



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Pwyllgor Safonau**

**Lleoliad:** Cyfarfod Aml-Leoliad - Ystafell Gloucester, Neuadd y Ddinas / MS Teams

**Dyddiad:** Dydd Gwener, 24 Mehefin 2022

**Amser:** 10.00 am

**Cadeirydd:** Jill Burgess

**Aelodaeth:**

Cynghorwyr: O G James, M B Lewis a/ac L G Thomas

Aelodau Cyfetholedig: Michaela Jones, Mike Lewis, Janet Pardue-Wood a/ac Margaret Williams

**Gwyllo ar-lein:** <https://bit.ly/3mjWNMm>

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### **Agenda**

	<b>Rhif y Dudalen.</b>
<b>1 Ymddiheuriadau am absenoldeb.</b>	
<b>2 Datgeliadau o fuddiannau personol a rhagfarnol.</b> <a href="http://www.abertawe.gov.uk/DatgeluCysylltiadau">www.abertawe.gov.uk/DatgeluCysylltiadau</a>	
<b>3 Cofnodion.</b> Cymeradwyo a llofnodi, fel cofnod cywir, gofnodion y cyfarfod blaenorol.	<b>1 - 4</b>
<b>4 Pwyllgor Safonau - Dyletswyddau newydd.</b>	<b>5 - 8</b>
<b>5 Adroddiad Blynyddol y Pwyllgor Safonau 2021-2022.</b>	<b>9 - 24</b>
<b>6 Torri Cod Ymddygiad - Cwynion a wnaed i Ombwdsmon Gwasanaethau Cyhoeddus Cymru (OGCC).</b>	<b>25</b>
<b>7 Cynllun Gwaith y Pwyllgor Safonau.</b>	<b>26 - 31</b>
<b>8 Gwahardd y cyhoedd.</b>	<b>32 - 35</b>
<b>9 Ceisiadau am Ollyngiad.</b>	<b>36 - 41</b>

Huw Evans

**Huw Evans  
Pennaeth y Gwasanaethau Democraidaidd  
Dydd Gwener, 17 Mehefin 2022**

**Cyswllt: Gwasanaethau Democraidaidd**

**Cynghorwyr Llafur: 2**

Oliver G James	Mike B Lewis
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**Cynghorydd y Democraidaidd Rhyddfrydol 1**

L Graham Thomas
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**Aelodau annibynnol**

Enw	Cyfnod y Swydd	Enw	Cyfnod y Swydd
Jill Burgess*	19.10.2012 i 18.10.2018 Ail-benodwyd i 18.10.2022	Michaela Jones	01.10.2017 i 30.09.2023
Mike Lewis	01.10.2017 i 30.09.2023	Janet Pardue-Wood	24.05.2022 i 23.05.2028
Margaret Williams*	01.04.2015 i 31.03.2021 Ail-benodwyd i 31.03.2025		

**Cynghorydd Cymuned:**

Name	Term of Office
Swydd wag	

**SYLWER:**

1. \* Mae'n dynodi na all **cyfnod y swydd gael ei ymestyn ymhellach.**
2. Gall **cyfnod Aelod Annibynnol yn ei swydd** fod o leiaf 4 blynedd ac nid mwy na 6 blynedd. Gall gael ei ailbenodi am un cyfnod olynol arall ond ni all y cyfnod hwnnw fod am fwy na 4 blynedd.
3. Bydd gan **Aelodau'r Awdurdod Lleol/Cynghorwyr Cymuned/ Tref** sy'n aelodau o'r Pwyllgor Safonau gyfnod swydd nad yw'n fwy na 4 blynedd neu bydd yn dod i ben yn ystod etholiad cyffredinol nesaf y llywodraeth leol yn dilyn eu hetholiad, p'un bynnag sy'n fyrrach.
4. Ni fydd y Pwyllgor Safonau **yn mynd rhagddo os bydd nifer yr Aelodau Annibynnol yn llai na nifer y Cynghorwyr.** Bydd Cynghorydd yn gadael y cyfarfod er mwyn trafod y busnes.
5. Dim ond un Aelod Gweithredol (ac eithrio'r Arweinydd) sy'n gallu eistedd ar Bwyllgor Safonau.

# Agenda Item 3



City and County of Swansea

## Minutes of the **Standards Committee**

Remotely via Microsoft Teams

Wednesday, 9 March 2022 at 3.30 pm

**Present:** Jill Burgess (Chair) Presided

**Councillor(s)**

M B Lewis

**Councillor(s)**

O G James

**Co-opted Member(s)**

Philip Crayford

Michaela Jones

**Co-opted Member(s)**

Mike Lewis

Margaret Williams

**Officer(s)**

Tracey Meredith

Huw Evans

Allison Lowe

Chief Legal Officer / Monitoring Officer

Head of Democratic Services

Democratic Services Officer

**Apologies for Absence**

Councillor(s): L G Thomas

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### 18 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

### 19 Minutes.

**Resolved** that the Minutes of the Standards Committee held on 15 October 2021 and 21 January 2022 be approved and signed as correct records.

