent members attended the Induction Training and Development session on Compliance, Equalities and Standards and Code of Conduct following the 2022 election. Independent members are encourage to attend further training sessions and when they are scheduled. Where appropriate members receive recommended training for membership on that committee.

STEPS TAKEN TO PREVENT POOR BEHAVIOUR
<p>Address such matters as:</p> <ul style="list-style-type: none"> - promoting civility and respect within group communications and meetings and in formal council meetings. - promoting civility and respect in all online and social media communications. - supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution. - encouraging a culture within the group which supports high standards of conduct and integrity;
<p>As Independent Group Leader, I am fortunate in that members respect the views of others even if not their own. As a Group of Independent members, we do not follow party political disciplines. Each Independent member is just that and each member's views are respected even if they are not in the majority whether they be in Group discussions or formal Council meetings. Independent members enjoy a positive, courteous relationship with members of other political groups as well as officers. We work harmoniously as colleagues and support each other on issues within our Wards and behave appropriately with high standards of conduct and integrity in our Council work both in Council and on any outside bodies members sit on.</p>
STEPS TAKEN TO WORK WITH THE STANDARDS COMMITTEE AND/OR OTHER GROUP LEADERS
<p>Address such matters as:</p> <ul style="list-style-type: none"> - Attending any meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues. - Implementing any recommendations from the standards committee about improving standards. - Working with the standards committee to proactively identify, consider and tackle patterns of inappropriate behavior. - Working together with other group leaders to collectively support high standards of conduct within the council.
<p>As Independent Group Leader, I am happy to make my self available to attend any requested attendance at a meeting of the Council's Standards Committee in discussions on Code of Conduct issues.</p> <p>Any recommendations from the Standards Committee would be implemented within the Independent Group to improve standards.</p> <p>Should any inappropriate patterns of behaviour be identified, I would, of course, proactively work with the Standards Committee to consider, tackle and eradicate any such behaviour.</p> <p>As Independent Group Leader, I work closely with the other group leaders to maintain and support high standards of conduct within the Council.</p>

Y Pwyllgor Safonau
09/09/2024

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ANGELA CAROL HUGHES

Ystyried y cais

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Penderfynu a ddylid caniatáu'r cais ac, os caiff ei ganiatáu, hyd y gollyngiad**

Y rhesymau:

Yn unol â Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywoddaethau a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriadau e-bost:

rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

Dispensation Request by Councillor Angela Carol Hughes

A dispensation request has been received from Llangathen Community Councillor Angela Carol Hughes.

The application relates to Council business regarding the Bute Energy/Green Gen – Tywi Usk Pylon Project. Councillor Hughes has a personal and prejudicial interest in this business as she lives and farms on land under the proposed route of the pylons.

Councillor Hughes seeks dispensation to speak and vote and to make written representations on the following grounds in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

1. Regulation 2(d) the nature of the members interest in such that their participating in the business to which the interest relates would not damage public confidence.
2. Regulation 2(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise

The committee is reminded that it has previously granted dispensations to 3 other Llangathen councillors to speak and make written representations but NOT vote in relation to the same/similar interest.

If the committee is minded to grant the dispensation request, its duration will also need to be determined.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Stephen P Murphy**

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	NA
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

NA

3. Community / Town Council

NA

4. Relevant Partners

NA

5. Staff Side Representatives and other Organisations

NA

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	NA
NO	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE



APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section MUST be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: **ANGELA CAROL HUGHES**

Name of your Council: **LLANGATHEN COMMUNITY COUNCIL**

Email address: **angelajames71@hotmail.com**

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Bute Energy / GreenGen – Tywi Usk Pylon Project

What is your interest in the above matter?

- **The family farm will be effected by the proposed pylon route - 5 pylons are proposed to be erected on the farm land;**
- **Should pylons be erected, it is possible that they would be visible from my property.**
- **Pylons are proposed to be erected near the local school where my two daughters attend and where I am a Governor;**
- **The Community Council will be asked to respond on various matters regarding the proposed pylon route**

When will the above matter be considered?

It is likely that the matter will be discussed periodically over the forthcoming three or four years.

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

I wish to apply for dispensation to enable me to participate on matters relating to the proposal for an energy transmission scheme in part of the Tywi Valley, which may involve the erection of pylons and overhead electricity cables; specifically the Tywi Usk Project.

According to the current pylon route it will have a direct impact on the family farm (tenant farmers), with the proposal for the erection of 5 pylons on the land, which will be visible. I have received a notification from the agents acting on behalf of the developers.

I am also a Governor at our village school – Ysgol Cwrt Henri, where my two daughters attend, and the pylon project will also have an impact on the school.

I wish to be able to discuss this matter without compromising my position as Community Councillor and Governor.

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: *A C Hughes*

Date: 10 / 07 / 2024

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP. / Monitoringofficer@carmarthenshire.gov.uk

Guidance notes

- (1)** Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2)** The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Mae'r dudalen hon yn wag yn fwriadol

Y Pwyllgor Safonau
09/09/2024

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD WENDY HERON

Y Pwrpas:
Ystyried y cais

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Penderfynu a ddylid caniatáu'r cais ac, os caiff ei ganiatáu, hyd y gollyngiad

Y rhesymau:
Yn unol â Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywodtaethau a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriadau e-bost:

rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY STANDARDS COMMITTEE

Dispensation Request by Councillor Wendy Heron

A dispensation request has been received from Henllanfallteg Community Councillor Wendy Heron.

The application relates to Council business regarding a grant application by Henllanfallteg Community Hall. Councillor Heron has a personal and prejudicial interest in this business as she is a member of the Hall Committee.

Councillor Heron seeks dispensation to speak and vote on the following grounds in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

1. Regulation 2(d) the nature of the members interest in such that their participating in the business to which the interest relates would not damage public confidence.
2. Regulation 2(e) the interest is common to the member and a significant proportion of the general public.
3. Regulation 2(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise
4. Regulation 2(h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the councillor is a member of and the councillor has no other interest in the business.

If the committee is minded to grant the dispensation request, its duration will also need to be determined.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Stephen P Murphy**

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	NA
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

NA

3. Community / Town Council

NA

4. Relevant Partners

NA

5. Staff Side Representatives and other Organisations

NA

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	NA
NO	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section MUST be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Wendy Heron

Name of your Council: Henllanfallteg Community Council

Email address: wendyheron@gmail.com

clerk@henllanfallteg.org

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

A grant application from another group in the village, of which I am a member.

What is your interest in the above matter?

I am a member of the group applying and have all the details of the issue.

When will the above matter be considered?

September 15th 2024

Are you applying for dispensation to:

Speak only:

Speak and vote: YES

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	
• my participation would not damage public confidence	X
• the interest is common to me and a significant proportion of the general public;	X
• my participation in the business is justified by my particular role or expertise;	X
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	X

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

I am a member of the trustees of the village hall (Community Association) and have no personal pecuniary interest in the outcome of this or any other issue which arises regarding the Community Association. I have helped to put together the details of this particular application and can explain and answer any questions that arise. The refurbishment of the village hall is of common interest to the two committees as it is a community asset from which we all benefit. For me to be allowed to speak on all matters pertaining to the village hall and Community Association matters will smooth communications between the two committees and improve the running of village affairs by enabling them to work together more effectively .

As my membership of both groups will probably continue for some time, it would be helpful if this dispensation could be non-specific and allow me to speak on any similar matters arising from the Community Association, in which I have no other personal interest, for the next 6 months.

(please continue on a separate sheet if necessary)







(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the

Signed: *W Heron*

Date: *27/08/24*

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP. / Monitoringofficer@carmarthenshire.gov.uk

Mae'r dudalen hon yn wag yn fwriadol

Y Pwyllgor Safonau
09/09/2024

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD SARAH JANE THOMAS

Y Pwrpas:
Ystyried y cais

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Penderfynu a ddylid caniatáu'r cais ac, os caiff ei ganiatáu, hyd y gollyngiad

Y rhesymau:
Yn unol â Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywodtaethau a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriadau e-bost:

rjedgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
09/09/2024**

Dispensation Request by Councillor Sarah Jane Thomas

A dispensation request has been received from Llanfynydd Community Councillor Sarah Jane Thomas.

