

Report of the Monitoring Officer

Standards Committee – 21 November 2014

Feedback following discussions with the Chief Executive, Political Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee

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| Purpose: | <p>i) To remind the Committee of the discussions with the Chief Executive, Political Group Leaders, Chairs of the Regulatory Committees and the Chair of the Scrutiny Programme Committee.</p> <p>ii) To consider the feedback from these discussions and to formulate a workplan.</p> |
| Policy Framework: | None. |
| Reason for Decision: | In order to formulate a workplan based on the earlier discussions. |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation: | It is recommended that: 1) The Committee consider the report and use it to formulate a workplan. |
| Report Author: | Huw Evans |
| Access to Services Officer | Euros Owen |
| Finance Officer: | Carl Billingsley |
| Legal Officer: | Tracey Meredith |

1. Introduction

- 1.1 Further to Minute 70 of the meeting of Standards Committee held on 12 April 2014, discussions have taken place with the above to seek their opinions regarding the role of the Standards Committee.
- 1.2 Extracts of the minutes of the relevant Standards Committee are attached to remind the Committee of the points raised during the discussions.
- 1.3 The Committees views are sought based on the discussions and are asked to formulate a workplan.

2. Recurring Themes and Key Issues Raised at Discussions

- 2.1 Councillor Links with Standards Committee. Standards Committee needs to raise its profile with Councillors and greater engagement with all Councillors. Standards Committee needed to become more proactive. Standards Committee meet with other Authorities to assist and improve their role. Rebranding as Standards Board.
- 2.2 Swansea Pledge. 50 of the 72 Councillors had signed the Pledge. This has basically split along Political lines. Standards Committee needs to review the issue. Some Councillors had created and signed their own version of a Pledge. A feeling that it was a Labour Manifesto commitment and not suitable for Opposition Councillors.
- 2.3 Councillors Local Dispute Resolution. Whilst this is an excellent innovation the system has not been used. Standards Committee could raise profile of this and encourage its use. It was suggested that the local dispute resolution be adopted by Community / Town Councils and that Standards Committee may wish to investigate how the various Community Councils operate and if correct procedures are adhered to.
- 2.4 Treating People with Respect.
- 2.5 Merger of the Standards Committee and the Community / Town Councils Standards Sub Committee. The majority support a merger.
- 2.6 Declarations of Interests at meetings were seen to be a precaution against being reported to the Ombudsman. Suggestion that many of the general interests should be added to the non Committee version which must be amended within 28 days of a change.
- 2.7 Standards Committee look at good Governance and best practice in other Local Authorities. It could also look at promoting the Council's values.
- 2.8 Inconsistency in some Ombudsman decisions and guidance difficult to interpret.
- 2.9 Councillor Training and attendance at training. Refresher Training in areas such as the Code of Conduct.
- 2.10 The possibility of promoting best practice e.g. declaration of interest being developed across other public services.
- 2.11 Advantageous if Standards Committee attended Committees in order to consider if good practice is being undertaken.
- 2.12 Annual link with Scrutiny Committee to ensure that Scrutiny was fulfilling its role.

3. Equality and Engagement Implications

- 3.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

4. Financial Implications

- 5.1 There are no specific financial implications associated with this report.

5. Legal Implications

- 5.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

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| Appendix A | Extract of Standards Committee Minutes of Discussions with the Chief Executive, Various Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee |
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Appendix A

Extract Of Standards Committee Minutes of Discussions with the Chief Executive, Various Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee

DISCUSSION WITH THE LEADER OF THE INDEPENDENT GROUP LEADER OF THE MAIN OPPOSITION GROUP AND CONSERVATIVE GROUP – 18 MARCH 2014

The Chairman welcomed Councillor E W Fitzgerald to the meeting and explained that she had been invited as Leader of the Independent Group to give her views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chairman explained that the role of the Standards Committee was both proactive and reactive and stated that it had been agreed that Annual Meetings be held with Group Leaders and the Chief Executive. The Chairman indicated that views were sought regarding the following:

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help to promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views regarding training in respect of the Code.
- How do you consider the dispute resolution process is working?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub-Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

Councillor Fitzgerald outlined the following in response:

- No direct contact with the Standards Committee for a number of years, therefore, was only aware of the work undertaken by the Standards Committee through the Annual Report at Council. However, had not had good experiences in dealing with Standards Committee back in 2003.
- The Independent Group had produced their own pledge and they as a group did not feel that it was necessary to sign up to the City and County of Swansea Pledge. No follow-up had been carried out as to those who had signed up to this. The purpose of this pledge was questioned.
- As all Councillors have signed the Code of Conduct it was hoped that within the Group behaviour and conduct was in keeping with the Code.

- The introduction of the local dispute resolution had been beneficial and it was considered that generally behaviour had not got worse.
- One of the main aspects of the Code of Conduct was to treat people with respect and in our Group we try to conduct ourselves in a good manner.
- It was suggested that one of the reasons that there were considerably less cases now referred to the Ombudsman, was the significant political majority under the new administration and maybe the improved conduct of newly elected Members.
- Had no firm views in relation to the merger of the Standards Committee and the Community/ Town Councils Standards Sub - Committee, however this would probably be a sensible move.

The Leader of the Independent Group was thanked for her views.

The Chairman then welcomed Councillor C Holley, Leader of the Main Opposition Group. He explained that he also had been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor C Holley outlined the following in response to the views sought as indicated above:

- The Standards Committee in his view had not altered in the last few years.
- The local dispute resolution has worked to a certain extent but was limited.
- It was suggested that a more proactive role could be achieved by attending both Council meetings, Cabinet, as well as Scrutiny. It was considered that the role of the Standards Members should cover the entire workings of Council.
- Difficulties are now being experienced by Members in that there are a large number of declarations of interests at each meeting as a precaution against being reported to the Ombudsman.
- It was considered beneficial that the Code of Conduct and guidance in respect of this be reviewed regularly to take into consideration changes to legislation.
- It was explained that this Group had not signed up to the City and County of Swansea Pledge as they considered this to be an election manifesto pledge and felt that the Code of Conduct was adequate.

- It was suggested that it could be beneficial if Standards Committee look at Governance and best practice in other Local Authorities.
- He would have no objection if there was a merger of the Standards and Community / Town Council Standards Sub Committee.
- The local dispute resolution had helped lower the number of cases referred to the Ombudsman and queried the Ombudsman's inconsistency in some of his decisions.

The Leader of the Main Opposition Group was thanked for his views.

The Chairman then welcomed Councillor P Hood-Williams, Leader of the Conservative Group. He explained that he also had been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor P Hood-Williams outlined the following in response to the views sought as indicated above:

- It was considered that guidance from the Ombudsman was contradictory and difficult to interpret.
- It was suggested that when the new Ombudsman had been appointed it may be an opportunity for this person to be invited to the Standards Committee.
- The principle in respect of the Pledge was agreed.
- All Members in this Group were fairly experienced and understood the code and it was hoped that they would act in an appropriate manner.
- It could be beneficial having one encompassing committee but the effectiveness would depend on the experience of the Community Councillor appointed.
- The main factor would be that the Committee maintains high standards.

The Leader of the Conservative Group was thanked for his views.

The Chairman indicated that the Leader of the Council and Chief Executive would be invited to future meetings for their views and a report of all these discussions would then be submitted to the Committee.

DISCUSSION WITH THE CHIEF EXECUTIVE AND THE LEADER OF THE LABOUR GROUP – 4 APRIL 2014

The Vice Chair stated that the Chief Executive (Jack Straw) and the Leader of the Labour Political Group (also Leader of the Council, Councillor D Phillips) has been invited to the meeting in order to give their views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Vice Chairman explained that the role of the Standards Committee was both proactive and reactive and stated that it had been agreed that Annual Meetings be held with Group Leaders and the Chief Executive. The Vice Chairman indicated that views were sought from the Chief Executive, regarding the following:

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help to promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views regarding training in respect of the Code.
- How do you consider the dispute resolution process is working?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub-Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

The Vice Chair indicated that the views of other Political Group Leaders had already been received.