### 20 Annual Meeting with Political Group Leaders. (Verbal)

The Standards Committee invite the Political Group Leaders annually to the Standards Committee to discuss relevant legislation in the Local Government and Elections (Wales) Act 2021.

The themes for discussion, which had been circulated in advance were as follows:

**Question 1** – The Local Government and Elections (Wales) Act provides that Leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. We are interested to hear as to what actions you take now in terms of maintaining standards within your own group and how are you proposing to meet the new duty going forward?

**Question 2** – The Standards Committee also has new functions under the Act to ensure that group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties. Is there any support that you feel would be beneficial either from the Standards Committee/Chief Executive/Monitoring Officer in carrying out your duty and whether we can assist you in any way.

The Chair welcomed Councillor Peter May, Leader of the Uplands Group to the Committee who responded as follows:

He stated that the main focus was to commit to the 6 values that they uphold in respect of Openness, Transparency, Honesty, Integrity, Tolerance & Respect, Equality & Fairness, Appreciation of Cultural Differences and Sustainability.

He explained that the Uplands Group was a small group of only 2 members therefore any relevant issues and the way forward would be discussed via a 1-2-1 meeting. Any advice on the interpretation of the standards would be sought from the Monitoring Officer.

Councillor May stated that the Uplands Group hoped to expand its numbers to 4 following the Local Government Election scheduled for 5 May 2022 and he would ensure that the prospective candidates were appraised of the standards in advance of the Election.

In terms of support, Councillor May asked if he could seek relevant advice from the Committee and officers following the Local Government Election, should any issues arise and once Group Leaders had been able to "road-test" their responsibilities outlined in the Act.

## **21 Standards of Conduct - Draft Statutory Guidance.**

The Monitoring Officer presented a report to update the Committee on the Welsh Government draft statutory guidance which related to the new duties of the Standards Committee and Group Leaders.

The draft statutory guidance was attached at Appendix A which also outlined the key questions for the Committee:

**Question 1** - Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?

**Question 2** - Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?

**Resolved** that a response from the Standards Committee to the consultation be submitted to Welsh Government by the Monitoring Officer confirming their understanding to the 2 key questions outlined above.

**22 Review of Standards Committee Terms of Reference.**

The Monitoring Officer presented a report to update the Committee on proposed changes to the Terms of Reference following new duties under the Local Government and Elections (Wales) Act 2021.

The proposed changes were outlined in Appendix A, with the current Terms of Reference outlined at Appendix B.

She outlined the additional responsibilities in Paragraphs 2.2-2.4 of the report.

Councillor Phil Crayford suggested adding the Term of Office for the Community / Town Council representative in section 7.2.

**Resolved** that the Standards Committee recommend the changes to the Terms of Reference, subject to the above amendment, which would be reported to the Constitution Working Group and then Council for approval.

**23 Code of Conduct Casebook.**

The Monitoring Officer presented a "For Information" report outlining the latest Public Services Ombudsman for Wales Code of Conduct Casebook.

In particular she highlighted details of the case in relation to Knighton Town Council and the case referred to the Adjudication Panel for Wales in respect of Caerphilly County Borough Council, the result of which was awaited.

**24 Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW).**

The Monitoring Officer presented a "For Information" report to update the Committee on decisions made by the PSOW in relation to allegations that Local Authority and Community and Town Councillors had breached the Code of Conduct.

**25 Workplan 2022- 2023. (Verbal)**

The Monitoring Officer suggested the following topics be considered for the Standards Committee Work Plan for 2022-2023:

- How the Committee will deal with their duty under the Local Government & Elections (Wales) Act 2021 in terms of monitoring group leaders and their requirement to complete an Annual Report;
- Review of Officer / Member Relations Protocol;
- Review of Member –v- Member Local Dispute Resolution Protocol;
- Update report regarding Community / Town Councils training, particularly financial training;

- Social Media guidance for Councillors;
- Update Dispensation form;
- Whistleblowing Policy (Head of HR to provide background information to Committee);
- Indemnity Scheme.

**26 Thanks.**

On behalf of the Standards Committee, the Chair conveyed their thanks and best wishes to Councillor Phil Crayford on his last meeting as the Community / Town Council representative on the Standards Committee. Councillor Crayford's term of office would cease at the Local Government Elections on 5 May 2022.