The application relates to Council business regarding the Bute Energy/Green Gen – Tywi Usk Pylon Project. Councillor Thomas has a personal and prejudicial interest in this business as she owns land on which it is proposed pylons be located

Councillor Thomas seeks dispensation to speak and vote and to make written representations on the following ground in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Regulation 2(e) the interest is common to the member and a significant proportion of the general public

The committee is reminded that it has previously granted dispensations to other councillors to speak and make written representations but NOT vote in relation to the same/similar interest.

If the committee is minded to grant the dispensation request, its duration will also need to be determined.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Stephen P Murphy**

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	NA
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

NA

3. Community / Town Council

NA

4. Relevant Partners

NA

5. Staff Side Representatives and other Organisations

NA

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	NA
NO	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE



APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section MUST be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name:

SARAH JANE THOMAS

Name of your Council:

Llanfynydd Community Council

Email address:

Sarahjthomas@yahoo.co.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

^{PROPOSED}
THE A CONSTRUCTION & LAYOUT OF PLOTS THROUGH THE TONY VALLEY

What is your interest in the above matter?

I OWN LAND ON WHICH SOME ARE
PROPOSED TO BE BUILT

When will the above matter be considered?

IN AN UP COMING MEETING

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written

Representations

Exercise Executive

Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input checked="" type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

IT IS IMPORTANT
COMMUNITY MATTER
REPRESENT
THE COMMUNITY
SPEAK ON BEHALF THE COMMUNITY

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

28 / 08 / 24

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP. / Monitoring.officer@carmarthenshire.gov.uk

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Y Pwyllgor Safonau
09/09/2024

**HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER
CYNGHORWYR TREF A CHYMUNED - 2024**

Y Pwrpas:

Nodi'r adroddiad a chanlyniad yr hyfforddiant

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Dim

Y Rhesymau:

Mae darparu hyfforddiant o'r fath yn rhan o gylch gwaith a blaengynllun gwaith y Pwyllgor.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith,
Llywodraethu a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Rhif Ffôn: 01267 224018

Cyfeiriadau e-bost:
rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

Code of Conduct Training for Town and community Councillors - 2024

The annual Code of Conduct train event for Town and Community Councillors was held on the 28th June 2024. In accordance with previous decisions of the committee, only 1 session was held, which took place remotely via Zoom.

The training was delivered by

Robert Edgecombe (Legal services Manager/Deputy Monitoring Officer)
Rebecca Thomas (Senior Solicitor)
Eleri George (Acting Senior Solicitor)

A total of 53 delegates indicated an intention to attend the session, of which 34 could be positively identified as doing so.

The session was recorded, and the link provided to all councils along with copies of the training materials. This enables councillors who were unable to attend the session to watch it in their own time.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Manage- ment Issues	Staffing Implications	Physical Assets	Bio- diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-225	County Hall, Carmarthen.



Y Pwyllgor Safonau
09/09/2024

DATA CÔD YMDDYGIAD 2023-2024

Y Pwrpas:

Nodi'r adroddiad a chanlyniadau'r ymarfer blynyddol diweddaraf

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Dim

Y Rhesymau:

Mae'r ymarfer yn rhan o gylch gwaith a blaengynllun gwaith y Pwyllgor.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:
Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith,
Llywodraethu a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Rhif Ffôn: 01267 224018

Cyfeiriadau e-bost:
rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

Code of Conduct Data 2023-2024

The annual code data exercise took place between May and July 2024. The exercise was again carried out using the SnapSurveys software.

66 responses were received from the 72 councils asked to provide data. A small number of Councils experienced difficulties with the survey software but this did not seem to be an issue for the majority.

A detailed analysis of the survey responses, along with other relevant code of conduct data for the year is attached.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-225	County Hall, Carmarthen.



CODE OF CONDUCT DATA GATHERING EXERCISE

2023-2024

Response Rate

A total of 66 responses were received to the survey, out of 72 councils (a response rate of 91%).

This compares with 58 responses in 2023 and 67 in 2022.

As in previous years reminders were sent to all councils and targeted follow ups undertaken with those councils that had not responded.

There is no obvious pattern emerging regarding those councils that do not respond to the survey.

Code of Conduct Complaints

Data provided by the Public Services Ombudsman for Wales (PSOW) shows that in 2023-2024 there was an increase in concluded code of conduct complaints against Town and Community Councillors to 10 (out of a total of 23 concluded complaints). None of these complaints resulted in action being taken against the Councillors in question. The detailed breakdown of the complaints is as follows.

COUNCIL	Decision not to Investigate	No Action (Following Investigation)	Referred to Standards Committee	Total No. of Complaints Closed
Carmarthenshire County Council	12	1	0	13
Ammanford Town Council	1	0	0	1
Llanelli Town Council	1	0	0	1
Llanelli Rural Council	0	1	0	1
Llangennech Community Council	1	0	0	1
Llannon Community Council	1	0	0	1
Llansetteffan & Llanybri Community Council	2	0	0	2
Pembrey & Burry Port Town Council	3	0	0	3
Total	21	2	0	23

In comparison for the period 2022-2023 data provided by the PSOW showed that a total of 4 Code of Conduct complaints were concluded against Town and Community Councillors from Carmarthenshire. This is the same number as in 2021-2022. As the committee is aware however the 2022-2023 figures include 2 cases referred to the committee for determination and which ultimately resulted in the suspension of the 2 councillors in question. A breakdown of the 2022-2023 complaints is set out below.

COUNCIL	Decision not to Investigate	No Action (Following Investigation)	Referred to Standards Committee	Total No. of Complaints Closed
Carmarthenshire County Council	10	1	0	11
Kidwelly Town Council	1	0	0	1
Llandovery Town Council	0	0	1	1
Llanelli Rural Council	0	0	1	1
Pembrey and Burry Port Town Council	1	0	0	1
Total	12	1	2	15

Overall, however it must be acknowledged that

- The number of concluded complaints remains very low when considered against the overall number of Town and Community Councillors in the County.
- The overwhelming majority of concluded complaints do not result in formal action against the councillor.

Section 2 – Dispensation Applications

During the year 2023-2024 the committee received 21 dispensation applications from Town and Community Councillors (including twin-hatted members). All were granted, at least to speak and make written representations.

In comparison during the year 2022-2023 the committee received 14 dispensation applications from Town and Community Councillors (including twin-hatted members). All but 1 of which were granted.

This again represents a significant increase over 2021-2022 when the committee received 3 dispensation applications from Town and Community Councillors. Again, all but one was granted during that year.

Whilst initially the increase in the number of applications was likely to have been driven by the May 2022 elections and the lapse of dispensations granted prior to that date, it seems

more recently the further 50% increase is largely due to the GreenGen/Bute Energy Scheme in the Tywi/Teifi valleys.

Even so, the proportion of dispensation applications received compared to the overall number of councillors continues to be extremely low.

Section 3 – Declarations of Interest

During 2023-2024 of the 66 Councils that responded only 3 recorded no declarations of interest. During that period 16 councils recorded 20 or more declarations of interest with 4 councils recording 50 or more. One council recorded over 100 declarations.

During 2022-2023 of the 58 Councils that responded only four recorded no declarations of interest. During that period thirteen councils recorded 20 or more declarations, with 3 Councils recording 50 or more.

During 2021-2022 of the 67 councils that responded, nine councils recorded no declarations of interest and eleven councils recorded twenty or more declarations. Again, three councils recorded 50 or more declarations.

Therefore, during the last 3 years of the councils that have responded to the survey 86% recorded at least 1 declaration in 2021-2022 and 93% did so in 2022-2023. For the year 2023-2024 this increased again to 95%.

When considering these figures it needs to be recognised that the fact a declaration of interest has been made does not necessarily mean the councillor in question has been unable to participate in the relevant council business.

These figures do however suggest that councillors and their clerks are very mindful of their obligations under the code regarding declarations of interest.

Section 4 – Code of Conduct Training

During the 2023-2024 period 44 councils (67% of those who responded) reported that their members and/or clerk had received code training during the year.

This represents a significant increase over 2022-2023 when only 21 councils (36%) reported that code training had been obtained.

By comparison 31 out of the 67 Councils that responded (46%) in 2021-2022 reported that their members had received code training during the year.

