

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

STANDARDS COMMITTEE

At: Committee Room 5, Guildhall, Swansea

On: Friday, 4 December 2015

Time: 9.30 am

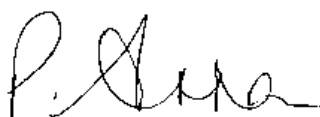
AGENDA

Page No.

- 1 **Apologies for Absence**
- 2 **Disclosures of Personal and Prejudicial Interests** 1 - 2
- 3 **Minutes** 3 - 10
To approve and sign as a correct record the minutes of the previous meetings.
- 4 **Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive** 11 - 12

09.40 am Councillor Rob Stewart
10.10 am Jack Straw, Chief Executive
10.40 am Councillor Mary Jones, Chair of Scrutiny Programme Committee
11.10 am Councillor Paul Lloyd, Chair of Planning Committee
- 5 **Response to the PSOW Code of Conduct Casebook - July 2015 (Verbal)**
- 6 **Consideration of the PSOW approach to Code of Conduct complaints and recent decisions (Verbal)**
- 7 **Workplan 2015-2016**

Next Meeting - Friday, 4 March 2016 at 9.30 am



Patrick Arran
Head of Legal and Democratic Services

25 November 2015

Contact: Democratic Services
01792 636923

STANDARDS COMMITTEE

Councillors

Labour Councillors: 3

Joe A Hale	Clive E Lloyd
Phil Downing	

Liberal Democrat Councillor: 1

L Graham Thomas	
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Name	Term of Office	Name	Term of Office
Jill Burgess	19.10.2012 to 18.10.2018	Jennifer Gomes*	05.12.2008 to 04.12.2016
Gareth Evans	01.04.2015 to 31.03.2021	Margaret Williams	01.04.2015 to 31.03.2021
Meirion Howells*	01.08.2008 to 31.07.2016		

Others:

Executive	One copy
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement
Huw Evans	Head of Democratic Services
Mike Hawes	Head of Financial Services
Democratic Services	1 Copy
Archives	
Councillor M H Jones	Chair of Scrutiny Programme Committee – public agenda pack

Total Copies Needed – 20

NOTE:

1. * Denotes that the **period of office cannot be extended further**.
2. The **term of office for Independent Members** can be for not less than 4 nor more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than 4 years.
3. **Members of the Local Authority** who are members of the Standards Committee will have a term of office of no more than 4 years or ending at the next ordinary local government election following their election, whichever is the shorter.
4. The Standards Committee **shall not sit if the Independent Members are outnumbered by Councillors**. A Councillor shall remove him/herself from the meeting in order for the business to be transacted.

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STANDARDS COMMITTEE

HELD AT COMMITTEE ROOM 5, GUILDHALL, SWANSEA ON FRIDAY,
4 SEPTEMBER 2015 AT 9.30 AM

PRESENT: Meirion Howells (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
J A Hale	C E Lloyd	L G Thomas

Independent Member(s)

Jill Burgess Margaret Williams	Gareth Evans	Jennifer Gomes
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Officers:

Patrick Arran	-	Head of Legal, Democratic Services & Procurement
Allison Lowe	-	Councillor Support Officer

9 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Phil Downing. In addition, Huw Evans, Head of Democratic Services, also offered his apologies as he was undertaking a Charity Cycle Ride for the Rachel Waters Remembrance Fund for a young boy who required an operation for robotic hands.

10 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS**

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

11 **MINUTES**

RESOLVED that the Minutes of the Standards Committee held on 5 June 2015 be accepted as a correct record.

12 **DISPENSATION REGIME (VERBAL)**

The Head of Legal, Democratic Services and Procurement circulated extracts from legislation in terms of the Standards Committee (Grant of Dispensations) Wales Regulations 2001.

County and County Borough Councils, Community Councils, Fire Authorities and National Park Authorities in Wales ("relevant authorities") are required by Section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50 (2) of the Act.

A short discussion ensued in relation to whether the Committee wished to consider the Dispensation Regime as part of its workplan.

Noted that:

The item be added as an agenda item for discussion at the next meeting of the Standards Committee.

13 **MEASURES TO ADDRESS ATTENDANCE AT COUNCILLOR TRAINING**

The Head of Legal, Democratic Services and Procurement presented this item in the absence of the Head of Democratic Services.