Councillor Crayford responded by thanking the Committee for all of their help and assistance over the years. He had thoroughly enjoyed assisting the Committee in all the work they had undertaken since joining the Committee in October 2012 and offered any assistance to his replacement once appointed.

The meeting ended at 4.11 pm

**Chair**

# Agenda Item 4



## Report of the Monitoring Officer

Standards Committee – 24 June 2022

### Standards Committee - New Duties

<b>Purpose:</b>	To consider the Committee's new duties and agree actions to ensure compliance.
<b>Policy Framework:</b>	Local Government and Elections (Wales) Act 2021. Standards Committee Terms of Reference – Council Constitution.
<b>Consultation:</b>	Legal, Access to Services and Finance.
<b>Recommendation(s):</b>	It is recommended that the Standards Committee:  1) Agree an action plan as set out in paragraph 2.5 to ensure compliance with their new duties under legislation.
<b>Report Author:</b>	Tracey Meredith
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Background

- 1.1 The Local Government and Elections (Wales) Act 2021 provided new duties for both the Standards Committee and Group Leaders.
- 1.2 The duty on Group Leaders is to take reasonable steps to promote and maintain high standards of conduct by the members of the group and to co-operate with the council's Standards Committee in the exercise of the Standards Committee's functions.
- 1.3 The duty on the Standards Committee is to monitor compliance by Group Leaders with the new duty imposed on them and to make an annual report to Council and as a minimum the report must:
  - describe how the committee has discharged its functions during the preceding financial year;
  - include a summary of reports and recommendations made or referred to the Committee by the Ombudsman relating to the investigation of alleged breaches of the Code and any subsequent action taken by the Committee;

- describe the advice it has provided on training for all members and how that has been implemented; and
- include the Committee's assessments of how political group leaders have complied with the new duty to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.

## **2. Action to Date**

2.1 The Standards Committee's will recall that in January and March they interviewed the Group Leaders in relation to their new duties under the Local Government and Elections (Wales) Act 2021. The questions posed to the Group Leaders were:

Question 1 – The Local Government and Elections (Wales) Act provides that Leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. We are interested to hear as to what actions you take now in terms of maintaining standards within your own group and how are you proposing to meet the new duty going forward?

Question 2 – The Standards Committee also has new functions under the Act to ensure that group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties. Is there any support that you feel would be beneficial either from the Standards Committee/Chief Executive/Monitoring Officer in carrying out your duty and whether we can assist you in any way.

2.2 The Group Leaders broadly welcomed the legislative changes and the new duty and referred to the Local Dispute Resolution process which the council has adopted and also welcomed regular meetings with the Standards Committee.

2.3 The Standards Committee was consulted on the draft Welsh Government Guidance at their meeting on 9 March 2022. By way of summary the draft Guidance set out that:

- The political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders
- The standards committee chair may wish to meet with group leaders periodically to review behaviour
- The minimum which should be included in any annual report including the committee's assessment of how political group leaders have complied with the new duty to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested

2.4 The guidance makes clear that the Committee should arrange to train the Group Leaders on the duty within 6 months of the elections and annually



thereafter. It suggests meeting periodically with Group Leaders to review behaviour which this Committee already does and has been doing for many years.

2.5 The Committee is therefore asked to consider their approach to the new duties and in particular consider the following course of action:

- The Committee meets formally with the Group Leaders on an annual basis
- The Chair and Vice Chair of the Committee meet with the Group Leaders on an informal basis to monitor their compliance with the duty
- That a template report is drafted to be sent to Group Leaders to complete in terms of members of their group who have attended training (mandatory and recommended) and any steps they have taken during the year to promote high standards within their group.

### **3. Integrated Impact Assessment**

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as this report is to identify how the Committee will

comply with its new duties for the forthcoming year and therefore there are no integrated impact implications.

**4. Financial Implications**

4.1 There are no financial implications associated with the report.

**5. Legal Implications**

5.1 There are no legal implications associated with this report.

**Appendices:**

None

**Background Papers:**

None

# Agenda Item 5



## Report of the Head of Democratic Services

Standards Committee – 24 June 2022

### Standards Committee Annual Report 2021-2022

<b>Purpose:</b>	This report sets out the work of the Standards Committee from 2021-2022.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:
1)	The Standards Committee Annual Report 2021-2022 be approved and forwarded to Council for information.
<b>Report Authors:</b>	Huw Evans & Allison Lowe
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 Attached as **Appendix A** is the Draft Standards Committee Annual Report 2021-2022. If the Standards Committee agrees the Annual Report it will be forwarded to Council for information on 7 July 2022.

#### 2. Integrated Assessment Implications

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage

- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 There are no integrated assessment implications associated with this report.