It is likely that the statutory requirement upon Town and Community Councils to adopt and implement training plans has driven an increased awareness of the need for code training

Section 5 – Training Plans

For 2023-2024, of the Councils that responded, 51 (77%) confirmed that they had adopted a training plan. Of those who had not yet adopted one, all confirmed that they were in the process of doing so. Responses also showed

- 90% of respondents confirmed that their training plans included a requirement to undertake code training.
- 70% of respondents confirmed that their members had begun receiving training in accordance with their training plans
- 52% of respondents confirmed that their plans had already been reviewed.

In comparison, of the Councils that responded in 2022-2023, 37 (64%) confirmed that they had formally adopted a training plan in line with the Local Government and Elections (Wales) Act 2021.

Therefore, whilst progress has been made in relation to the adoption of training plans, it should be remembered that this is a statutory requirement upon councils and therefore 100% compliance should be expected.

Conclusion

Overall, the available data suggests that Town and Community councillors in the County have a good awareness of the code of conduct and generally comply with it.

**Y Pwyllgor Safonau
09/09/2024**

ADOLYGIAD O'R POLISI DATGELU CAMARFER

Y Pwrpas:

Adolygu Polisi Datgelu Camarfer y Cyngor a chytuno ar unrhyw newidiadau

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Cymeradwyo'r fersiwn ddiweddaraf o'r polisi**

Y Rhesymau:

Mae adolygu'r polisi yn rhan o gylch gwaith y Pwyllgor.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

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EXECUTIVE SUMMARY

09/09/2024

Review of Whistleblowing Policy

The Public Interest Disclosure Act 1988 (PIDA) aims to protect individuals (particularly employees) who make certain disclosures of information in the public interest.

In line with best practice the Council has previously adopted a policy aimed at raising awareness of the PIDA protections amongst staff and establishing procedures to enable them to make protected disclosures under the Act.

This policy is reviewed annually and following consideration by the committee an exercise is undertaken to publicise the latest version of the policy to staff.

The latest version of the policy is attached.

During the period 1st April 2023 to 31st March 2024 a total of 2 whistleblowing complaints were received none of which have been concluded. Both complaints remain under investigation.

It is considered that no substantive changes are required to the policy. However delegated authority is sought to amend and update the details of individuals named in the policy should any changes occur following approval of the policy by the committee.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-226	County Hall, Carmarthen.



WHISTLEBLOWING POLICY



Legal Protection for Workers with Concerns at Work:

**Employee - Casual Worker - Volunteer - Contractor
Agency Worker - Consultant.**

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What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistleblowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.33), the Council's dedicated Whistleblowing Officers (para.33); a confidential mailbox (para.34), Senior Officers (para.35) or a recognised Trade Union Representative

(para.36). You can also seek advice from prescribed organisations independent of the Council regarding your concerns (para.50). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.

9. If you do take the matter outside the Council, you should ensure that you do not disclose any confidential information, e.g., client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service will support the investigation process.
- your concerns will be taken seriously.
- the Council will do all it can to support you throughout the investigation, e.g., provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity, and accountability. If you have serious concerns about any aspect of the Council's work, then you are encouraged and expected to come forward and voice those concerns.
12. We understand that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns, you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated, and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.
14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has

reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.

15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council, we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

Who can blow the whistle?

18. This policy applies to:

- Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers.
- Employees of contractors working for the Council-on-Council premises, for example, agency staff, builders, drivers
- Those providing services under a contract or other agreement with the Council in their own premises, for example care homes.
- Voluntary workers working with the Council.
- Consultants engaged by the Council.

19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within Welsh Government's 'Procedures for Whistleblowing in Schools and Model Policy'.

20. Employees and workers of the Council's Local Authority Trading Companies (LATC) should normally raise any concerns through the LATC's own whistleblowing procedures. Where the specific concern relates to the governance arrangement, business contract or legal agreement between the LATC and the Authority or vice versa the individual may opt to raise the matter directly with the Authority using the process described in this policy.

What can I blow the whistle about?

21. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:
- Criminal offences
 - Breach of legal obligation

- Miscarriages of justice
- Danger to the health and safety of an individual
- Damage to the environment
- The deliberate concealing of information about any of the above

22. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The event may already have occurred, or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:

- is potentially unlawful, fraudulent or corrupt.
- might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations.
- could amount to improper conduct by an officer or a member.
- might fall below established standards of practice.
- constitutes sexual, physical, or emotional abuse.
- potentially endangers the health and safety of an individual.
- is causing, or is likely to cause, damage to the environment.
- might involve a miscarriage of justice.
- is an attempt to cover up any of the above examples.

23. In addition, the Council has signed up to Welsh Government's Code of Practice on Ethical Employment in Supply Chains. The Code covers:

- Modern Slavery.
- Blacklisting.
- False self-employment.
- Unfair use of umbrella schemes and zero hours contracts.
- Paying the national living wage.

You are also encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place and is related to the direct activities or the supply chains of the Council, and this malpractice falls within one or more of the six areas described in Para. 20 above. Further information can be found in the Council's Ethical Employment & Supply Chains Policy.

24. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

How does the policy fit in with other Council policies?

25. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e., any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.

26. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working practices, working environment or organisational change should be raised through the Grievance procedure.
27. Concerns you may have about allegations of bullying, harassment, victimisation, or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
28. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
29. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

What if I am already involved in another HR procedure?

30. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy, or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy, or any other procedures to which you are already subject will not be halted as a result of raising concerns.

How does this policy fit with the Members' Code of Conduct?

31. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively, the Monitoring Officer may decide to refer the matter to the Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at www.ombudsman-wales.org.uk

Members

Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

What if I want to make anonymous allegations?

32. You can raise concerns anonymously, but they are much less powerful and will be considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

Is my identity kept confidential?

33. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

How do I raise a concern?

34. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead, can raise your concerns with your line manager or if you prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:

Whistleblowing Officer	Job Title/e-mail address	Phone number
Nigel J Evans	Practice Support Manager NEvans@carmarthenshire.gov.uk	01267 224694 (Extension 4694)
Tracey Thomas	Principal Development Officer TrThomas@carmarthenshire.gov.uk	01267 246202 (Extension 6202)

Jan Coles	Head of Children's Services JColes@carmarthenshire.gov.uk	07812 475396
Nicola J Evans	Business Support Manager NJEvans@carmarthenshire.gov.uk	01267 224124 (Extension 4124)
Paul Ridley	Civil Contingencies Manager PRidley@carmarthenshire.gov.uk	07947 793068
Cathy Richards	Senior Safeguarding Manager CRichards@carmarthenshire.gov.uk	01267 228995 (Extension 2995)

35. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your **"Contact Officer"**. This will depend on the nature of your concerns and could be someone else with your agreement.
36. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.
37. Alternatively, you could contact one of the people listed below, who will note your concerns and arrange for another person to be appointed as contact officer to provide you with advice and guidance:

Name	Job Title/e-mail address	Phone number
Wendy Walters	Chief Executive WSWalters@carmarthenshire.gov.uk	01267 224112
Linda Rees-Jones	Head of Administration and Law/Monitoring Officer lrjones@carmarthenshire.gov.uk	01267 224010
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer rjedgeco@carmarthenshire.gov.uk	01267 224018
Chris Moore	Director of Corporate Services (including responsibility for proper administration of financial affairs) cmoore@carmarthenshire.gov.uk	01267 224120
Paul Thomas	Assistant Chief Executive (People Management) prthomas@carmarthenshire.gov.uk	01267 226123
Mary Dodd	Chair of Standards Committee MDodd@carmarthenshire.gov.uk	
Helen Pugh	Head of Revenues and Financial Compliance HLPugh@carmarthenshire.gov.uk	01267 246223



You are welcome to contact me in Welsh or English

38. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans	UNISON	unisoncarms1@btconnect.com	01267 224942
Brian Harries	Unite	BVHarries@carmarthenshire.gov.uk	07718 925787
Jonathan James	GMB	JWJames@carmarthenshire.gov.uk	07581 334769

39. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

What happens after I have raised my concerns?

40. Your Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.
41. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that's alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
42. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

How will we deal with your concerns?

43. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
- investigated internally by an appropriate person in line with the Council's Investigation Policy.
 - referred to the Police.
 - referred to the Wales Audit Office.
 - the subject of an independent inquiry.
44. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

45. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
 - indicate how it is proposed to deal with the matter.
 - give you an estimate of how long it may take to provide a final response.
 - tell you whether any initial enquiries have been made; and
 - inform you whether a full investigation will take place, and if not, why not.
46. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.
47. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.
48. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
49. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

What happens if my concerns are not confirmed after an investigation?

50. If, you raise a concern using this policy, but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.

51. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

What happens if I am not happy with the Council's response?

52. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) the Council's Chief Executive or the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C). Telephone 020 7404 6609 or e-mail info@pcaw.co.uk or whistle@pcaw.co.uk
- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail whistleblowing@wao.gov.uk or web www.wao.gov.uk/whistleblowers-hotline
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail ask@ombudsman-wales.org.uk or web www.ombudsman-wales.org.uk
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web www.hse.gov.uk
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail cssiw.@wales.gsi.gov.uk or web www.cssiw.org.uk
- Care Council for Wales Tel: 0300 303 3444 ftp@ccwales.org.uk
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: post@childcomwales.org.uk or web www.childcomwales.org.uk
- Natural Resource Wales Tel: 0300 065 3000 Email: enquiries@naturalresourceswales.gov.uk
- The Information Commissioner's Office Tel: 0303 123 1113 or e-mail casework@ico.org.uk or web www.ico.org.uk
- Older People's Commissioner Tel: 02920 445 030 or e-mail ask@olderpeoplewales.com or web www.olderpeoplewales.com

A full list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Who is responsible for this policy?

53. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of

this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in a format that does not endanger confidentiality) and will report to the Standards Committee annually.

54. This edition of the policy was agreed by the Council's Standards Committee on 15th June. The policy is reviewed annually.

What happens to your 'information' and 'personal data'?

55. The proper handling of personal information by Carmarthenshire County Council is very important to the delivery of our services, undertaking our legal obligations as an employer and maintaining public confidence. Personal data is any information that relates to a person who can be directly or indirectly identified from the information. The terms 'information' and 'personal data' are used and have the same meaning. To ensure that the Council treats your information correctly, we seek to adhere in full to the requirements of Data Protection legislation. The Human Resources – People Management and Legal Services privacy notices have therefore been produced to explain as clearly as possible what we do with your personal data and are available to view on the Council's website.

If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.

WHISTLEBLOWING FLOWCHART

Worker raises a concern with his/her line manager, a more senior manager or a dedicated Whistleblowing Officer. This individual normally becomes the 'Contact Officer', but it can be someone else with the worker's consent

The Contact Officer explores concerns with individual and considers whether they fall within 1 or more of the 6 categories of protected disclosure (see right hand box) and in the public interest

- Protected disclosure:
- Criminal offences
 - Breach of legal obligation
 - Miscarriages of justice
 - Danger of Health and safety of an individual
 - Damage to the environment
 - Deliberately concealing information about the above

If yes

If no

Notify the Monitoring Officer in Administration and Law that a whistleblowing complaint has been made and seek advice on how to proceed.

If the concerns relate to a worker's own employment with the authority **and** is a '**protected disclosure**' the principles of the whistleblowing procedure are to be followed alongside the relevant HR Policy and procedure.

If the concerns relate to a worker's own employment with the authority **and is not a protected disclosure**, the individual should be advised to speak to their **line manager** in line with the Council's Grievance or Behavioural Standards guidance, as appropriate.

- The concerns may be:
- Investigated internally in line with the Council's Investigation Policy
 - Referred to the police
 - Referred to the Wales Audit Office
 - Subject of an independent enquiry.

The Contact Officer will acknowledge the individual's concerns and within 14 days:

- indicate how the matter will be dealt with
- give an estimated time for examining the concerns
- advise if there have been any initial enquiries;
- confirm if a full investigation will take place, and if not, why not.

The Contact Officer will agree with the worker the type and frequency of contact to feedback on the progress of investigation, confirming data protection and confidentiality restrictions in the process

The Contact Officer will notify the individual of the outcome of the complaint along with a copy of the feedback form within 14 calendar days of conclusion of the investigation

The Contact Officer will notify the Monitoring Officer the outcome of the complaint.

~~Policy: Whistleblowing Policy~~
 Adopted: March 2004
 Revised: 12th June 2023 at Standards Committee.



People Management

CONFIDENTIAL - WHISTLEBLOWING PROCEDURE FEEDBACK FORM

We have recently concluded an investigation into your concerns raised under the Council’s Whistleblowing Policy. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

- 1. **To whom did you report your concern?**
 - Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Other (please specify)

.....

- 2. **Were you satisfied with the way in which your concern was dealt with by that person?**
 - Yes
 - No

3. **If no, please explain why:**

.....

.....

- 4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**
 - Yes
 - No

- 5. **If yes, where did you see a copy of the Whistleblowing Policy?**
 - Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Intranet
 - Other (please specify)

- 6. **Were you advised of how the concern was being dealt with and the outcome?**
 - Yes
 - No

- 7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**
 - Yes
 - No

8. **If no, please explain why:**

.....

Thank you for completing this questionnaire. Please return it to the Monitoring Officer via the Council’s confidential Whistleblowing mailbox: CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Deputy/Monitoring Officer in the Legal Department.



Appendix C

WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

Case 1 – Fraud in the NHS

The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

Case 2 - Involving a Regulator

The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was

anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

What PCaW advised

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

What happened

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

Case 3 – Theft in a care home

The story

FA worked as a care assistant in an old people's home. He and some of his colleagues were worried that SM, one of the managers, might be stealing cash from the residents. SM, looked after residents' pocket money and kept a record of when sums were paid out. FA was fairly sure that money was recorded as being given out to particular residents when they had received none.

After a while, he thought he had to raise the concern as the amount involved was adding up. After he raised his concerns with the owners of the home, an investigation quickly found FA was right, SM was dismissed and the police were called in. Relations within the home were tense as some of SM's friends strongly objected to the whistleblowing. Within weeks, FA was suspended over allegations that he had mistreated the residents. He rang us.

What PCaW advised

We advised that he should bite his lip and deal with these allegations squarely. Although the investigation found they had no substance, the owners decided to transfer FA to another home. FA was very unhappy and rang us again. We helped him draft a letter to the owners explaining that he wanted to stay at that home and that transferring him after he had blown the whistle would give out the wrong messages to other staff.

What happened

The owners reconsidered and FA stayed at the home. When FA rang to tell us that SM had been convicted of stealing £1400 from the residents, he said the atmosphere in the home was now much improved.

Mae'r dudalen hon yn wag yn fwriadol

Y Pwyllgor Safonau

09/09/2024

ADOLYGIAD O WEITHDREFNAU GWRANDAWIADAU DISGYBLU**Y Pwrpas:**

Adolygu Gweithdrefnau Gwrandawiadau Disgyblu'r Pwyllgor a chytuno ar unrhyw newidiadau

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Cymeradwyo'r fersiwn ddiweddaraf o'r gweithdrefnau**

Y Rhesymau:

Mae adolygu'r gweithdrefnau yn rhan o flaenraglen waith y Pwyllgor

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywodraethu a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriad e-bost:
rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

Review of Disciplinary Hearing Procedures

At the Standards Committee meeting in June 2022 the committee adopted a formal procedure for the conduct of disciplinary proceedings against councillors in the event of a report being received from the Public Services Ombudsman for Wales pursuant to Part III of the Local Government Act 2000.

Subsequently the committee was required to implement these procedures following the receipt of two separate reports from the Ombudsman under Part III of the 2000 Act.

The procedures were reviewed in December 2023 considering that experience and changes made.

Subsequently the annual review of the procedures was added to the committee's Forward Work Programme.

It is not suggested that any further changes be made at this time.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-226	County Hall, Carmarthen.

CARMARTHENSHIRE COUNTY COUNCIL
Standards Committee Hearing Procedure
For Code of Conduct Referrals

This document sets out the procedure for the Standards Committee to follow where it is required to make a decision as to the conduct of a Councillor, town/community Councillor or co-opted member following a referral by the Public Service Ombudsman for Wales.

The procedure is intended to provide justice and fairness both for the Councillor who is subject to the investigation and any other individuals involved. It is also intended to fulfil the wider public interest of having an open and fair adjudication process.

