

# Report of the Chair of the Standards Committee

Council – 24 September 2015

## STANDARDS COMMITTEE ANNUAL REPORT 2014-2015

<b>Purpose:</b>	This report sets out the work of the Standards Committee and Community / Town Councils Standards Sub Committee from June 2014 to May 2015.
<b>Consultation:</b>	Standards Committee, Access to Services, Finance and Legal.
<b>FOR INFORMATION</b>	

### 1. Background

- 1.1 The Local Government Act 2000 required the Council to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors of the City and County of Swansea. The Standards Committee has been in operation since October 2000.
- 1.2 This Standards Committee Annual Report covers the period from June 2014 to May 2015.

### 2. Membership of Standards Committee

- 2.1 During the period covered by this report there were nine members on the Committee. Five of these were Independent Members and four were Councillors.
- 2.2 Adrian Novis and Clive Walton had been Chair and Vice Chair respectively since July 2012. As the term of office for two of the Independent Members namely Adrian Novis and Clive Walton expired on 21 February 2015, two new Independent Members were appointed from 1 April 2015 namely Gareth Evans and Margaret Williams.
- 2.3 Meirion Howells was appointed Chair and Jill Burgess was appointed Vice Chair of Standards Committee on 17 April 2015.

- 2.4 The membership of the Standards Committee during the period is shown below:

<b>Independent Members</b>	<b>Notes</b>
Jill Burgess	Vice Chair from 17.04.2015
Jennifer Gomes	-
Meirion Howells	Chair from 17.04.2015
Adrian Novis	Chair until 21.02.2015; Term of Office expired on 21.02.2015
Clive Walton	Vice Chair until 21.02.2015; Term of Office expired on 21.02.2015
Gareth Evans	Appointed from 01.04.2015
Margaret Williams	Appointed from 01.04.2015

<b>Councillors</b>	<b>Notes</b>
John C Bayliss	-
Phil Downing	-
Clive E Lloyd	-
L Graham Thomas	-

### 3. Terms of Office of Independent Members of the Standards Committee

- 3.1 The term of office for Independent Members can be for not less than four years and for no more than six years. They can be reappointed for one further consecutive term but that term cannot be for more than an additional four years.
- 3.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Independent Members of the Standards Committee. **Note:** Independent Members marked in *italics* and with “\*” denotes that they are in their second term and cannot have their term extended further.

<b>Independent Members</b>	<b>Appointment Terms</b>	
	<b>Start</b>	<b>End</b>
<i>Adrian Novis</i> *	22 February 2005	21 February 2015
<i>Clive Walton</i> *	22 February 2005	21 February 2015
<i>Meirion Howells</i> *	1 August 2008	31 July 2016
<i>Jennifer Gomes</i> *	5 December 2008	4 December 2016
Jill Burgess	12 October 2013	11 October 2019
Gareth Evans	1 April 2015	31 March 2021
Margaret Williams	1 April 2015	31 March 2021

#### 4. Membership of Community / Town Councils Standards Sub Committee

- 4.1 During the period covered by this report there were seven members on the Community / Town Councils Sub Committee. Four of these were Independent Members and two were Community / Town Councillors with one Community / Town Council vacancy. Clive Walton and Meirion Howells were appointed as Chair and Vice Chair respectively in November 2012.
- 4.2 The membership of the Community / Town Councils Standards Sub Committee during the period is shown below:

<b>Independent Members</b>	<b>Notes</b>
Jennifer Gomes	-
Meirion Howells	Vice Chair
Adrian Novis	Term of Office expired on 21.02.2015
Clive Walton	Chair until 21.02.2015; Term of Office expired on 21.02.2015
Vacancy	Since 21.02.2015. Unfilled due to proposed merger with Standards Committee
Vacancy	

<b>Community / Town Council Councillors:</b>	<b>Notes</b>
Gail John	-
Philip Crayford	-
Vacancy	-

- 4.3 The Community / Town Councils Standards Sub Committee did not meet during this period.

