



City and County of Swansea

Minutes of the **Standards Committee**

Room 235 (Councillors Meeting Room) - Guildhall, Swansea

Tuesday, 12 November 2019 at 10.00 am

Present:

Councillor(s)

M B Lewis

Councillor(s)

L G Thomas

Co-opted Member(s)

Jill Burgess
Philip Crayford

Co-opted Member(s)

Gareth Evans
Michaela Jones

Co-opted Member(s)

Mike Lewis

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): J A Hale

Independent Member(s): Margaret Williams

1 Election of Chair for the Municipal year 2019-2020.

Resolved that Jill Burgess be elected Chair for the Municipal Year 2019-2020.

Jill Burgess (Chair) Presided

2 Election of Vice Chair for the Municipal Year 2019-2020.

Resolved that Margaret Williams be elected Vice Chair for the Municipal Year 2019-2020.

3 Disclosures of Personal and Prejudicial Interests.

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

Mike Lewis, Independent Member declared a personal interest in Minute 7 "Public Services Ombudsman for Wales Annual Report and Annual Letter for 2018/19" as an Independent Member of Hywel Dda University Health Board.

4 Minutes.

Resolved that the Minutes of the Standards Committee held on 7 February 2019 be approved and signed as a correct record.

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

The Chair welcomed Councillor Rob Stewart, Leader of the Council to the Standards Committee. He was introduced to the members of the Committee.

Councillor Stewart thanked the Committee for inviting him.

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

- 1) Do you consider that it is still appropriate to have a Code of Conduct in Wales, which applies to all councillors and co-opted members?
- 2) What do you understand the role of the Standards Committee to be?
- 3) Is there any work you feel the Standards Committee should be undertaking over the next year?
- 4) How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?
- 5) How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?
- 6) The Ombudsman, Adjudication Panel for Wales and the High Court has taken a view on politicians (and in some cases senior officers) having a "thick skin" and on political banter being part of the political landscape. What are your own views and how would you as a Political Group Leader/Committee Chair ensure that the line is not crossed.
- 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 do not see training as important?
- 9) The Authority's Internal Dispute Resolution Process (IDRP)(Cllr v Cllr) has not yet been utilised. In the event of a dispute will you be encouraging your party to use the process? Do you consider the lack of referrals to the IDRP demonstrates that councillors are behaving within the Code?
- 10) What is the future role of the Standards Committee?

Councillor Stewart outlined the following:

Minutes of the Standards Committee (12.11.2019)
Cont'd

- He did consider it still appropriate to have a Code of Conduct in Wales, which applied to all councillors and co-opted members to maintain the best standards of behaviour in public life. He also informed the Committee that the Labour Party had their own Code of Conduct that party members were required to sign. This was reviewed every 5 years;
- The Standards Committee considered any breaches of the Code of Conduct referred to them for consideration. He was aware, however that no cases had been referred to the Standards Committee by the Public Services Ombudsman for Wales (PSOW) for consideration;
- He could not recall the Internal Dispute Resolution Process adopted by the City & County of Swansea having been utilised in the last few years. He felt this was a true test of improved behaviour of Councillors over recent years;
- Councillor Stewart queried whether the Standards Committee would consider adding some further guidance to the Internal Dispute Resolution Process should a dispute arise between members of the same political group;
- He also asked the Committee to consider whether candidates for Local Government Elections could be asked to sign up to the Code of Conduct or similar standard prior to being elected;
- Political Group Leaders / Committee Chairs could promote standards and good governance through Leadership by leading by example and 'living' the principles of the Code. He felt he did this both as Leader of the Council and as Leader of his political group. The political group "Whips" also assisted in the process;
- A number of Councillors were also able to attend the Annual Leadership Programme provided via the Welsh Local Government Association to develop and enhance leadership skills;
- He felt that the Standards Committee were sufficiently active in promoting ethical conduct among Councillors / Co-opted Members, however he suggested refresher training on the Code of Conduct be offered to Councillors approximately 18 months to 2 years after being elected to re-inforce the standards. In addition he suggested that e-learning be expanded where possible;
- In relation to comments that politicians (and in some cases senior officers) should have a "thick skin" and on political banter being part of the political landscape he stated that he would not want to stifle robust debate, however political debate should never turn into personal debate. He felt that current relationships between Councillors in Swansea allowed good political debate;
- He was of the opinion that most Councillors embraced training as an important element of their personal development and there was reasonably good attendance at sessions. Some topics had been mandated and Group Leaders were informed of non-attendance;
- As previously mentioned, the Authority's Internal Dispute Resolution Process (IDRP)(Cllr v Cllr) had not yet been utilised, however he would encourage his party to utilise the process. He agreed that the lack of instances to utilise the IDRP demonstrated that councillors were behaving within the Code.

