

# STANDARDS COMMITTEE

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## ANNUAL REPORT 2022-2023

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## **Foreword by Chair of Standards Committee**

It is my pleasure to present to Full Council the annual report for the Standards Committee, covering the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

As Councillors you will know that the law requires every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council and the constituent community and town councils within the principal council's area.

In performing this role, the Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales.

In addition, the Committee also receives reports in relation to the operation of the Council's whistle-blowing policy.

This is the first annual report presented by the Standards Committee in accordance with the requirements of the Local Government and Elections (Wales) Act 2021 which placed new duties upon political group leaders to promote compliance with the code by their group members. This Act also placed a requirement upon Standards Committees to report on how well group leaders have complied with those duties and our findings in this regard can be found at section 9 of this report.

Mary Dodd

Chair – Carmarthenshire County Council Standards Committee

### **1. PERIOD COVERED BY THE REPORT**

This report covers the activities of the Standards Committee during the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

During this period the committee met a total of 14 times, which is significantly more than normal. This was largely due to the committee having to deal with 2 referrals from the Public Services Ombudsman for Wales, but several additional meetings also had to be called to deal with dispensation requests.

### **2. TERMS OF REFERENCE**

The role and functions of the committee as set out in the constitution of the Council are:

- To promote and maintain high standards of conduct by councillors and co-opted members.
- To assist councillors and co-opted members to observe the Members' Code of conduct.
- To advise the Council on the adoption or revision of the Members' Code of Conduct
- To monitor operation of the Members' Code of Conduct
- To advise, or arrange training for councillors and co-opted members on matters relating to the Members' Code of Conduct
- To grant dispensations to councillors and co-opted members where they have a personal and prejudicial interest under the Members' Code of Conduct
- To deal with reports from the Adjudication Panel for Wales and reports from the Monitoring Officer or the Public Services Ombudsman for Wales
- The exercise of the above functions in relation to Town and Community Councils in the county
- To receive annual reports on the operation of the Council's Whistleblowing Policy

### **3. MEMBERSHIP OF THE COMMITTEE**

The Panel consists of 9 members, 3 County councillors, 1 Community councillor and 5 co-opted members.

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

Mrs Mary Dodd (Chair)

Mrs. Julie James (Vice-chair)

Mrs. Daphne Evans

Mrs. Caryl Davies

Mr. Frank Phillips

The Community council member of the committee Councillor Philip Rogers (St. Clears Town Council) was reappointed following the elections in May 2022.

There were changes to the County Council members following the May 2022 elections. The County Council members of the committee during the period covered by this report were.

Councillor. Jeanette Gilasbey (until the May 2022 elections)

Councillor Betsan Jones (after the May 2022 elections)

Councillor. Gareth Thomas

Councillor. Rob James

#### **4. Referrals from The Public Services Ombudsman for Wales**

As indicated in section 1 the Committee was required to adjudicate upon two reports received from the Public Services Ombudsman for Wales under Part III of the Local Government Act 2000 during the year. These related to allegations that certain councillors had breached the members code of conduct.

Both reports related to individuals who were Town or Community Councillors at the time the code breaches occurred.

One case was concluded entirely during the period covered by this report and resulted in the member in question being suspended from office. This case arose following the conviction of the member in question for a criminal offence. This conviction attracted adverse public comment and it was concluded that the member's conduct had brought the office of councillor and the council itself into disrepute.

In the second case a 2-day hearing took place in February 2023 but it was necessary to adjourn matters into a third day due to the volume of evidence presented. Therefore, the case was not concluded until April 2023. Although falling outside the scope of this report I can confirm that this member was also suspended from their role as a Town councillor.

This case arose from an incident in a public space between the councillor in question and 3 other councillors. The committee found the alleged conduct largely proven and that it breached the code of conduct and brought the office of councillor and the relevant council into disrepute.

The code breaches occurred in 2020 and 2021 respectively and, whilst the investigations were undoubtedly impacted by the COVID 19 pandemic, this does demonstrate that these matters can be lengthy ,complex, costly and traumatic for the individual councillor concerned.

#### **5. Notices Received from the Adjudication Panel for Wales**

No notices were received from the Adjudication Panel for Wales pursuant to Chapter 4 of Part III of the Local Government Act 2000 during the period covered by this report.

## 6. Cases closed by the Public Services Ombudsman for Wales

During the period covered by this report the Council's Monitoring Officer was notified that Public Services Ombudsman for Wales had considered and closed a total of 15 code of conduct complaints against councillors from Carmarthenshire. This figure includes the 2 cases referred to in section 4. The breakdown of these cases is shown in the table below.

<b>COUNCIL</b>	<b>Decision not to Investigate</b>	<b>No Action (Following Investigation)</b>	<b>Referred to Standards Committee</b>	<b>Total No. of Complaints Closed</b>
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
<b>Total</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>15</b>

There may however also be complaints currently with the Ombudsman awaiting determination.

The committee continues to be satisfied that most councillors do comply with the code and that where allegations of breach are made, they are usually unfounded or are not considered by the Ombudsman to be sufficiently serious to warrant enforcement action.

However, as the 2 referrals that were made to the committee in 2022 demonstrate councillors should not be complacent and must be always mindful of their obligations under the code.

## 7. APPLICATIONS FOR DISPENSATION

The Committee considered 52 applications for dispensation from County and Community and Town Councillors during the year, all but one of which were either granted or partly granted.