### **3. Financial Implications**

3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

4.1 There are no legal implications other than those set out in the body of the report.

**Background Papers:** None.

### **Appendices:**

Appendix A Standards Committee Annual Report 2021-2022



# Standards Committee Annual Report 2021-2022

## City & County of Swansea



## The Ten General Principles of Public Life

<p><b>Selflessness</b> – members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.</p>	<p><b>Equality and Respect</b> - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>
<p><b>Honesty</b> – Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	<p><b>Openness</b> - Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>
<p><b>Integrity and Propriety</b> - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	<p><b>Objectivity in Decision-making</b> - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>
<p><b>Duty to Uphold the Law</b> - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	<p><b>Accountability</b> - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>
<p><b>Stewardship</b> – In discharging their duties and responsibilities members must ensure that their authority’s resources are used both lawfully and prudently.</p>	<p><b>Leadership</b> - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p><b>“Nolan Committee on Standards in Public Life”</b></p>	

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## **Chair's Foreword**

The Committee has continued to meet remotely and has undertaken some challenging work during the course of the year. Significantly the Committee has been kept up to date with legislative changes brought about by the Local Government and Elections (Wales) Act 2021 which has seen changes in the Committee's terms of reference to reflect changing functions.

The Committee also had a referral from the Public Services Ombudsman for Wales in relation to an alleged breach of the Code of Conduct by a Mumbles Community Councillor.

Generally, the conduct of members is high. The Committee notes that the number of Code of Conduct complaints made to the Ombudsman was 29, however the PSOW decided not to investigate 27 of those complaints. The number of complaints relating to Community / Town Councils during 2021-2022 remains at the same level as the previous year.

The process of recruiting two replacement Independent (Co-opted) Members commenced for the one current vacancy on the Committee, together with a replacement member for myself, as my term of office will cease in October 2022.

I am pleased to announce that Janet Pardue-Wood and Mark Rees have both been appointed by Council for the 2022-2023 Municipal Year.

**Jill Burgess, Chair of Standards Committee**



# **1. The Role of the Standards Committee**

- 1.1 The Committee operates within a statutory framework and the following terms of reference applied for the municipal year 2021-22:
- a) The Standards Committee is made up of 5 Independent Members, 3 Councillors and 1 Community/Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).
  - b) To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
  - c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
  - d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
  - e) To advise and train Members on matters relating to the Code of Conduct.
  - f) To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
  - g) To consider allegations of breaches of Code of Conduct made against Members.
  - h) To oversee the Authority's protocol on Member and Officer working relationships.
  - i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
  - j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
  - k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
  - l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
  - m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.

## **2. The Committee's Work in 2021-2022**

### **2.1 Requests for Dispensation**

- 2.1.1 The Committee considered 1 request for dispensation from a Councillor who had recently been appointed as Cabinet Member. The Councillor required the dispensation as part of the Group that considers Local Authority Governor appointments, which he would be required to report on at Cabinet meetings.

### **2.2 Public Services Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a Community Councillor**

- 2.2.1 The Public Services Ombudsman for Wales (PSOW) referred an alleged breach of the Code of Conduct in respect of a Mumbles Community Councillor to the Standards Committee for consideration.

- 2.2.2 The Committee utilised the Standards Committee Hearing Procedure that had been revised in February 2021 to consider the matter. A representative from the PSOW office attended to outline the case against the Community Councillor.

- 2.2.3 The Committee found that the Councillor had breached the Code of Conduct and the Councillor was issued with a censure as a sanction for the breach of the Code of Conduct.

### **2.3 Public Services Ombudsman for Wales (PSOW) Annual Report and Letter 2020-2021**

- 2.3.1 The Committee discussed the report, which set out performance over the year including both complaints about public service providers as well as code of conduct complaints.

- 2.3.2 The Committee had regular briefings from the Monitoring Officer on cases which the PSOW had dealt with and which were reported in either the PSOW Casebook or the Adjudication Panel for Wales's publications.

### **2.4 Standards Committee Annual Report 2020-2021**

- 2.4.1 The Chair presented the reformatted Standards Committee Annual Report for 2020-2021 to Council on 2 December 2021.

- 2.4.2 The Annual report outlined the work undertaken by the Committee in 2020-2021.

## **2.5 Annual Meeting with Political Group Leaders**

- 2.5.1 The Standards Committee invited the Political Group Leaders to the Standards Committee to discuss relevant legislation and responsibilities outlined in the Local Government & Elections (Wales) Act 2021.
- 2.5.2 In particular the Committee was interested in hearing the Group Leaders views on the new duty placed upon them under the Local Government and Elections (Wales) Act 2021 to ensure high standards of conduct within their political group.
- 2.5.3 The Standards Committee were also interested to hear from Group Leaders as to any additional training or support that they felt would be needed in order to fulfil their new duty.