Members of the Standards Committee had attended the Democratic Services Committee on 16 June 2015 to discuss what sanctions, if any, could be utilised by the Authority to increase Councillor attendance at Councillor training events. Additionally, the Committee discussed the issue of making certain training compulsory. However it was noted that even if Council agreed to certain training being mandatory, it could only be "enforced" by political group discipline.

RESOLVED that:

- 1) The Standards Committee noted points 2.1 – 2.5 and endorsed the recommended list of mandatory training in point 3.5 of the report that the Democratic Services Committee would be recommending to Council.

14 **STANDARDS COMMITTEE ANNUAL REPORT 2014-2015**

The Chair of the Standards Committee presented a report which set out the work of the Standards Committee and Community / Town Councils Standards Sub – Committee between June 2014 and May 2015. The views of the Committee were sought before the report was submitted to Council on 24 September 2015.

RESOLVED that:

- 1) The date that Jill Burgess was appointed Vice Chair be included in paragraph 2.4.
- 2) The Annual Report of the Standards Committee for 2014-2015 be approved.

15 **DISCUSSION ON QUESTIONS FOR FUTURE GROUP LEADERS / CHAIRS MEETING (VERBAL)**

The Standards Committee discussed the format of the meeting scheduled for 13 November 2015, to which the 4 Political Group Leaders had been invited to attend. The questions asked during the 2014-2015 period were reviewed by the Committee.

It was also suggested by the Head of Legal, Democratic Services and Procurement that the Committee consider inviting the Chairs of Audit and Scrutiny to attend.

RESOLVED that:

- 1) The questions in relation to the Swansea Pledge and merger of the Standards Committee with the Community / Town Council Standards Sub-Committee be removed;
- 2) A question be added in relation to how to further develop the relationship between the Standards Committee and Community / Town Councils;
- 3) Additional / amended questions be forwarded to Allison Lowe by Monday, 14 September 2015.

16 **DISCUSSION ON JOINT COMMUNITY TOWN COUNCILS FORUM & STANDARDS COMMITTEE (VERBAL)**

The Head of Legal, Democratic Services and Procurement reported that the joint meeting between the Standards Committee and Community Town Councils Forum had been scheduled for Monday, 16 November 2015 at 5 pm.

The Head of Legal, Democratic Services and Procurement would provide Code of Conduct Training at the meeting, whereby he would focus on the various changes to the Guidance issued by the Public Services Ombudsman for Wales.

The Public Services Ombudsman for Wales had also accepted the invitation to attend the joint meeting.

17 **STANDARDS & ETHICS CONFERENCE WALES 2015 - 20 OCTOBER 2015 (VERBAL)**

The Chair of the Standards Committee reported that he was no longer able to attend the Standards & Ethics Conference scheduled for 20 October 2015, however places would be booked for the other members who had expressed an interest.

The Committee discussed the format of the Conference, including a Social Media Workshop that the Head of Legal, Democratic Services and Procurement would be taking part in, in conjunction with Daniel Hurford of the Welsh Local Government Association.

RESOLVED that:

The Head of Legal, Democratic Services and Procurement meet with the Vice Chair of Standards Committee in advance of the Conference to discuss whether she was in a position to facilitate this workshop.

18 **WORKPLAN 2015-2016**

RESOLVED that the Workplan be amended as follows:

Date	Issue
October 2015 (exact date tbc)	Shortlisting for Standards Committee Vacancy (as a result of the merger between Standards Committee & Community Town Councils Standards Sub Committee
13 November 2015 (Special Meeting)	Annual Meeting with Political Group Leaders
4 December 2015	Annual meetings with Chairs of Committees (Audit, Democratic Services, General Licensing, Planning and Scrutiny Programme) & Chief Executive.
4 December 2015	Review of Dispensation Regime.
4 December 2015	Treating People with Respect
4 December 2015	Inconsideration of Ombudsman's approach to Code of Conduct complaints and recent decisions
TBC	Declarations of Interest
TBC	Local Dispute Resolutions
TBC	Good governance and best practice

In addition, the Chair of the Standards Committee expressed his wish for the Standards Committee to respond to the recent Public Services Ombudsman for Wales Code of Conduct Casebook (July 2015). This would be dealt with via email correspondence between the Chair and other Standards Committee members with guidance from the Head of Legal, Democratic Services & Procurement.

The meeting ended at 10.58 am.