The Committee may revise the procedure in any case having regard to the public interest and the need for a proportionate adjudication process.

1. Background

1.1 The Standards Committee (the Committee) may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:

- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act and the Monitoring Officer then investigating the matter and reporting the conclusion of his/her investigation to the Committee or,
- (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.

1.2 The following procedure has been agreed by the Standards Committee to comply with the legislative requirements and laws of natural justice.

2. Initial Determination

2.1 Upon receipt of a report from either the Monitoring Officer or the PSOW, together with any recommendations of the Monitoring Officer, the Standards Committee must meet and make an initial determination that either:

- (a) There is no evidence of any failure to comply with the Code of Conduct; or
- (b) That any person who is the subject of the investigation should be given the opportunity to make representations to the Committee, either orally or in writing, in respect of the findings of the investigation.

- 2.2 The Committee will write to the Councillor to notify him/her of the Committee's decision. If the Committee determines that there is no evidence of a failure to comply with the Code that will be confirmed to the Councillor and the Investigating Officer.
- 2.3 If the Committee determines that there is evidence of a failure to comply with the code then the Committee will either hold a hearing of the case at a further meeting or, by agreement with all parties, proceed by way of written evidence and representations only.
- 2.4 The letter sent to the Councillor in accordance with paragraph 2.3 will include a summary of the possible sanctions open to the Committee and invite a written response to the following:
- (a) Clarification as to whether the Councillor wishes to make written representations or proceed by way of an oral hearing.
 - (b) Clarification as to whether the Councillor will be represented and if so, by whom.
 - (c) Details as to which areas of the Investigation Report are disputed and not disputed and if possible, with brief reasons.
 - (d) Details of any witnesses which the Councillor proposes to call at the Committee Hearing and a summary of the evidence they will give.
 - (e) Details of any written evidence upon which the Councillor proposes to rely including any documentation listed within the unused material schedule served by the Investigating Officer.
 - (f) An indication as to whether the Councillor intends to make representations to the Committee as to whether members of the public should be excluded from the Committee Hearing and grounds for doing so.
 - (g) Any dates of unavailability to attend a Committee Hearing to include unavailability dates of witnesses and legal representation.
 - (h) Any other information that the Committee feels appropriate at this stage.
- 2.5 The Committee will also write to the Investigating Officer requesting:
- (a) That the Investigating Officer attend the Committee Hearing to present the Investigation Report or to ask if the Investigating Officer wishes to attend the Committee Hearing for this purpose.
 - (b) Clarification as to whether the Investigating Officer will be represented and if so, by who.
 - (c) Any dates of unavailability to attend a Hearing to include unavailability dates of any witnesses and legal representation.
 - (d) Any other information that the Committee feels appropriate at this stage.
- 2.6 The letters sent to both the Councillor and Investigating Officer will also confirm the date of any Pre-Hearing Review meeting should the Committee conclude that such a meeting would be desirable.

3. The Monitoring Officer

- 3.1 The Committee Hearing will have the support of legal and democratic service assistance and advice. Legal advice will be provided by either the Monitoring Officer, the Deputy Monitoring Officer or another suitably qualified lawyer.
- 3.2 In the event that the Monitoring Officer has investigated a complaint then he/she will attend the Committee Hearing in that capacity and will not be the legal advisor to the Committee hearing. In such cases, the Deputy Monitoring Officer or another suitably qualified lawyer will be present to advise the Committee Hearing.

4. Pre-Hearing review

- 4.1 Where the Committee considers that a pre-hearing review is appropriate notice of at least 14 days will be given to the Councillor, who may attend with or without any representation. The pre-hearing review will be held in private session unless the Committee directs otherwise.
- 4.2 The purpose of the pre-hearing review would be to consider any directions which may be required to facilitate the final hearing including directions relating to evidence, location of hearing, accurate timings and narrowing of any issues.
- 4.3 The committee will also decide as to whether the final hearing should be held in public.

5. Public Notice of Hearings

- 5.1 Notice of any Committee Hearing will be given in accordance with statutory requirements.

6. Public Access to Hearings

- 6.1 The Committee will consider whether the case should be considered in public or private in accordance with the relevant statutory rules and with legal advice from the legal officer. The presumption will be that a final hearing will be heard in public unless there are exceptional circumstances which justify it being held in private.
- 6.2 The PSOW or the representative officer/s of the PSOW and the Monitoring Officer are entitled to attend the Hearing whether or not the Hearing is held in private.
- 6.3 The Committee may permit any other person to attend the Hearing which is held in private upon receiving legal advice.

6.4 Where a hearing is held in public members of the public in attendance may observe the proceedings only.

6.4 The Committee may exclude from a Hearing, or any part of it, any person whose conduct is disruptive or is likely to disrupt the Hearing in accordance with the Council Procedure Rules as set out in the Constitution of Carmarthenshire County Council.

7. Failure of a Party to attend a hearing

7.1 If a Councillor fails to attend or be represented at a Hearing of which he/she has been notified, the Committee may:

- (a) Determine the matter in the Councillor's absence unless it is satisfied that there is good reason for the absence; or
- (b) Adjourn the hearing.

7.2 Before deciding to determine a matter in the absence of the Councillor, the Committee will take legal advice and consider any written representations submitted by the Councillor or his/her representative in response to the notice of Hearing.

8. Procedure at the Hearing – Preliminary Matters

8.1 Where possible all committee members, parties, their representatives and witnesses should try to attend any final hearing in person. Facilities for remote attendance will however be provided if required.

8.2 When attending in person witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the Committee. A designated waiting area will be available to witnesses until they are called.

8.3 The Committee may limit the number of witnesses to be called, where it is considered, this would not detract from a fair hearing. This may, for example, be where the Committee considers that there are too many character witnesses being called or where witnesses are simply repeating previous evidence given to the Hearing which is not in dispute.

8.4 Where evidence is being given by way of written statement and the witness is not being called to give oral evidence, the Committee may at any stage during the proceedings require the attendance of any person making a written statement.

8.5 At the commencement of the Hearing the Chair will explain the order of proceedings that the Committee proposes to adopt and obtain confirmation from everybody taking part in the Hearing that they understand the procedure. The procedure to be followed is at the discretion of the Committee which will aim to conduct the Hearing in such manner as it considers most appropriate and suitable to be able to clarify all issues before it and to ensure a fair and

just Hearing to take place. The Committee will, as far as possible, try to avoid formality in its proceedings.

- 8.6 After the Chair has explained the order of proceedings, the Committee will first seek to resolve any procedural issues or disputes arising from any direction which has been given.
- 8.7 Where requested the Hearing will be conducted in Welsh in order to comply with statutory requirements and Welsh Language Standards. A translation service will be provided for any person attending the Hearing that requires it

9. Procedure at the Hearing – Determining the factual Issues

- 9.1 The Committee should then move on to consider whether or not there are any significant disagreements as to the facts contained in the Investigating Officer's report.
- 9.2 If there are no disagreement as to the facts the Committee can move to the next stage of the Hearing.
- 9.3 If however, there is disagreement as to the facts, the Investigating officer will be invited to make any necessary representations to support the relevant findings of fact in the Report and call witness evidence in support.
- 9.4 Members of the Committee and the Councillor or the Councillors representative will be given an opportunity to question any witness called by the Investigating Officer. There will also be an opportunity for committee members, the Councillor or the Councilor's representative to question the Investigating Officer regarding the conduct of the investigation.
- 9.5 The Councillor or the Councillor's representative can then make representations regarding his/her version of the facts and call witness evidence in support. The Committee and the Investigating Officer will have an opportunity to question the Councillor and any witness called by the Councillor.
- 9.6 At the conclusion of the Councillor's evidence the Councillor will be afforded an opportunity to sum up his or her case.
- 9.7 At any time, the Committee may ask questions any of the people who are involved in the hearing or who are giving evidence. The Legal Advisor to the Committee, may with the permission of the Chair, also ask questions of people involved in the hearing or who are giving evidence.
- 9.8 The Committee will then retire to consider their decision on the factual issues in dispute.
- 9.9 Once a decision on the disputed factual issues is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

10. Stage 2 – Whether the facts demonstrate a breach of the Code

- 10.1 Based on the facts as found the Committee will then consider whether the Councillor has breached the Code of Conduct. This stage does not provide the Councillor or the Investigating Officer an opportunity to re-examine the facts of the case.
- 10.2 The Committee may receive verbal or written representations from the Investigating Officer.
- 10.3 The Councillor will then be invited to make any relevant representations.
- 10.4 The Committee will then retire to consider their decision as to whether the Councillor is in breach of the Code of Conduct.
- 10.5 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

11. Stage 3 – Consideration of Sanctions

- 11.1 In the event that the Committee determines that there has been a breach of the Code by the Councillor, the Committee will then consider any written or verbal representations from the Investigating Officer and the Councillor as to whether or not the Committee should impose a sanction and if so, what form any sanction should take. The Councillor will be afforded an opportunity at this stage to rely on either written or oral evidence as to character/mitigating factors that the Committee should take into account before making a decision on sanction.
- 11.2 The Committee may question the Investigating Officer and/or the Councillor and, if appropriate, take legal advice in order to make an informed decision as to any sanction.
- 11.3 The Committee will then retire to consider their decision as to whether to impose a sanction and if so, the nature of the sanction.
- 11.4 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's decision.