The Chief Executive outlined the following in response:

- Was aware of the Code of Conduct for Members and Code of Conduct for Officers since becoming Chief Executive 3 years ago, but did not directly get involved with individual issues.
- Considered that the Ombudsman has been inconsistent in his decision making.
- It was recognised that there were considerably less cases now being referred to the Ombudsman.
- It was suggested that the Standards Committee could be more proactive and one way to achieve this could be to consider the officers code of conduct, which as yet had not been the subject of an area of complaint.
- Another area the Standards Committee could become involved with would be to do more to promote the Council's values and be an advocate for good governance.
- Local Dispute Resolution needed constant attention.

- It was considered beneficial that all members including independent members undertake training and refresher courses as necessary.
- It was now seen that the signing of the Pledge had become political.
- It was considered advantageous if members of the Standards Committee attend Scrutiny Committees and that if Standards Committee Members looked at areas such as whether the correct procedure and methodology were in place in respect of membership, terms of reference, placing of items on Scrutiny agendas, etc.
- No firm views were held in respect of having one encompassing Committee.

The Chief Executive was thanked for his views.

The Vice Chairman then welcomed Councillor D Phillips, Leader of the Council. He explained that he had also been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

The Leader of the Labour Group and Leader of the Council outlined the following in respect of the views sought as indicated above:

- It was recognised that there was a declining number of complaints and the local dispute resolution was one of the main reasons for this.
- Disappointment was expressed that other parties had not signed up to the pledge.
- The wider role of the Standards Committee in being proactive and improving relationships was supported.
- It was noted that this local dispute resolution practice in this authority had been adopted by the Ombudsman as good practice across the rest of Wales.
- It was recognised that decisions of the Ombudsman were not consistent.
- It was considered that professional behaviour and the Nolan Principles were important.
- The possibility of promoting best practice e.g. declaration of interest, could be developed across other public services.
- It was considered to be more effective if the Standards Committee remain separate to that of the Community / Town Council Standards Sub Committee.

- Strong views were expressed regarding training and it was stated that this was compulsory for Cabinet Members and this should be reviewed regularly.
- It was suggested that the local dispute resolution be adopted by Community Councils and that Standards Committee may wish to investigate how the various Community Councils operate and if correct procedures are adhered to.
- It was suggested that it may be beneficial if the Standards Committee be renamed Standards Board.
- Attending Scrutiny Committee would be encouraged to consider if good practice is being undertaken.
- It was suggested that this Standards Committee meet with other authorities to assist and improve their role.

The Leader of the Council was thanked for his views.

The Vice Chairman indicated that a report on all of these discussions would be submitted to a future meeting. It was also suggested that the Chair of a Regulatory Committee and Chair of Scrutiny be invited to a future meeting for their views.

MEETING WITH CHAIRS OF REGULATORY COMMITTEES – 18 JULY 2014

The Chair stated that the Chairs of the Regulatory Committees had been invited to the meeting in order to give their views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chair explained that the role of the Standards Committee was both proactive and reactive. The Chair indicated that views would be sought regarding the following:-

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

The Chair indicated that the views of the Chief Executive and other political Group Leaders had been received.