#### 5. Terms of Office of Community / Town Councillors on the Community / Town Councils Standards Sub Committee

- 5.1 The legislation covering membership of the Standards Committee is The Standards Committees (Wales) Regulations 2001. The Standards Committee (Wales) (Amendment) Regulations 2006 provide that the term of office of a member of a Local Authority Standards Committee who is a Community Committee member shall be no more than 4 years or until the ordinary election of the Community / Town Council, whichever is the shorter. The Regulations also provide for the reappointment of the Community Committee member for one further consecutive term provided that Community Council and Community Council association in the area are consulted prior to re-appointment.

- 5.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Community / Town Councillor Members of the Community / Town Councils Standards Sub Committee. **Note:** Community / Town Councillors marked in *italics* and with “\*” denotes that they are in their second term and cannot have their term extended further.

Community / Town Councillors	Appointment Terms	
	Start	End
<i>Gail John *</i>	26 February 2008	26 February 2016
Philip Crayford	5 October 2012	5 October 2016

## 6. Meetings of the Standards Committee

- 6.1 The Standards Committee met seven times during the period as follows:

18 July 2014	9 January 2015
29 August 2014	13 February 2015
10 October 2014	17 April 2015
21 November 2014	

## 7. Detail of the Work undertaken by the Standards Committee

- 7.1 The following paragraphs set out the work carried out by the Standards Committee during the reporting period.

## 8. Dispensations

- 8.1 Three requests for Dispensation were reported for consideration.

## 9. The Public Services Ombudsman for Wales Annual Report

- 9.1 The Public Services Ombudsman for Wales (the Ombudsman) issued his Annual Report 2014-2015. A link to the full report was circulated to the Standards Committee via email on 2 July 2015. <http://www.ombudsman-wales.org.uk/>
- 9.2 Annex C of the Ombudsman report provided a Code of Conduct Complaints Statistical Breakdown of Outcomes by Local Authorities and Community / Town Councils. This is appended as **Appendix 1**.
- 9.3 There were 132 cases across Local Authorities in Wales. The City and County of Swansea had 10 cases recorded. 9 were closed after initial consideration and 1 discontinued.

- 9.4 There were 105 cases across Community / Town Councils in Wales. The Community / Town Councils within the boundaries of the City and County of Swansea had 18 cases in total; all of which were closed after initial consideration. The cases can be broken down as follows:

<b>Community / Town Council</b>	<b>No. of Code of Conduct Complaints</b>
Llangennith, Llanmadoc & Cheriton Community Council	8
Mumbles Community Council	3
Pennard Community Council	7
<b>Total</b>	<b>18</b>

## **10. Complaints of Breach of the Code of Conduct**

- 10.1 During the period June 2014 to May 2015 the following matters were reported to the Committee for information:

**a) Complaints made but not investigated by the Ombudsman under the provisions of Section 69(2) of the Local Government Act 2000**

Six cases were reported to the Standards Committee where the Ombudsman refused to investigate an alleged breach of the Code of Conduct following a complaint.

**b) Investigations completed by the Ombudsman and reported to Standards Committee for Information where the decision was no evidence of breach or no action taken**

No cases were reported to the Standards Committee this year where the Ombudsman investigated but found that there was no evidence of any failure to comply with the Code of Conduct.

**c) Investigations undertaken by the Ombudsman and reported to Standards Committee for Information where the decision was to discontinue the investigation**

One case was reported to the Standards Committee where the Ombudsman had commenced an investigation and subsequently decided to discontinue that investigation.

**d) Investigations under the provisions of Section 70 (4) of the Local Government Act 2000 – referred to the Standards Committee for consideration**

Breaches of the Code of Conduct may be referred to the Monitoring Officer by the Ombudsman under the provisions of Section 69 (c) and 71(2) of the Local Government Act 2000 for consideration by the Standards Committee. Where there is a finding of a breach, public reports on such cases are published on the Council's website.

No such referrals have been received during the period of this report.