12. Written Decision

- 12.1 The Committee will announce its decision on the day and provide a short written decision on the day. A full written decision, with reasons supporting the decision, will be issued within 10 working days of the end of the hearing and notified to the PSOW, the Councillor and the person who made the original allegation (if known).

13. Appeals

- 13.1 Where the Committee decides that a person has failed to comply with the Code of Conduct that person may appeal to the Adjudication Panel for Wales as per

the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

Mae'r dudalen hon yn wag yn fwriadol

**Y Pwyllgor Safonau
09/09/2024**

**PENDERFYNIADAU DIWEDDAR Y PANEL DYFARNU A'R
OMBWDSMON**

Y Pwrpas:

**Nodi penderfyniadau diweddar Panel Dyfarnu Cymru a'r
Ombwdsmon ynghylch cwynion y Cod Ymddygiad**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi'r penderfyniadau**

Y Rhesymau:

Mae'r penderfyniadau hyn yn cynnig pwyntiau dysgu

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Steven P Murphy

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth y Gyfraith
Llywodraethau a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriad e-bost:
rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

Recent Adjudication Panel and Ombudsman Decisions

Decisions published by the Adjudication Panel for Wales (APW) and the Public Services Ombudsman for Wales (PSOW) regarding code of conduct complaints provide the committee with points of learning which can be considered when implementing the code and providing training to councillors.

The following recent decisions are of interest.

Adjudication Panel for Wales

Councillor David Metcalfe

Public Services Ombudsman for Wales

Conwy County Borough Council
Festiniog Town Council
Monmouthshire county Council

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-226	County Hall, Carmarthen.

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER:

APPELLANT: Councillor David Metcalfe

RELEVANT AUTHORITIES: Cefn Community Council (principal authority - Wrexham County Borough Council)

1. Following a decision by the Standards Committee of Wrexham County Borough Council (“the Standards Committee”) on 16 January 2024 that the Appellant breached the Code of Conduct of the Relevant Authority, and the Notice of Decision which was emailed to the Appellant on 19 January 2021 (receipt confirmed), the Appellant has made an application to appeal under Regulation 10(8) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) Regulations 2001.
2. I have deemed the application to be in time. The Appellant’s appeal was received by the APW on 5 February 2024, within the 21-day period in which applications for permission to appeal must be received.
3. The Appellant sent a copy of the standards committee’s decision and the minutes with his appeal form.
4. I have made my decision on the basis of the following evidence:
 - a. The completed APW05 form from the Appellant seeking permission to appeal (together with the additional sheets provided as attachments to that form);
 - b. The Notice of Decision from the Standards Committee sent to the Appellant;
 - c. The minutes of the Standards Committee meeting held on 16 January 2024;
 - d. The comments of the Appellant disputing the minutes of the Standards Committee meeting held on 16 January 2024

5. The Appellant has raised several grounds of appeal, which focus on facts and the alleged breaches of the Code of Conduct found. I am required to consider whether it has no reasonable prospect of success. I will take the Appellant's case at its highest (this means assuming his version of key disputed facts is correct for the purposes of considering his application), unless it is conclusively disproved, is entirely unsupported by reasonable argument or the evidence before me, or can reasonably be viewed as fanciful allegations.
6. If any ground of appeal is found by me to have no reasonable prospect of success, that ground will not proceed to be considered by the Appeal Tribunal. I am required to give reasons if I find a ground of appeal has no reasonable prospect of success. The threshold is low to obtain permission to appeal – even if I take the view the ground is unlikely to succeed, unless I find there is no reasonable prospect of success, I will allow the ground to be considered by an Appeal Tribunal. Where there is a dispute about the fact-finding undertaken by a standards committee, I will consider the decision of that committee to consider whether the criticisms made have no reasonable prospect of success.
7. If any ground does have a reasonable prospect of success, I am required to arrange for an Appeal Tribunal to be convened to hear the appeal.
8. I note that the decision letter of the standards committee is summary in nature. The draft minutes sets out evidence was received, that submissions were made, and the sanction imposed. There is no record of the Committee's reasoning, what the submissions were, the weight placed on the evidence or submissions received or whether the Sanctions Guidance was considered. I observed that compared to the detailed decisions supplied by other Standards Committee, the letter did not enable a review of the decision making process to be undertaken by an objective reader. I reviewed the minutes of the meeting (whilst noting that the Appellant disputed their accuracy); again I noted that there was no record setting out why the Standards Committee reached the conclusion that it did.
9. The Appellant raised the following grounds in his application for permission to appeal:
 - a. He commented on the phrase of "*cripple your business*", aspects of his hopes for the Ebenezer building and the underlying dispute over its future with the principal authority– there are not relevant to the reasons why he was found to have acted aggressively in a meeting of 4 May 2021 or failed to declare an interest in council business at the same meeting, and the details of the underlying dispute cannot be resolved in this forum. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
 - b. The Appellant complains of a presentation made in the meeting of 4 May 2021 – this is not something that can form the basis of a ground

of appeal. Taking his additional comments made into consideration, it appears that the Appellant asserts that there has been a “cover up” by both the community council and the principal authority regarding the Ebenezer building; again, this is not relevant as to whether the Appellant breached the Code of Conduct and the underlying dispute cannot be resolved in this forum. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**

- c. The Appellant accepts that he did not seek advice from the clerk, the monitoring officer or any other body as to whether he should declare an interest when attending the meeting on 4 May 2021; his position is that he did not need to do so and asserts that there is no need to declare something that should have been known. This is incorrect – it is necessary to declare even if known. The Appellant admits that he made no declaration and sought no advice, but this is on the basis that his interest was known. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
- d. The Appellant accepts that he raised his voice at the meeting of 4 May 2021 but says that others did so. This is not an acceptable justification as the Appellant is responsible for his own conduct. There is no challenge that he conceded to the Standards Committee that he behaved aggressively. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
- e. The Appellant touched on the finding that he brought his office or the relevant authority into disrepute, but does not set out any basis on which the finding can be challenged. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
- f. The Appellant says that he did not use his official capacity as a councillor to improperly obtain an advantage for himself or any other, or create a disadvantage – this was found by the Standards Committee but the Appellant has failed to explain why he challenges this finding. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
- g. The Appellant denies that he had a personal or prejudicial interest in the business of the authority and failed to disclose it. On his account within the application for permission to appeal alone, it is evident that the Appellant did have a personal interest in the fate of the Ebenezer building (which was financial in nature as it could lead to the insolvency of his personal business according to the Appellant) and says that he did not need to disclose it (or withdraw) as it was known. **This ground has no reasonable prospect of success and cannot proceed to an Appeal Tribunal.**
- h. The Appellant has made no submission that the sanction imposed was inappropriate. I have closely examined all of his documents, and

no argument is made and no comment in the form set out challenging this. **It therefore is not a ground of appeal and cannot proceed to an Appeal Tribunal.**

10. An Appeal Tribunal will not be convened by the President of the Adjudication Panel for Wales. The Monitoring Officer will be notified to enable the period of suspension to commence.