## **2.6 Review of the Ethical Standards Framework**

- 2.6.1 The Committee considered a review report from Richard Penn that had been Commissioned by Welsh Government to review the ethical standards framework for local government in Wales to ensure that it remained fit for purpose and was effective in fostering high standards of conduct and public confidence in local government. The Committee noted the review and that Welsh Government were likely to consult further on the Framework in due course.
- 2.6.2 It also supported the recommendation of the creation of a National Forum for Independent Chairs of Standards Committee with a view to sharing good practice amongst Standards Committees in Wales.

## **2.7 Standards of Conduct – Draft Statutory Guidance**

- 2.7.1 The Committee considered a Welsh Government consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance. The Committee was asked to consider:

**Question 1** - Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?

**Question 2** - Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?

- 2.7.2 The Committee provided a positive response to Welsh Government, confirming their understanding of the guidance and questions outlined above and broadly welcoming the guidance which they felt would be useful in understanding the new duty.

## **2.8 Review of Standards Committee Terms of Reference**

2.8.1 The Committee considered changes to the Terms of Reference following new duties under the Local Government and Elections (Wales) Act 2021.

2.8.2 The Amended Terms of Reference was approved by Council at the Annual Meeting and includes reference to their new duties under the legislation.

## **2.9 Complaints of Breach of the Code of Conduct**

2.9.1 During the period of this Annual Report the following matters were reported to the Standards Committee for information:

**a) Complaints made but not investigated by the Ombudsman under the provisions of Section 69(2) of the Local Government Act 2000**

There were 27 cases where the Ombudsman decided not to investigate an alleged breach of the Code of Conduct following a complaint.

**b) Investigations completed by the Ombudsman where the decision was no evidence of breach or no action taken**

There was one case where the Ombudsman investigated but found that it was not in the public interest to take any further action.

**c) Investigations undertaken by the Ombudsman where the decision was to discontinue the investigation**

There were no cases where the Ombudsman had commenced an investigation and subsequently decided to discontinue that investigation.

**d) Investigations under the provisions of Section 70 (4) of the Local Government Act 2000 – referred to the Standards Committee for consideration**

Breaches of the Code of Conduct may be referred to the Monitoring Officer by the Ombudsman under the provisions of Section 69 (c) and 71(2) of the Local Government Act 2000 for consideration by the Standards Committee. Where there is a finding of a breach, public reports on such cases are published on the Council's website.

One referral (from 2019) had been made to the Standards Committee and was heard on 30 June 2021.

2.9.2 A final decision on one case that the Ombudsman is investigating is still outstanding at the time of writing this report.

## 2.10 Reports “For Information”

2.10.1 A number of reports were noted by the Committee, including the Ombudsman’s Code of Conduct Casebook and Adjudication Panel for Wales’s decisions.

## 2.11 All Wales Standards Conference

2.11.1 A virtual conference was held on 9 February 2022 with a number of lay members of the Committee attending together with the Monitoring Officer and Head of Democratic Services.

## 3. Future Priorities

3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2022/23:

- How the Committee will deal with their duty under the Local Government & Elections (Wales) Act 2021 in terms of monitoring group leaders and their requirement to complete an Annual Report;
- Review of Officer / Member Relations Protocol;
- Review of Member –v- Member Local Dispute Resolution Protocol;
- Update report regarding Community / Town Councils training, particularly financial training;
- Social Media guidance for Councillors;
- Update Dispensation form;
- Whistleblowing Policy (Head of HR to provide background information to Committee);
- Indemnity Scheme.

## 4. Committee Membership

4.1 Jill Burgess (Independent member) was re-elected Chair in June 2021 and Mike Lewis (Independent member) was elected Vice Chair.

4.1.1 The Standards Committee consists of 9 members:

<b>5 x Independent Members</b>
Jill Burgess
Michaela Jones
Mike Lewis
Margaret Williams
Vacancy

<b>1 x Community / Town Councillor</b>
Philip Crayford

<b>3 x City &amp; County of Swansea Councillors</b>
Oliver James
Mike B Lewis
L Graham Thomas

#### 4.2 Terms of Office - Independent Members of the Standards Committee

4.2.1 The term of office for Independent Members can be for not less than 4 years and for no more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than an additional four years.

4.2.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Independent (Co-opted) Members of the Standards Committee.

**Note:** Independent Members marked in *italics* and with “\*” denotes that they are in their second term and cannot have their term extended further.