**11. Annual Discussions with Political Group Leaders, Chairs of Relevant Committees and the Chief Executive**

- 11.1 The annual discussions actually commenced in the previous reporting period; with the Leaders of the Main Opposition Group; the Independent Group and Conservative Group attending Standards Committee on 18 March 2014. The Chief Executive and the Leader of the Council then attended the meeting on 4 April 2014.
- 11.2 The Chairs of the Regulatory Committees attended Standards Committee on 18 July 2014 and the Chair of the Scrutiny Programme Committee attended on 10 October 2014.
- 11.3 The comments that stemmed from these discussions were collated into recurring themes and key issue categories and reported to the Standards Committee on 21 November 2014.
- 11.4 These themes and issues were ranked and timetabled on 9 January 2015 so as to form the Standards Committee Workplan for 2015-2016. The issues being:
- i) Treating People with respect;
  - ii) Local Dispute Resolutions;
  - iii) Declarations of Interest;
  - iv) Inconsistency in Ombudsman Decisions;
  - v) Councillor Training;
  - vi) Standards Committee attend Committees;
  - vii) Annual link with Scrutiny;
  - viii) Good governance and best practice;
  - ix) Merger of the Standards Committee and the Community/ Town Councils Standards Sub Committee.

## **12. Swansea Councillor Charter & Councillor Pledge on Standards**

- 12.1 At its meeting on 9 January 2015 the Standards Committee reviewed the “*Swansea Councillor Charter and Councillor Pledge on Standards*” following comments made by Political Group Leaders and Chairs of Committee that the Committee reconsider its decision to recommend to Council that the signing of the Pledge be mandatory. Having completed the review the Standards Committee resolved to maintain the status quo in that the mandatory sign up should remain. It should be noted that there is no legal requirement for members to sign the Pledge.

## **13. Community / Town Council Standards Sub Committee Merger with Standards Committee.**

- 13.1 On 13 February 2015, the Standards Committee considered a report recommending that the Community / Town Councils Standards Sub Committee should be merged with the Standards Committee.
- 13.2 The Committee agreed with the recommendation and recommended to Council that the two bodies be merged. Note: Council considered the recommendation at its meeting on 25 June 2015 and resolved to support the merger and instructed the Head of Democratic Services to progress the issue.

## **14. Code of Conduct Training**

- 14.1 The Monitoring Officer provided the Standards Committee with Code of Conduct training on 17 April 2015.

## **15. Standards Committee meeting with Community / Town Councils**

- 15.1 The Committee agreed that a meeting be arranged with representatives of the Community / Town Councils to discuss various matters identified in the workplan. This meeting would take place in during 2015-2016, thereby allowing the new Standards Committee Independent Members to be involved.

## **16. Councillors Local Dispute Resolution**

- 16.1 The Committee considered how to raise the profile of the Councillors Local Dispute Resolution mechanism and whether it could be used for Community / Town Councils and members of the public. The views of the Ombudsman were informally sought; however the Ombudsman’s view was that it would not be appropriate to use it for Community Councils or members of the public.

## **17. Treating People with Respect**

- 17.1 The Committee considered a report which considered how to tackle and co-ordinate the treating people with respect issue raised by a number of Political Group Leaders. The Committee suggested that specific training for Chairs and ways that the profile of the Officer / Councillor Relations Protocol could be raised and if possible, be extended to Community / Town Councils.

**18. Meeting with Nick Bennett, Public Services Ombudsman for Wales**

18.1 The Committee invited the newly appointed Ombudsman to address them. The Ombudsman attended on 21 November 2014 in order to present his Annual Report and also to take part in a question and answer session.

**19. Reports “For Information”**

19.1 A number of reports were noted by the Committee, including regular updates on the progress of ongoing Ombudsman Investigations and the Ombudsman’s Annual Report 2013-2014 together with the Ombudsman’s Code of Conduct Casebook.

**20. Equality and Engagement Implications**

20.1 There are no equality and engagement implications associated with this report.

**21. Financial Implications**

21.1 There are no financial implications associated with this report.

**22. Legal Implications**

22.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:**

<b>Appendix 1</b>	Extract of the Public Services Ombudsman for Wales Annual Report - “Annex C, Code of Conduct Complaints: Statistical Breakdown of Outcomes by Local Authority.
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