Signed: 

Date: 8 February 2024

Claire Sharp
President of the Adjudication Panel for Wales

Report Date

09/07/2023

Case Against

Conwy County Borough Council

Subject

Duty to uphold the law

Case Reference Number

202205954

Outcome

No Action Necessary

The Ombudsman received a complaint that a Member (“the Member”) of Conwy County Borough Council (“the Council”) had breached the Code of Conduct (“the Code”) by participating and voting in a Council meeting, which he attended virtually, while appearing to be driving.

The Ombudsman’s investigation considered whether the Member had breached the Code by bringing his office or authority into disrepute.

Information was obtained from the Council, including minutes from the relevant Council meetings and videos of the incidents that led to the complaint. Information was also obtained from the Member and from the Police.

The video footage from the first Council meeting showed the Member to be driving a vehicle whilst participating in the meeting and the Member acknowledged that this was the case. The Member felt it important that he attend all meetings. Subsequent videos showed the car either to be stationary or that the Member was in the passenger seat.

The Police said it had not received a complaint and it would not now be in the public interest to investigate the matter. It is not the Ombudsman’s role to determine whether the Member’s actions would have amounted to criminal behaviour. However, the Police decision does not mean the Member’s actions were considered acceptable.

The Ombudsman found that the actions of the Member were suggestive of a breach of the Code. The public rightly expect elected members to engage fully with council business and to attend a meeting whilst driving a

vehicle demonstrated poor judgement and had the potential to bring the Council into disrepute.

The Ombudsman considered that there was evidence of a single incident where the Member was driving and interacted with the meeting, and that it did not appear to be indicative of repeated behaviour. That subsequent videos showed the Member to be in the passenger seat or in a stationary vehicle suggests the Member had not repeated the behaviour and has learned from this complaint.

The Ombudsman found that although the members actions were suggestive of a breach of the Code, that he had not repeated the behaviour since, and the lack of a criminal investigation meant it would not be in the public interest to take further action.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

This decision will be held on record and will be taken into account if there is any future similar behaviour by the Member.

Report Date

09/13/2023

Case Against

Ffestiniog Town Council

Subject

Disclosure & register of interest

Case Reference Number

202201791

Outcome

No Action Necessary

The Ombudsman received a complaint that a Member (“the Member”) of Ffestiniog Town Council (“the Council”) had breached the Code of Conduct (“the Code”) by failing to declare a personal and prejudicial interest when the Council took the decision not to support a request by local residents to oppose an application to the Land Registry Tribunal which had been made by a fellow councillor, the Member’s friend. It was also alleged that the Member had subsequently sent a statement of support for his fellow councillor’s application.

The Ombudsman’s investigation considered whether the Member had breached the Code by failing to declare a personal and prejudicial interest, by using his position to create an advantage or disadvantage for someone and whether he had brought his office or authority into disrepute.

Information was obtained from the Council and witnesses were interviewed.

The Member acknowledged that his intention to write a statement of support for his fellow councillor’s application to a Land Registry tribunal meant that he held a personal and prejudicial interest and that he should have declared the interest and not participated in discussion of those matters at council meetings.

The Ombudsman found that the actions of the member were suggestive of breaches of the Code in that he had failed to declare a personal and prejudicial interest and had made representations at council meetings when he should not have done so. However, the Ombudsman also noted that advice given by other councillors and the Clerk was not as clear as it could have been.

The Ombudsman was not persuaded that these events had, or were likely to have, an effect on the reputation of the Council as a whole, because it was unclear whether the Member's input would have affected the Council's decision and it was a limited decision affecting only a small group of people in the area.

The Ombudsman was also not persuaded that the Member used his position improperly or in a way that was suggestive of a breach of the Code because, had he declared a personal and prejudicial interest, he would not have been prevented from writing the statement if he wished to do so in his personal capacity and the fact that he was a member of the Council did not give him an advantage in that situation.

The Member had not received training on the Code before the events that gave rise to the complaint. The Member signed an undertaking to abide by the Code before he took up his role. This should not have been taken lightly and should have alerted him to the fact that he was under a duty to understand the Code in order to abide by it. He has since attended training on the Code as well as several other courses and now better understands the requirements of the Code and his responsibilities as a member of the Council.

The Ombudsman found that although the Member's actions were suggestive of a breach of the Code the limited impact of his actions, the mitigation provided by the unclear advice he received and the actions he has since taken to address his understanding of his obligations, meant it would not be in the public interest to take further action.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

Report Date

10/20/2023

Case Against

Monmouthshire County Council

Subject

Promotion of equality & respect

Case Reference Number

202201568

Outcome

No Action Necessary

The Ombudsman received a complaint that a member (“the Member”) of Monmouthshire County Council (“the Council”) may have breached the Code of Conduct by the comments the Member made in a public Council meeting about a missing person. It was alleged that the comments were insensitive to the missing person’s family.

The Ombudsman’s investigation considered whether the Member’s conduct may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct. Information was obtained from the Council. Witnesses, including the complainant, were interviewed. The Member was interviewed. Information was obtained from the Police.

The Ombudsman’s investigation found that the Member had been asked for help by a constituent, who was also related to the missing person. The Police did not share any information with the Member about the missing person. The Ombudsman found that the Member’s explanation that he was acting on behalf of his constituent in making the comments appeared reasonable. However, the Ombudsman found that the Member should have been mindful of the sensitive and upsetting nature of the matter. The complainant found the Member’s comments upsetting and distressing to hear and the Ombudsman noted that the comments were made in a full Council public meeting. She considered that the public nature of the comments and references to the missing person could be considered as disrespectful to the family of the person who was missing. The Ombudsman found that discussing such a sensitive and upsetting matter as part of Council business may have failed to show respect and consideration to the complainant and accordingly, were in breach of paragraph 4(b) of the Code.

The Member said that he was representing his constituent in making the comments and that his comments were made as part of a political point. This meant that careful consideration of the enhanced protection councillors have, which permits the use of language in political debates which might, in non-political contexts be regarded as inappropriate or unacceptable had to be carefully considered. In view of this, the Ombudsman was not persuaded that the conduct was likely to have brought the Member's office of councillor or his Authority into disrepute (in breach of paragraph 6(1)(a) of the Code of Conduct).

The Ombudsman acknowledged that the Member was asked for help by a constituent and had explained that he was trying to help his constituent in making the comments complained about. It was noted that the Member had not received information which he had been asked to keep confidential and his comments were made as part of a political debate. In view of this, the Ombudsman did not consider that further action was needed in the public interest. The Ombudsman reminded the Member of the need to be mindful when commenting on sensitive matters in any future council meetings.

The Ombudsman found that under Section 69(b) of the Local Government Act 2000, my finding is that no action needs to be taken in respect of the matters investigated.

**Y Pwyllgor Safonau
09/09/2024**

FFORWM PWYLLGORAU SAFONAU CYMRU GYFAN

Y Pwrpas:

Nodi cofnodion cyfarfod diwethaf y fforwm

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Nodi'r cofnodion

Y Rhesymau:

Mae hyn wedi'i gynnwys ym mlaenraglen waith y Pwyllgor

Angen i'r Cabinet wneud penderfyniad NAC OES

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YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

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Awdur yr Adroddiad:
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Swyddi:

Pennaeth y Gyfraith
Llywodraethau a
Gwasanaethau Sifil

Rheolwr y Gwasanaethau
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EXECUTIVE SUMMARY

ALL-WALES STANDARDS COMMITTEE FORUM

In 2023 an agreement was reached cross all 22 unitary authorities in Wales to establish a forum for the Chairs of Standards Committees to come together to exchange best practice and discuss issues of mutual concern.

The committee has determined that the minutes of forum meetings should be shared with the wider committee at its quarterly meetings.

The minutes of the most recent forum meeting are therefore attached.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: *SPMurphy*

Head of Law Governance and Civil Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
No	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-226	County Hall, Carmarthen.

Standards Committees Chairs Forum - Wales
Monday, 29th of January 2024 @ 2pm, via Teams

Notes

1. Chairs Announcements

- a) Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

2. Notes from the previous meeting – 30th of June 2023.

- Notes shared with Standards Committees would be in the public domain, and must be published as they are received, to ensure that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure individual members and councils could not be identified.