Independent Members	Appointment Terms	
	Start	End
<i>Jill Burgess*</i>	19.10.2012 Re-appointed to	18.10.2018 18.10.2022
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
<i>Margaret Williams*</i>	01.04.2015 Reappointed to	31.03.2021 31.03.2025

#### 4.3 Term of Office - Community / Town Council Member of the Standards Committee

4.3.1 The term of office shall be until the Ordinary Election for the Community Council of which the Community Councillor is a member. They may be re-appointed for one further consecutive term. .

4.3.2 A Community / Town Council member shall not take part in the proceedings of the Standards Committee when matters relating to their Community / Town Council are being considered.

Community / Town Council Member	Appointment Terms	
	Start	End
Philip Crayford*	05.10.2012 Re-appointed to	04.05.2017 05.05.2022

### 5. Attendance Records

5.1 During 2021/2022, the Standards committee met on the following dates:

- 30 June 2021 (Special meeting);

- 15 October 2021;
- 21 January 2022 (Special meeting);
- 9 March 2022.

## 5.2 Attendance Statistics:

COMMITTEE MEMBER	ATTENDANCE	
	Possible	Actual
Jill Burgess (Chair)	4	4
Mike Lewis (Vice Chair)	4	4
Michaela Jones	4	3
Margaret Williams	4	4
Councillor Philip Crayford	4	3
Councillor Oliver James	4	3
Councillor Mike B Lewis	4	4
Councillor Graham Thomas	4	3

## 6. Biographies

### Independent Members



**Jill Burgess, Chair**

Jill has been a member of the Standards Committee since October 2012, Chair since October 2016. She is a retired business-woman whose greatest contribution is in the area of Entrepreneurship, and Business Enterprise. The innovative and complexity of her business start-up earned her the accolade of Welsh Businesswoman of the Year 1996 and still mentors students as part of her governorship with Swansea

University. She also works with Gower College Swansea through their “Lions Lair” competitions for young entrepreneurs. She was the instigator of job sharing for Women in American Express UK and won the recognition and award for this being adopted UK wide. At the request of the Chief Executive of Neath Port Talbot Council she set up the first Businesswomen’s Network and was the first lady president of Neath and Port Talbot Business Club. She has been a Constant Judge for Women in Business Awards for the last 9 years in conjunction with the Evening Post. She is Vice Chair of the Gower Society with responsibilities for the protection of the Lordship of Gower and a Super Lay member of the National Institute for Clinical Health Research (NICHHR). Jill is passionate about giving back - be it to someone young or old – who can STEP UP to reach their potential.



**Mike Lewis, Vice Chair**

Mike Lewis enjoyed a thirty-eight year career with Lloyds Banking Group before joining the Standards Committee in 2017.

He has previously been an Independent Member of South Wales Police Authority, a Senior Assessor with the College of Policing and an Independent Member of Hywel Dda University Health Board. He is currently a Non-Legal Member sitting on Employment Tribunals, an Independent Member of South Wales Police Ethics and Risk Committees, and was elected as Vice Chair of the Standards Committee in December 2020.



**Michaela Jones**

Michaela was appointed to the Standards Committee in October 2017. She was a solicitor in private practice until 2016. She sits as a judge in the Mental Health Review Tribunal for Wales and is a lay member on professional conduct regulatory committees. In addition she is an Independent Assessor for Student Loans Company appointed by DfE. Michaela currently lives in Cardiff.



**Margaret Williams**

Margaret Williams was appointed to the Standards Committee in 2015 and served as Vice Chair for two years.

She studied Chemistry at Imperial College, London University, and was awarded a BSc Hons. degree. This led on to research leading to a PhD at University College of Wales, Swansea.

Margaret pursued a thirty-five year career in teaching, including fourteen years as Deputy Headteacher and a further fourteen years as Headteacher of a large Secondary School.

Since retiring, Margaret regularly chairs Admissions Appeal hearings across South West Wales. Also, she is Vice Chair of Governors for a primary school in Carmarthenshire.



Community / Town Council Representative



**Phil Crayford, Community / Town Council Representative**

After retiring in 2010 after 37 years in the Fire & Rescue Service Phil wanted to continue to be involved in community initiatives, safety and general wellbeing for all. He was fortunate to be elected onto LLangyfelach Community Council where he has served as Chairman, and is currently Chair of the Finance committee. This will be his last year on the standards committee as next year he will have to relinquish this role due to the time limits set. "I have thoroughly enjoyed the interaction being on the committee which has been varied and interesting." Phil continues to work in the voluntary sector and is currently Chair of the governing Body of St Helens Primary School. He is president of

his Community in Spain and works with a variety of charitable organisations in assisting in Health & Safety issues and assessments.

