



City and County of Swansea

Minutes of the **Standards Committee**

Remotely via Microsoft Teams

Friday, 19 March 2021 at 10.00 am

Present: Jill Burgess (Chair) Presided

Councillor(s)

M B Lewis

Co-opted Member(s)

Philip Crayford
Gareth Evans

Co-opted Member(s)

Michaela Jones
Mike Lewis

Co-opted Member(s)

Margaret Williams

Officer(s)

Tracey Meredith
Huw Evans
Allison Lowe
Aled Gruffydd

Chief Legal Officer / Monitoring Officer
Head of Democratic Services
Democratic Services Officer
Lawyer

Apologies for Absence

Councillor(s): L G Thomas

17 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:

Philip Crayford declared a personal and prejudicial interest in Minute 22 “Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Community Councillor” and left the meeting prior to the item being discussed.

18 Minutes.

Resolved that the Minutes of the Special Standards Committee held on 4 December 2020 and 18 February 2021 be approved and signed as a correct record.

19 Public Services Ombudsman for Wales Consultation on Revised Guidance on the Code of Conduct.

Aled Gruffydd, Associate Lawyer presented a report on the proposed changes to the guidance by the Public Service Ombudsman for Wales (PSOW) on the Code of Conduct for Members of Local Authorities in Wales and Community & Town Councils that was currently subject to Consultation.

He outlined the main changes to the guidance, which provided clarity, was now more user friendly and contained real life examples as well as speech bubbles and an improved layout.

Whilst the Committee welcomed the proposed improved changes, they would be keen to receive examples of any sanctions imposed in relation to the real live cases outlined.

The Committee also welcomed the clarity on the role of the Community Council Clerk in the Guidance for Community Councillors.

In addition, they expressed concern around the low number of referrals made to them as a proportion of complaints received by the Ombudsman. Whilst the Committee respected the Ombudsman's discretion in applying the two stage test to determine whether to refer complaints to them, they were of the view that the low levels of referrals affected their ability to undertake their role of maintaining public confidence and would welcome the balance of the Ombudsman's discretion to be more towards referral than it currently was.

Resolved that the Monitoring Officer and Associate Lawyer draft a response for circulation to the Committee prior to submission to the PSOW by the deadline date of 21 March 2021.

20 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 by the PSOW in relation to allegations that Local Authority and Community and Town Councillors had breached the Code of Conduct.

Resolved that the update be noted.

21 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)

22 Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Community Councillor.

The Monitoring Officer presented a report to consider the report of the Public Service Ombudsman for Wales (PSOW) in relation to an alleged breach of the Code of Conduct by a Community Councillor which had been referred to the Monitoring Officer for determination by the Standards Committee.

The Monitoring Officer outlined the details of the complaint and referred to the Audit Wales report which formed part of the evidence. The Committee were asked to consider whether there was:

- a. no evidence to support the complaint or
- b. whether the Councillor concerned be given the opportunity to respond, either orally or in writing.

The Committee considered the evidence and felt that there was sufficient evidence to proceed to the next stage of the process and the Councillor be given the opportunity to respond. The Committee would consider the arrangements for a Hearings Panel to hear and determine the matter, in accordance with the Hearings Panel Procedure.

Resolved that:

- 1) The Monitoring Officer write to the Councillor and the PSOW inviting them to respond in accordance with the Hearings Panel Procedure.

23 Request for Dispensation.

The Monitoring Officer outlined the report which sought consideration of an application for dispensation in relation to Councillor David Hopkins.

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:

- 1) Councillor David Hopkins be granted the following dispensation under paragraphs 2 (d), (e) and (f) of the Standards Committee (Grant of dispensations) (Wales) Regulations 20021 (as amended):
 - i) To exercise executive powers and stay, speak and vote and make oral and written representations in respect of issues involving education and school matters;

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- ii) The dispensation shall NOT apply if the Councillor is or becomes aware of any impact on a close personal associate (within the meaning of paragraph 10(2) (d) of the Code of Conduct) that relates to and/or is specific to his daughter.

The meeting ended at 11.03 am

Chair