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STANDARDS COMMITTEE

**HELD AT CABINET CONFERENCE ROOM, GUILDHALL, SWANSEA ON
FRIDAY, 13 NOVEMBER 2015 AT 9.30 AM**

PRESENT: Meirion Howells (Chair) Presided

Councillor(s)

J A Hale

Councillor(s)

C E Lloyd

Councillor(s)

L G Thomas

Independent Member(s)

Jill Burgess

Independent Member(s)

Gareth Evans

Independent Member(s)

Jennifer Gomes

Officers

Tracey Meredith, Deputy Monitoring Officer

Huw Evans, Head of Democratic Services

Allison Lowe, Democratic Services Officer

Apologies for Absence

Apologies for absence were received from Councillor Philip Downing, Margaret Williams, Independent Member and Patrick Arran, Monitoring Officer.

19 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interest was declared:

- 1) Meirion Howells declared a Personal Interest in Minute 22 "Interview Community / Town Councillors to sit on the Standards Committee" as both applicants were known to him. Mr Howells withdrew from the meeting prior to consideration of the item.

20 **ANNUAL MEETINGS WITH POLITICAL GROUP LEADERS**

The Chair reminded the Committee of their intention to hold annual meetings with the Political Group Leaders, Chairs of Committees and the Chief Executive in order to seek their opinions on the work of the Standards Committee. Discussions with three Political Group Leaders were scheduled to take place at the meeting.

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

- 1) What is the role of the Standards Committee?
- 2) What is the future role of the Standards Committee?

- 3) How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?
- 4) How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?
- 5) What is your understanding of the Nolan Principles and how they impact on public life?
- 6) Are you aware of the Calver decision and do you think that it's had an influence on Councillors / Co-opted Members?
- 7) What are your views on the Authority's Code of Conduct training? How could it be improved so as to raise the ethical standards of Councillors / Co-opted Members?
- 8) Training for Councillors / Co-opted Members is vitally important. How can the Standards Committee tackle those that don't see training as important?
- 9) How could Standards Committee encourage the use of the Authority's Internal Dispute Resolution Process (Cllr v Cllr)?
- 10) During the past year, members of the Standards Committee have attended a number of meetings. Has this had an impact on behaviour and standards? What Committees do you feel the Standards Committee members should attend as observers?

The Chair welcomed Councillor Chris Holley to the meeting. Councillor Holley outlined the following in response:

- He felt that the behaviour of Councillors had improved, resulting in the role of the Standards Committee having changed over the last few years.
- Councillors felt there was little point in reporting cases to the Public Services Ombudsman for Wales. The Standards Committee should be the arbiter and have more visibility in order to be more productive in what is happening in the Authority.
- Councillor Holley agreed it was useful that members of the Standards Committee had attended various meetings as observers, however suggested that they should target their attendance to Council and Planning Committee as they tended to be the most controversial, particularly those meetings involved in the LDP process.
- In relation to Declarations of Interests, he outlined that members now carry out block declarations at Committee, however there was still great nervousness amongst members.
- He felt that the Nolan principles had gone beyond what they were originally intended for.
- He was aware of the Calver case and felt it had made a difference.
- Code of conduct training provided by the Legal Department was very good and provided on a regular basis.

- Agreed all Senior Salary holders should undertake a personal development review. However, it was more difficult to enforce non-Senior Salary holders as they had no 'authority' to do it.
- Councillor Holley encourages members of his group to undertake training, however the Head of Democratic Services reiterated that under the new framework, Group Leaders would be informed on a monthly basis of which members had attended training. He went on to clarify that Council had no authority to impose sanctions for non-attendance.
- Councillor Holley had no knowledge of the internal Dispute Resolution Process having been instigated.

The Chair thanked Councillor Holley for his responses.

The Chair then welcomed Councillor Wendy Fitzgerald to the meeting.

- Councillor Fitzgerald was aware of the Standards Committee Annual Report presented to Council but as an Independent Group they hadn't had much contact with the Standards Committee.
- She felt there was a certain code of conduct within the group. Disagreements did arise but they were managed. Robust political debate would need to be resolved amongst the different political groups.
- Confirmed that the Independent Group had not signed the 'Swansea Pledge'.
- In relation to Calver, she agreed that Councillors had to have a 'thicker skin'.
- Councillors know their own needs in terms of personal development, however Councillors have various different responsibilities and cannot always attend the scheduled training events.
- As an Independent member she didn't feel in a position to tell the Independent Members which training events to attend.
- Felt the informal Cllr –v- Cllr resolution is working.
- She thought it would be beneficial for members of the Standards Committee to attend other Committees as observers, in particular Scrutiny meetings to gain an understanding of how the committee system works.