Councillor R Francis-Davies outlined the following in response:-

- Considered that the role of the Standards Committee was to ensure that good governance was maintained.
- He noted that the Standards Committee dealt with Code of Conduct Issues for Members, but had no experience of dealing with officer's code of conduct.
- The Head of Democratic Services clarified that there were 2 different codes for Members and Officers and it was not in the remit of Standards Committee terms of reference to deal with the Officers Code of Conduct.
- Councillor R Francis-Davies expressed concern in protecting officers and how things are perceived by the public.
- In his role as Chair he tried to keep Members to adhere to the code and avoiding predetermination.
- He considered that training on the Code was good, but as there were a large number of new members after the last election they had been inundated with training so it was difficult to take in everything so, refresher training was considered to be more beneficial.
- The Head of Democratic Services responded regarding the future training proposals together with personal development.
- He considered that the Swansea Pledge was a good idea and felt that the signing of this reassured the public.
- He considered that it would be beneficial if the Standards Committee merged with the Community / Town Council Standards Sub Committee.
- He also suggested that the Standards Committee be known as the Standards Board and its remit be widened to deal with code of conduct matters in relation to the Assembly as well.
- Independent members sitting as observers on various committees should be encouraged and it was considered that attending Area Development Control Committees was encouraged.
- Appraisals should be undertaken and the need to attend Committees be part of this.

Councillor R Francis-Davies was thanked for his views.

The Chair then welcomed Councillor P M Matthews. He explained that she had also been invited to give her opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor P M Matthews outlined the following in respect of the views sought as indicated above.

- She considered that Standards Committee was necessary and helpful and prevents cases being referred to the Ombudsman.
- She recognised that Standards were promoted by being guided by the Nolan Principles, but some aspects were more challenging than others.
- She stated that training on the code was well thought out, but there was a need for a refresher and update training to be undertaken.
- She considered that the Local Dispute Resolution had prevented some cases being referred to the Ombudsman.
- She felt that the Swansea Pledge was a good thing for Swansea and a positive step forward.
- No firm views were expressed regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee but it was thought that this could be beneficial.
- She suggested that in order to gain an understanding of Members perception of the Standards Committee, a questionnaire be sent to Members.

Councillor P M Matthews was thanked for her views.

DISCUSSION WITH THE CHAIR OF THE SCRUTINY PROGRAMME COMMITTEE – 10 OCTOBER 2014

Councillor Mike Day gave a summary of the role of the Scrutiny Committee which also included an overview role and how the work of this Committee was divided into 4 key areas:

- Holding the Executive to account;
- Checking on decisions taken to Cabinet;
- Using Performance Panels to look at major services;
- Using Task and Finish Groups to look at specific areas.

Councillor Day saw the role of The Standards Committee as providing a culture for good governance and that part of this role could be by overseeing that the Scrutiny Committee provided this. He suggested that an Annual Event take place to ensure that Scrutiny Committee fulfilled this role. He indicated

that standards and good governance were promoted by ensuring that Chairs and Conveners were given appropriate training and that this was non political. Councillor Day explained that all recommendations to Cabinet followed specific guidelines in that Cabinet Members have to respond to recommendations within 3 months whether they totally, partially or disagree with recommendations. It was pointed out that the Scrutiny Programme had Independent Members as well as Councillors that also signed up to the Code of Conduct.

Councillor Day stated that Code of Conduct refresher training would be helpful and if examples of actual cases were given. He stated that in respect of the local dispute process he had no knowledge of this. Councillor Day explained that he hadn't signed the Swansea Pledge as he felt that all these areas were addressed by the code of conduct and in the pledge where it refers to 'Protecting the interests of the Council' he queried who determined this? He considered that the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee was sensible and that this would ensure consistency.

Councillor Day also wished to raise the negative response of a Local Service Board in respect of Scrutiny and also the role of the new Cabinet Advisory Boards and his concern that there could be an overlap of work by these Boards and Scrutiny and whether the Chairs of these Cabinet Advisory Committees are distant enough from the Executive to participate in the Scrutiny process. He suggested that there could be an opportunity in future to link Standards Committee with Scrutiny providing that the roles were clearly defined and he suggested that the Standards Committee could ensure that the correct Scrutiny procedures are undertaken.

Councillor Day was thanked for his useful and informative contribution.