



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Standards Committee

At: Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

On: Friday, 23 June 2023

Time: 10.00 am

Chair: Mike Lewis

Membership:

Councillors: O G James, M B Lewis and L G Thomas

Community / Town Council Representative: C Rabaiotti

Co-opted Members: Michaela Jones, Janet Pardue-Wood, Mark Rees and Margaret Williams

Agenda

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3 Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 5
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5 Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Community Councillor.	10 - 278

Next Meeting: Friday, 13 October 2023 at 10.00 am

A handwritten signature in cursive script that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Friday, 16 June 2023

Contact: Democratic Services – 01792 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Standards Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Wednesday, 22 March 2023 at 1.15 pm

Present: Mike Lewis (Chair) Presided

Councillor(s)

M B Lewis

Co-opted Member(s)

Michaela Jones

Janet Pardue-Wood

Co-opted Member(s)

Mark Rees

Margaret Williams

Officer(s)

Tracey Meredith

Allison Lowe

Chief Legal Officer / Monitoring Officer

Democratic Services Officer

Apologies for Absence

Councillor(s): L G Thomas, C Rabaiotti

41 Disclosures of Personal and Prejudicial Interests.

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

42 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the item(s) of business identified in the recommendation to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exemption paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, relevant to the item(s) of business set out in the report.

The Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item(s) of business where the Public Interest Test was relevant as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

43 Unreasonable Customer Behaviour Policy Appeal.

The Monitoring Officer presented a report to consider an appeal under the Unreasonable Customer Behaviour Policy.

Further written information had been requested by the Standards Committee at its meeting of 2 March 2023. The further written information was attached at Appendix 5.

Resolved that:

- 1) The Standards Committee uphold the action of the Local Authority in invoking the Unreasonable Customer Behaviour Policy;
- 2) The Monitoring Officer write to the Corporate Complaints Team requesting that the content in section 3.2 be considered in any future letter in the event it is applicable.

44 Request(s) for Dispensation.

The Monitoring Officer presented a report to consider a request for dispensation.

In considering the granting of dispensations, the Committee sought to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest of decisions being taken by a representative group of members of the Authority.

The reasons behind the application were outlined in the report and expanded on by the Monitoring Officer during discussion on the matter.

Resolved that:

Councillor Stevens be granted dispensation to stay, speak & make written representations but **not** vote on any matter relating to the Food (Wales) Bill and Sustainable Food Policy.

This dispensation shall **not** apply if the Councillor is or becomes aware of any impact on a closely associated person (within the meaning of paragraph 10 (2) (c) of the Code of Conduct) that relates to and is specific to the Food (Wales) Bill or Sustainable Food Policy.

The meeting ended at 1.44 pm

Chair



City and County of Swansea

Minutes of the **Standards Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Wednesday, 22 March 2023 at 2.30 pm

Present: Mike Lewis (Chair) Presided

Councillor(s)

M B Lewis

Councillor(s)

L G Thomas

Co-opted Member(s)

Michaela Jones

Janet Pardue-Wood

Co-opted Member(s)

Mark Rees

Margaret Williams

Officer(s)

Tracey Meredith

Allison Lowe

Chief Legal Officer / Monitoring Officer

Democratic Services Officer

Apologies for Absence

Councillor(s): C Rabaiotti

45 Disclosures of Personal and Prejudicial Interests.

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

46 Minutes.

Resolved that the Minutes of the Standards Committee held on 20 January 2023, 17 February 2023 and 2 March 2023 be approved and signed as correct records.

47 Group Leaders Duty.

As part of the new duties for Group Leaders as part of the Local Government & Elections (Wales) Act 2021, the Standards Committee agreed to meet with political Group Leaders to discuss how they maintain high standards of behaviour within their group.

Group Leaders were requested to submit a completed template to the Standards Committee in advance of discussions (see Appendix A).

In addition to the completed templates, the Committee invited Councillors Lyndon Jones (Conservative) and Peter May (Uplands) to the meeting scheduled for 22 March 2023.

Councillors Jones and May provided the following supporting information during discussions:

Councillor Lyndon Jones

Councillor Jones stated that his group had very good relationships with the other political groups and Councillors in Swansea. He expected Councillors to treat others with respect - the same way you would expect to be treated by others. He was always mindful to thank officers for the hard work undertaken.

- Training

Councillor Jones felt that the training programme provided for Councillors was very good. In addition, the way Swansea operated its Scrutiny process was of a gold standard.

He had reminded his group to undertake any outstanding training by watching the recordings. Whilst he acknowledged that Social Media training was provided to Councillors, he suggested that perhaps more or enhanced training be considered.

- Code of Conduct

Councillor Jones stated that there was a good working relationship with all the Group Leaders and all the other Councillors and there were currently no code of conduct issues. Should any arise he would raise them with the relevant individuals immediately.

In order to maintain high standards he met with his group regularly. He is a member of the Disciplinary & Parliamentary Committee within his group and prospective candidates are advised of expected behaviours when applying for the role of Councillor.

Councillor Peter May

Councillor May reported that his group had doubled from 2 to 4 members at the last Local Government Election which allowed its members to engage in more Committees as its proportionality had increased as a result.

- Training

Councillor May suggested that training sessions could be more engaging and interactive in their delivery as the majority of the sessions were delivered via powerpoint presentation. This was very repetitive and not very exciting.

- Code of Conduct

Councillor May indicated that there were no code of conduct issues reported and he had not had to utilise the Internal Dispute Resolution Process, however he ensured that he was always courteous to others. He would ensure he kept up to date with any further legislation changes in respect of the duty on Group Leaders.

The Chair thanked both Councillors for attending the Committee to provide further feedback.

48 Community & Town Council Training Plans.

The Monitoring Officer presented a report to consider how to review Community & Town Council training plans and ensure that appropriate training is being undertaken in Community & Town Councils in Swansea.

Resolved that:

- 1) The report be noted;
- 2) The Standards Committee re-visit this item in 6 months.

49 Gifts & Hospitality.

The Monitoring Officer presented a report to consider harmonisation of gifts and hospitality thresholds so as to ensure consistency across Wales.

Resolved that the Standards Committee supports the proposal that Local Authorities in Wales should voluntarily harmonise their thresholds for registrations of gifts and hospitality so as to ensure consistency across Wales.

50 Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW). (For Information)

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

51 Workplan 2022-2023.

The Monitoring Officer presented the Work Plan for 2022-2023.

Resolved that:

- 1) The Work Plan be noted;
- 2) The outstanding items be included in the Work Plan for 2023-2024.

The meeting ended at 3.21 pm

Chair

Agenda Item 4



Report of the Chief Legal Officer

Standards Committee – 23 June 2023

Exclusion of the Public

Purpose:	To consider whether the Public should be excluded from the following items of business.				
Policy Framework:	None.				
Consultation:	Legal.				
Recommendation(s):	It is recommended that:				
1)	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>5</td><td>12 & 13</td></tr></tbody></table>	Item No.	Relevant Paragraphs in Schedule 12A	5	12 & 13
Item No.	Relevant Paragraphs in Schedule 12A				
5	12 & 13				
Report Author:	Democratic Services				
Finance Officer:	Not Applicable				
Legal Officer:	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
12	Information relating to a particular individual.
	<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>
13	Information which is likely to reveal the identity of an individual.
	<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>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<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"> 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 b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <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>

No.	Relevant Paragraphs in Schedule 12A
15	<p>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.</p>
	<p>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.</p>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.</p>
	<p>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.</p>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>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.</p>

Agenda Item 5

By virtue of paragraph(s) 12, 13 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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