3. Michelle Morris, Public Services Ombudsman for Wales – Update

Code of Conduct Cases 2023/24.

- Increase in the number of cases since last year – 18% Increase – 116 Open Cases
- Increase in Closed Cases
 - Pre-Assessment +18%
 - Assessment +2%
 - Investigation +32%

- Challenge of “Aged Cases” (over 12 months)
 - Quarter (15 cases) of investigations at end of December '23
 - Target to halve by end of the financial year.

Referrals & Hearings

- 11 concluded to end of December '23
- 9 pending, 2 Adjudication Panel for Wales (APW) including 1 Appeal.
- Anticipate further referrals before end of the financial year.

Points of Interest – APW granted Interim Suspension (July 2023) – final report will be with Panel next month.

Questions and comments

- The dynamics of the situation – “aged cases” and increase in number of current cases, balancing with an increase in health board cases, challenge in terms of staffing resources. Is that likely to slow down progress?
 - It was a challenge, and the increase of maladministration cases was 5% - a smaller figure but in the context of a much larger case load. It was a challenge to look at the best use of resources. Finance Committee in the Senedd had agreed to recommend an increase in budget for two extra members of staff, which will be hopefully agreed in the draft budget. Must focus on the most serious cases, there is an impact and a judgement call to be made.
- Is there anything more that Standards Committees can do in terms of helping with the PSOW workload?
 - Local resolution is important, particularly if there are patterns emerging locally where perhaps things can be “nipped in the bud” – Group Leaders have a role in this with having conversations about appropriate behaviours.
- If a hearing is conducted and a decision made with a sanction given on a LA councillor, if the complainant doesn't agree – what is the process for the Standards Committee?

- The issue with this case is that the PSOW has not investigated it before going to the Standards Committee. The normal process would be for the PSOW to investigate and refer to the Standards Committee to conduct the hearing. PSOW will confirm the process to the LA with this case.
- The recently circulated PSOW newsletter for Q3 was very useful, particularly the links.
- There was positive feedback from a Local Authority in terms of their engagement with PSOW who had been most helpful and supportive with two recent hearings.
- In a recent case there was a hearing concerning a community councillor, and the outcome was a decision to suspend him. After this, the councillor said he was a community councillor at a neighbouring community council– the decision was to just suspend him for the community councillor that the complaint had been raised. Was this the wrong decision?
 - The circumstances mentioned previously in a different case would have been different, and if the Standards Committee had sought advice from the PSOW team, their advice would be correct.

4. Corporate Joint Committees (CJCs) and Joint Standards Committees – Iwan Gwilym Evans

- See attached presentation.



CJC_Overview-Biling
ual - Fforwm Forum.p

Questions and comments

- Powys and Ceredigion are one CJC – there seems to be a duplication of effort and cost. What are your thoughts on two separate Standards Committees?

- The regulations mean that a Standards Committee must be established going forward, reflects the approach Welsh Government are taking of CJs as a developing body who may have more influence.
- Members are allocated to the National Park Authorities, the formation of the CJs had the thoughts about the powers that the CJC Standards Committee has. Some of their members are allocated to the Authorities and Standards Committees do not have the same powers of sanction.
 - Will have the same powers as a local authority Standards Committee but will only deal with issues relevant to the member CJC.

ACTION: PowerPoint slides to be circulated to the Chairs. IE, CT

ACTION: Consider how the Forum engages with the emerging CJC Standards protocols and groups before the next meeting. CW, JC, CT.

5. Resourcing of Standards Committees

- Resourcing issues to ensure they are fit for purpose to undertake the work that is required.
- Missed the opportunity to respond to this year's IRPW report but want to look at how we engage going forward. Standards committee co-opted members not consulted as part of IRPW stakeholder engagement. Payments to co-opted members did not seem to be a focus for the IRPW.
- The determination around the interpretation of remuneration is different across Councils as well as different levels of support e.g., provision of IT equipment and an email address. Do we want to map out the differences between councils?
- Do we want to engage with the issue, if we do, do we ask someone from IRPW to come along, mapping to feed into a future report?

Comments

- Fully support the thoughts in terms of engaging with the IRPW. The way forward is to do some mapping to ensure there is an understanding of issues.

- Consistency with the application of remuneration and support was important to ensure it attracted people to the role. Monitoring vacancies might be an indicator the IRPW would consider as part of their work.
- Monitoring officers interested in changes going forward, in terms of hourly rates etc. ensure that there are different scenarios in the mapping exercise.
- Head of Democratic Services (HoDS) in Swansea was consulted by the IRPW – supported the hourly rate. It would be an additional hour – if it went over the 8 hours day rate, it would allow additional payment over the full day rate. Up to the HoDS to say how long the meeting lasts, if the HoDS said 8 hours but the meeting only lasts 30 minutes, the HoDS is still obliged to pay 8 hours to ensure there was no detriment to the members who might otherwise have cleared their diary resulting in lost opportunity costs or additional costs incurred.

ACTION: Issue to be highlighted with Monitoring Officers at their national governance group meeting. JC, CT.

ACTION: Response to the 2024/25 report from IRPW, what the role ought to be in future consultations and discussions. Need to ensure the forum is a part of the discussion for the future All.

ACTION: Issue of the hourly rate – how attendance is regarded and funded – consistency across Wales would be welcomed, need to give this consideration All.

ACTION: The broader question, how does the forum engage going forward? The mechanism rather than the practicalities All.

ACTION: Invite Chair of the IRPW to the next meeting CT.

ACTION: Julia Hughes to share mapping template with the Forum JH.

6. **Local resolution protocols, how do they operate in your area and are they effective?**

- Feedback from council said that local resolution had not been used often, in situations when it had been used it was a mediation type meeting resulting in an apology or a handshake, and both parties moved forward. Some members did not want to go down the local resolution route and had decided to be civil with each other. Within group Leaders interest to involve themselves in this process to fulfil their duties. It works if both parties want to make it work.
- Recommended to 26 town and community councils in VoG and all but one had adopted the protocol. It seemed to be working well.
- A lot depends on local politics in the area, whether the constitution includes a clear process for a local resolution protocol and the dynamics of local relationships. Issues sometimes increased around elections and it's not always easy to progress matters using a local protocol.
- If it's not possible to resolve matters informally and they eventually result in a hearing, that can be a difficult process to manage involving time and expense. The informal resolution option was preferable where possible.
- Some local resolution schemes did not allow for an appeal.

7. Items raised by the Monitoring Officers Group - JC

- a) Group Leaders duty to promote good standards – potential for perceived conflict of interest, assessing their own performance and the performance of their political opponents if they were to join their Standards Committee.
- A scenario referenced where this was put this forward to the MO. Two examples which are very different, on one standards committee – county councillor on the standards committee, became a group leader and said it was now a conflict of interest for him and stood down. Another standards committee which has a group leader on the committee, not considering standing down.
 - Personal view that it is a conflict of interest. The person of interest in another council, does not turn up to meetings, does not send apologies and does not send a sub. A letter has been sent to the group leader by the chair noting this.

ACTION: Ongoing, place on agenda of next meeting.

- b) Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality. Not perceived as an issue.
- Two of the committees have agreed £25, constitutional democratic committee decided to stick at £10.
- c) Do authorities have any guidance on the use of social media over and above that published by the WLGA.

ACTION Circulate the link to WLGA guidance CT.

<https://www.wlga.wales/social-media-and-online-abuse>

ACTION WLGA Cyber training details to be made available CT.

- d) Whether authorities encourage their town & community councils to sign the civility and respect pledge. If they do not whether they would consider doing so.
- Flintshire hold joint Standards Committee meetings once a year with Town and Community Councils. They are beneficial and attendance is encouraged and promoted.

8. Training for Standards Committee Chairs

- Email about two training sessions.
- Generic chairing skills session – 12th February 2pm-4pm
- Training around how to conduct hearings – external provider who is able to facilitate the training on behalf of the WLGA. Ideally, we would like to deliver this training before the end of this financial year. Alternatively, we may need to arrange it in April.

9. AOB

- Are members of Standards Committees required to be DBS checked?
 - The Chairs in attendance are not required to have a DBS check for their role.

ACTION Update on the rules for DBS checks to be provided at the next meeting JC.

10. Date of next meeting

- Monday, 24th of June 2024.