This represents a significant increase compared to previous years, although this was due at least in part to councillors seeking to renew dispensations previously granted to them which had lapsed due to the May 2022 elections.

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Committee continues to approach each application with a presumption in favour of granting a dispensation wherever practicable, particularly in relation to granting a dispensation to speak only.

Details of the applications that have been dealt with can be viewed as part of the minutes of the meetings of the Committee which are accessible on Carmarthenshire County Council's website [www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk).

## 8. CODE OF CONDUCT TRAINING

Three Code of Conduct Training sessions were held during the period covered by this report. These were.

- 17<sup>th</sup> May 2022 – for new County Councillors
- 4<sup>th</sup> July 2022 – for Town and Community Councillors
- 27<sup>th</sup> July 2022 – for Town and Community Councillors

All the sessions were run in a hybrid manner, and all were well attended.

## 9. WHISTLEBLOWING POLICY

The Committee has oversight of the authority's Whistleblowing Policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for workers who disclose information in the public interest in prescribed circumstances to prescribed persons.

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

New Complaints	Complaints carried over from 2021/22	Cases Concluded	Cases Continuing
3	1	4	0

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

It is pleasing to note that no cases have been carried over into 2023/2024 for investigation. This continues the general trend of improvement in this regard.

The Committee reviewed the Whistleblowing Policy during the period covered by this report and updated it to reflect changes to the nominated contact officers listed.

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

The committee again received a report regarding the extent to which Town and Community Councils within the County are complying with the Code of Conduct. The report contained data relating to:

- Code complaints
- Dispensation requests
- Declaration of interests
- Code Training

No obvious patterns or trends could be discerned from the data. Overall levels of compliance with the code appeared to be good as evidenced by the figures in section 6.

## **11. GROUP LEADERS DUTY**

As indicated in the foreword to this report the Local Government and Elections (Wales) Act 2021 places new duties on political group leaders and requires Standards committees to monitor and report on their performance of these duties.

The group leaders' duties are.

- To take reasonable steps to promote and maintain high standards of conduct by the members of their group
- To co-operate with the council's standards committee in the exercise of the standards committee's functions

### Summary of steps taken by the Standards Committee

The Monitoring Officer made the Council's 3 political group leaders aware of these duties following the May 2022 elections and on the 2<sup>nd</sup> February 2023 I wrote to group leaders reminding them of their duties under the Act. Group leaders were asked to provide a report

setting out how they had complied with those duties by the 31st March 2023. All Group Leaders were also provided with a template report for them to use if they wished.

### Summary of reports received from the Group Leaders

#### **Cllr Darren Price – Plaid Cymru Group**

Cllr Price provided a report on the 29<sup>th</sup> March 2023. This confirmed that 7 complaints had been made to the Ombudsman against members of the Plaid Cymru Group during the period covered by the report, none of which had been upheld. He also confirmed that one group member had referred himself to the Ombudsman and that the matter was still under investigation as at the 31<sup>st</sup> March 2023.

Councillor Price confirmed that 21 out of 38 group members (55%) had attended the code training in May 2022 and outlined the steps that he had taken to ensure that the remaining group members also attended code of conduct training arranged for April and May 2023. Councillor Price explained that more experienced members of the group helped new members understand and comply with the requirements of the code.

Councillor Price has attended Code of Conduct Training since the May 2022 elections.

#### **Cllr Rob James – Labour Group**

Councillor James provided a report on the 24<sup>th</sup> May 2023. This confirmed that 4 complaints had been made to the Ombudsman regarding Labour Group Members and that 2 further Labour Group Members has been referred to the Council's own Informal Resolution Procedure. Councillor James also confirmed that all group members had received code training since May 2022 and that the Group had put in place specific measures to ensure that the use of social media accounts did not breach the code.

Councillor James has attended code of conduct training since the May 2022 elections.

#### **Cllr Jane Tremlett – Independent Group**

Councillor Tremlett provided a report dated the 31<sup>st</sup> March 2023. This confirmed that no code of conduct complaints had been made against members of the Independent Group during the period covered by the report.

Councillor Tremlett highlighted that only 3 group members had attended code of conduct training immediately following the May 2022 elections and that she had taken steps to stress to the remaining group members the importance of attending the additional code training sessions arranged in April and May 2023.

Councillor Tremlett has attended code of conduct training since the May 2022 elections.

Assessment of the extent to which political group leaders have complied with their duties under the Act.

The committee are satisfied that, based on the information before them , all the Group Leaders have complied with their duties under the 2021 Act.

Summary of any action taken following consideration of the Group Leaders reports

The committee will consult with the Group leaders regarding the form and content of the reporting template to facilitate the provision of all relevant information.

**12. OTHER ACTIVITIES**

In addition to the above activities the Committee also:

- Received and considered case decisions of the Adjudication Panel for Wales
- Received and considered case decisions made by other Standards Committees in Wales

Where appropriate the Committee has identified points of learning and best practice and has taken them into account in their own decision making and included them in the training referred to in paragraph 5 above.

**13. CONCLUSION**

The committee had a very busy year, and I am grateful to my fellow committee members for their valuable contributions throughout.

There have been generally good levels of compliance with the Code of Conduct exhibited by Councillors across the County, but the 2 referrals by the Ombudsman are a reminder to everyone of the consequences of breaching the Code.