The Chair thanked Councillor Stewart for his comments. The Committee would consider his suggestions for improving their role within the Authority.

6 Standards Committee Annual Report 2018-2019.

The Monitoring Officer presented a report to set out the work of the Standards Committee from 2018-2019.

The report would be presented to Council on 27 November 2019 by the Chair of the Standards Committee.

It was suggested that the number of cases in paragraph 6.5.1 (a) and (b) be changed to words rather than numbers.

Resolved that the amended Standards Committee Annual Report 2018-2019 be forwarded to Council on 27 November 2019.

7 Public Service Ombudsman for Wales Annual Report and Annual Letter for 2018/19.

The Monitoring Officer presented the Annual Report of the Public Services Ombudsman for Wales (PSOW) 2018/2019.

In addition, his Annual Letter to the Council was attached at Appendix B.

It was noted that the number of Code of Conduct complaints had increased by 4% (270 to 282) compared to 2017/18. Complaints against Community & Town Councillors rose by 14%.

There was a further slight reduction in complaints related to failure to disclose or register interests from 19% in 2017/18 to 17%:

- 13% related to failure to act with integrity;
- 9% related to failure to uphold the law;
- 7% related to accountability and openness.

The PSOW also noted with concern the rise in Community and Town Councillor complaints, many of which alleged a failure to promote equality and respect. It was noted that there had been an increase in the number of these complaints from Clerks and staff members of such Councils.

The figures for Swansea in Table 1.3b and the table D of the letter on page 112 were queried as they did not tally. In addition the figures outlined in Table B of the letter did not add up to the figure of 83 for Swansea in Table A. The Monitoring Officer stated that she would clarify the figures with the PSOW.

Resolved that the report be noted.

8 Code of Conduct Casebooks.

The Monitoring Officer updated the Committee on the latest Public Services Ombudsman for Wales Code of Conduct Casebooks.

The following issues were attached at Appendix A:

- Issue 19 February 2019 – October to December 2018;
- Issue 20 May 2019 – January to March 2019;
- Issue 21 September 2019 – April to June 2019;
- Issue 22 October 2019 – July to September 2019.

Resolved that:

- 1) The reports be noted;
- 2) The reports be circulated to all Councillors.

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

The Monitoring Officer advised the committee of the decisions made by the Public Services Ombudsman for Wales in relation to allegations that Community & Town Councillors and Local Authority Councillors had breached the Code of Conduct.

Resolved that the report be noted.

10 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)

11 Request(s) for Dispensation.

The Monitoring Officer provided a report to consider an application for dispensation in relation to Councillor A Pugh.

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.

A failure to grant a dispensation which results in an authority or committee not achieving a quorum, can constitute grounds for granting a dispensation.

Resolved that:

- 1) Councillor A Pugh be granted the following dispensation under paragraphs 2 (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended):
 - i) To Stay, Speak and Vote (but not in relation to her daughters employment) when considering Child & Family Social Services issues.
 - ii) The 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 her daughter.

12 Work Plan. (Discussion)

The Monitoring Officer led a discussion on future Work Plan items for consideration by the Standards Committee.

Resolved that the future Work Plan include:

- 1) Consideration of commencement of Annual Meetings with Political Group Leaders, Chairs of Committees and Chief Executive. Consider devising a summary sheet of discussions undertaken and promote to other Local Authorities as "best practice";
- 2) Guidance on a Code of Conduct or similar standard for Local Government Election candidates;
- 3) Enhancement of the Internal Dispute Resolution Process;
- 4) Review of the Unreasonable Behaviour Policy.

The meeting ended at 11.26 am

Chair