City & County of Swansea Councillors



Councillor Oliver James

Serving the Cockett Electoral Ward

Term of Office:  
08.05.2017 -



Councillor Mike Lewis

Serving the Mynyddbach Electoral Ward

Term of Office:  
05.05.2016 -



Councillor Graham Thomas

Serving the Cwmbwrla Electoral Ward

Term of Office:  
06.05.1999 -

## 7. Helpful Contacts

Chair of Standards Committee – Jill Burgess

Email: [democratic.services@swansea.gov.uk](mailto:democratic.services@swansea.gov.uk)

Chief Legal Officer and Monitoring Officer – Tracey Meredith Tel: (01792) 637521

Email: [tracey.meredith@swansea.gov.uk](mailto:tracey.meredith@swansea.gov.uk)

Huw Evans, Head of Democratic Services Tel: (01792) 635757

Email: [huw.evans@swansea.gov.uk](mailto:huw.evans@swansea.gov.uk)

Democratic Services - Tel: (01792) 636923

Email: [democratic.services@swansea.gov.uk](mailto:democratic.services@swansea.gov.uk)

Public Services Ombudsman for Wales – Mr Nick Bennett Tel: 0300 790 0203

Webpage: <http://www.ombudsman-wales.org.uk/en.aspx>



# Agenda Item 6



## Report of the Monitoring Officer

Standards Committee – 24 June 2022

### **Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW)**

The Committee is advised of the following decisions by the PSOW in relation to allegations that Local Authority and Community and Town Councillors have breached the Code of Conduct.

<b>Name of Council / Councillor</b>	<b>Name of Complainant</b>	<b>Ombudsman Reference</b>	<b>Result of Investigation and date of the current situation</b>
Grovesend & Waungron Community Council	Public	202100010	PSOW investigated – 1 April 2022 No action to be taken
Mumbles Community Council	Councillor	202107868	25 March 2022 – PSOW not investigating
Swansea Council	Councillor – self referral	202108161	19 April 2022 – PSOW not investigating
Swansea Council	Public	202108156	30 March 2022 – PSOW not investigating
Swansea Council	Public	202108157	30 March 2022 – PSOW not investigating
Swansea Council	Public	20220850	23 May 2022 – PSOW not investigating
Clydach Community Council	Public	20220930	6 June 2022 – PSOW not investigating
Clydach Community Council	Public	20220912	8 June 2022 – PSOW not investigating

# Agenda Item 7



## Report of the Monitoring Officer

Standards Committee – 24 June 2022

### Standards Committee Work Plan

<b>Purpose:</b>	To consider the Committee's Work Plan and agree the items for consideration by the Standards Committee in 2022/23.
<b>Policy Framework:</b>	Standards Committee Terms of Reference – Council Constitution.
<b>Consultation:</b>	Legal, Access to Services and Finance.
<b>Recommendation(s):</b>	It is recommended that the Standards Committee:  1) Approve the Work Plan attached at Appendix 1 for the 2022/23 municipal year.
<b>Report Author:</b>	Tracey Meredith
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Background

- 1.1 The Standards Committee's Terms of Reference set out the remit of the Committee to monitor, review and advise on matters including the promotion of high standards of conduct by Councillors; Members Code of Conduct; the production of an annual report to Council describing how the Committee's functions have been discharged and monitoring compliance of the group leaders with their new duties under the Local Government and Elections (Wales) Act 2021. The terms of reference are attached at Appendix 2.
- 1.2 To enable the Committee to fulfil its role, an annual work plan has been developed to give consideration to fulfilling the terms of reference and to enable the Standards Committee to report to Council on their work during the course of the year in the Annual Report. The views of this Committee assist in the development of an ongoing work plan.

## **2. Integrated Impact Assessment**

2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as this report is to set the workplan for the committee for the forthcoming year and has no integrated impact implications.

## **3. Financial Implications**

3.1 There are no financial implications associated with the report.

## **4. Legal Implications**

4.1 There are no legal implications associated with this report.

**Background Papers:** None

### **Appendices:**

Appendix 1 – Draft Work Plan 2022-2023

Appendix 2 – Terms of Reference of the Standards Committee



## Report of the Chair

Standards Committee – 24 June 2022

### Draft Work Plan 2022-2023

Date	Item
24 June 2022	<ul style="list-style-type: none"> <li>• Dispensations</li> <li>• Draft Standards Committee Annual Report 2021-2022</li> <li>• Duty under the Local Government &amp; Elections (Wales) Act 2021:               <ul style="list-style-type: none"> <li>➤ Group Leaders responsibilities</li> <li>➤ Annual Report</li> </ul> </li> </ul>
7 October 2022	<ul style="list-style-type: none"> <li>• Review of Officer / Member Relations Protocol</li> <li>• Review of Member –v- Member Internal Dispute Resolution Protocol</li> <li>• Training (including financial training) for Community / Town Councils</li> </ul>
20 January 2023	<ul style="list-style-type: none"> <li>• Annual Meeting with Group Leaders</li> <li>• Dispensation Form</li> </ul>
17 March 2023	<ul style="list-style-type: none"> <li>• Social Media Guidance for Councillors</li> <li>• Whistleblowing Policy (Head of HR to provide background information)</li> <li>• Indemnity Scheme</li> </ul>