The Chair thanked Councillor Fitzgerald for her views.

The Chair then welcomed Councillor Paxton Hood-Williams to the meeting.

- Councillor Hood-Williams understanding of the role of the Standards Committee was to demand high standards of behaviour across Swansea at both Local Authority or Community Council level and to resolve cases as and when necessary.
- He felt that Councillors behaviour had improved over the years in the Chamber.
- He agreed that training is essential and that Councillors are regularly provided with training on the Code of Conduct.
- Understood the Calver case and agreed that robust political debate was to be expected.
- Members of the Conservative group had excellent attendance at the various training courses provided by the Authority.

- Internal Resolution Process appeared to be working.

The Chair thanked Councillor Paxton Hood-Williams for his comments.

21 **EXCLUSION OF THE PUBLIC.**

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

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

RESOLVED that the public be excluded for the following item on the agenda.

CLOSED SESSION

NOTE: Meirion Howells (Chair), Councillors Clive Lloyd and Joe Hale withdrew from the meeting prior to the next item.

Jill Burgess (Vice Chair) presiding.

22 **INTERVIEW COMMUNITY / TOWN COUNCILLORS TO SIT ON THE STANDARDS COMMITTEE.**

The Committee interviewed two candidates for the Community / Town Councillor vacancy on the Standards Committee.

RESOLVED that a report be submitted to Council recommending PC be appointed to the Standards Committee.

The meeting ended at 12.30 pm

CHAIR

Report of the Head of Democratic Services

Standards Committee – 4 December 2015

Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive

Purpose:	To seek the views of the Political Group Leaders, Chairs of Committees and the Chief Executive in relation to a number of set questions relating to the Standards Committee.	
Policy Framework:	None.	
Reason for Decision:	To consider the responses to the questions and to implement any necessary changes that stem from them.	
Consultation:	Access to Services, Finance, Legal.	
Recommendation(s):	It is recommended that:	
1)	The views of the Political Group Leaders, Chairs of Committees and the Chief Executive be noted and used to improve the effectiveness of the Standards Committee.	
Report Author:	Huw Evans	
Finance Officer:	Carl Billingsley	
Legal Officer:	Patrick Arran	
Access to Services Officer:	Phil Couch	

1. Introduction

- 1.1 The Standards Committee resolved to hold annual meetings with the Political Group Leaders, Chairs of Committees and the Chief Executive in order to seek their opinions on the work of the Standards Committee.
- 1.2 The Standards Committee stated that they wished to question the Chairs of the following Committees: Audit Committee, Democratic Services Committee, General Licensing Committee, Planning Committee and Scrutiny Programme Committee.
- 1.3 The Standards Committee agreed that views be sought in respect of the questions set out in **Appendix A**.
- 1.4 Three of the four Political Group Leaders were questioned at the meeting on 13 November 2015 and the others commencing on 4 December 2015.

Background Papers: None.

Appendices: Appendix A - Standards Committee Questions

**STANDARDS COMMITTEE QUESTIONS FOR POLITICAL GROUP LEADERS,
CHIEF EXECUTIVE AND CHAIRS OF AUDIT COMMITTEE, DEMOCRATIC
SERVICES COMMITTEE, GENERAL LICENSING COMMITTEE, PLANNING
COMMITTEE AND SCRUTINY PROGRAMME COMMITTEE**

- 1) What is the role of the Standards Committee?
- 2) What is the future role of the Standards Committee?
- 3) How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?
- 4) How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?
- 5) What is your understanding of the Nolan Principles and how they impact on public life?
- 6) Are you aware of the Calver decision and do you think that it's had an influence on Councillors / Co-opted Members?
- 7) What are your views on the Authority's Code of Conduct training? How could it be improved so as to raise the ethical standards of Councillors / Co-opted Members?
- 8) Training for Councillors / Co-opted Members is vitally important. How can the Standards Committee tackle those that don't see training as important?
- 9) How could Standards Committee encourage the use of the Authority's Internal Dispute Resolution Process (Cllr v Cllr)?
- 10) During the past year, members of the Standards Committee have attended a number of meetings. Has this had an impact on behaviour and standards? What Committees do you feel the Standards Committee members should attend as observers?