**Appendix 2**

**17 The Standards Committee**

**17.1 Composition**

- 17.1.1 The Standards Committee is composed of 9 Members. Its Membership includes:
- 17.1.2 5 “independent” Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- 17.1.3 3 Councillors other than the Leader and not more than 1 Member of the Executive; and
- 17.1.4 1 Community/Town Councillor.
- 17.1.5 The Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).

**17.2 Term of Office**

- 17.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.
- 17.2.2 Members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.
- 17.2.3 The Community Council Member will have a term of office until the next election for the community council following their appointment. They may be reappointed for one further consecutive term.

**17.3 Quorum**

A meeting of the Standards Committee shall only be quorate when:

- 17.3.1 at least 3 Committee Members, including the Chair, are present;

and

17.3.2 at least half the Committee Members present (including the Chair) are independent Members.

#### **17.4 Voting**

17.4.1 Independent Members and Community Council Members will be entitled to vote at meetings.

#### **17.5 Chairing the Committee**

17.5.1 Only an independent Member of the Standards Committee may be the Chair.

17.5.2 The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:

- (i) Not less than four years or no more than six years; or
- (ii) Until the term of office of the independent Member comes to an end.

#### **17.6 Role and Function**

The Standards Committee will have the following roles and functions:

17.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;

17.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

17.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;

17.6.4 monitoring the operation of the Members' Code of Conduct;

17.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

17.6.6 to produce an annual report to Council describing how the Committee's functions have been discharged during the financial year;

17.6.7 to monitor compliance by leaders of political groups with their duties under s 52A(1) Local Government Act 2000;



17.6.8 to undertake those functions in relation to Community Councils and members of Community Councils in the area of City and County of Swansea as are required by law;

17.6.9 to grant dispensations to Members in accordance with the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 and s 81(5) Local Government Act 2000;

17.6.10 to consider allegations of breaches of the Code of Conduct made against Members in accordance with the Standards Committee Hearing Procedure attached to these terms of reference;

17.6.11 determining requests for representation in proceedings under the Council's Indemnity Scheme for Members and Officers;

17.6.12 to consider any other matters placed before the Committee by the Monitoring Officer

17.6.13 to consider all appeals relating to the Unreasonable Customer Behaviour Policy

## **17.7 Additional Role of Standards Committee**

The Standards Committee shall maintain an overview of the operation and maintenance of the following;

17.7.1 The Protocol of Officer/ Councillor Relations

17.7.2 The Council's Whistleblowing Policy and general confidential reporting procedures.

17.7.3 The Member/Member Dispute Resolution Process

17.7.4 The Register of Members Interests.

The Standards Committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.

## **17.8 Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved at each meeting.

## **17.9 Rules of Procedure and Debate**

17.9.1 The Council Procedure Rules will apply to the meetings of the Standards Committee.

17.9.2 When considering the conduct of individual Councillors, the procedures outlined at section \*\*\* will apply.

# Agenda Item 8



## Report of the Chief Legal Officer

Standards Committee – 24 June 2022

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.				
<b>Policy Framework:</b>	None.				
<b>Consultation:</b>	Legal.				
<b>Recommendation(s):</b>	It is recommended that:				
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.				
	<table border="1"><thead><tr><th>Item No.</th><th>Relevant Paragraphs in Schedule 12A</th></tr></thead><tbody><tr><td>9</td><td>12, 13</td></tr></tbody></table>	Item No.	Relevant Paragraphs in Schedule 12A	9	12, 13
Item No.	Relevant Paragraphs in Schedule 12A				
9	12, 13				
<b>Report Author:</b>	Democratic Services				
<b>Finance Officer:</b>	Not Applicable				
<b>Legal Officer:</b>	Tracey Meredith – Chief Legal Officer (Monitoring Officer)				

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependent on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## **2. Exclusion of the Public / Public Interest Test**

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

## **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

## **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

<b>No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
<b>15</b>	<b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

# Agenda Item 9

Yn rhinwedd paragraff(au) 12 Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972  
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at  
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted

Yn rhinwedd paragraff(au) 12 Atodlen 12A  
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