

Report of the Head of Democratic Services

Council – 26 November 2015

APPOINTMENT OF COMMUNITY / TOWN COUNCILLOR MEMBER TO THE STANDARDS COMMITTEE

Purpose:	To consider the recommendation of the Standards Committee and to appoint a Community / Town Councillors to the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To comply with the Standards Committee (Wales) Regulations 2001 as amended.
Consultation:	Finance and Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) Community Councillor Philip Crayford (Llangyfelach Community Council) be appointed the Community / Town Council Member of the Standards Committee.2) The term of office shall be no more than 4 years or until the Ordinary Election of the Community Council of which the Community Councillor is a member, whichever is the shorter.3) Councillor P Downing be removed from the membership of the Standards Committee.4) The amended "Article 9 "The Standards Committee" as outlined in Appendix B of the report be adopted.
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1. Introduction

- 1.1 Council at its meeting on 25 June 2015 resolved that the Community / Town Council Standards Sub Committee be merged with the Standards Committee. Subsequently, Community / Town Councillors were invited to apply to sit on the merged Committee.
- 1.2 The Standards Committee were tasked with interviewing candidates however the appointment itself was reserved to Council based on the recommendation of the Standards Committee.

2. Standards Committee

- 2.1 Two applications were received. The Standards Committee interviewed both applicants on 13 November 2015.
- 2.2 The Standards Committee recommended that Community Councillor Philip Crayford (Llangyfelach Community Council) be recommended to Council for appointment as the Community / Town Council Member of the Standards Committee.

3. Term of Office

- 3.1 The term of office shall be no more than 4 years or until the Ordinary Election for the Community Council of which the community Councillor is a member, whichever is the shorter.

4. Merger of the Community / Town Council Standards Sub Committee and Standards Committee

- 4.1 Should Council resolve to accept the recommendation of the Standards Committee, it shall mean that the Community / Town Council Standards Sub Committee shall cease to exist and that its terms of reference will be included in the newly merged Standards Committee as agreed by Council on 25 June 2015. For ease these terms of reference are appended as **Appendix A**.
- 4.2 Such a resolution would also necessitate that a Councillor from the ruling Group would need to be removed from the membership of the Committee. The Labour Political Group have indicated that Councillor P Downing would be the Councillor to be removed from the Committee.

5. Amendments to the Council Constitution - Article 9 "The Standards Committee"

- 5.1 Should Council resolve to accept the recommendation of the Standards Committee, it shall mean that the Community / Town Council Standards Sub Committee shall cease to exist. As such Article 9 "The Standards Committee" will need to be amended so as to remove all reference to the former Community / Town Councils Standards Sub Committee and to make other minor amendments.
- 5.2 The amended "Article 9 "The Standards Committee" is attached as **Appendix B**.

6. Equality and Engagement Implications

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

7. Financial Implications

- 7.1 The payment of a Community / Town Council Member on the Standards Committee is set by the Independent Remuneration Panel for Wales and the payment is within existing budget.

8. Legal Implications

- 8.1 There are no legal implications other than those already mentioned in the report.

Background Papers: None.

Appendices: None.

**Standards Committee - Terms of Reference
Agreed by Council on 25 June 2015**

- 1 To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
- 2 To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
- 3 To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
- 4 To advise and train Members on matters relating to the Code of Conduct.
- 5 To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
- 6 To consider allegations of breaches of Code of Conduct made against Members.
- 7 To oversee the Authority's protocol on Member and Officer working relationships.
- 8 To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
- 9 To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
- 10 To specifically consider and deal with less serious allegations of impropriety concerning Members.
- 11 To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
- 12 To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.
- 13 To consider any other matters placed before the Committee by the Monitoring Officer.

Note: Members refers to Councillors and Co-Opted Members of the City and County of Swansea and Community / Town Councillors within the boundaries of the City and County of Swansea.)

9. ARTICLE 9 – THE STANDARDS COMMITTEE

9.1 Standards Committee

The Council will establish a Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 ('The Regulations').

9.2 Political Balance

Standards Committees do not have to comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

9.3 Membership

9.3.1 The Standards Committee will compose of nine (9) Members:

- i) Five (5) 'Independent' Members. Independent Members are not Councillors or Officers or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Regulations. They shall be appointed in accordance with the Regulations.
- ii) Three (3) Councillors of the City and County of Swansea appointed by Council.
- iii) One (1) Community / Town Councillor from within the boundaries of the City and County of Swansea appointed by Council.

9.4 Term of Office

9.4.1 Independent Members are appointed for a period of no less than four nor more than six years and may be re-appointed for one further consecutive term not exceeding four years;

9.4.2 Members of the Local Authority who are members of the Standards Committee will have a term of office of no more than four years or ending at the next ordinary local government election following their appointment, whichever is the shorter. They may be re-appointed once.

9.4.3 Community / Town Councillors. The term of office shall be no more than 4 years or until the Ordinary Election for the Community Council of which the Community Councillor is a member, whichever is the shorter. They may be re-appointed once.

9.5 Voting

All nine (9) members of the Standards Committee are entitled to vote.

9.6 Community / Town Council Members

A Community / Town Council member shall not take part in the proceedings of the Standards Committee when any matters relating to their Community / Town Council is being considered.

9.7 Chairing the Committee

- 9.7.1 Only an Independent Member of the Standards Committee may be the Chair.
- 9.7.2 The Members of the Standards Committee will elect the Chair.
- 9.7.3 The Chair can be removed by a resolution of two thirds of the members of the Committee.

9.8 Role and Function

- 9.8.1 The Standards Committee will have the following roles and functions:
 - i) Promoting and maintaining high standards of conduct by Councillors, Community / Town Councillors and Statutory Co-optees;
 - ii) Assisting the Councillors, Community / Town Councillors and Statutory Co-optees to observe the Members' Code of Conduct;
 - iii) Advising the Council on the adoption or revision of the Members' Code of Conduct;
 - iv) Monitoring the operation of the Members' Code of Conduct;
 - v) Advising, training or arranging to train Councillors, Community / Town Councillors and Statutory Co-optees on matters relating to the Members' Code of Conduct;
 - vi) Granting dispensations to Councillors, Community / Town Councillors and Statutory Co-optees from requirements relating to interests set out in the Members' Code of Conduct;
 - vii) Dealing with any reports from the Monitoring Officer on any matter.
- 9.8.2 The Standards Committees will also undertake roles, for ethical audit purposes, including:
 - i) Overview of the Whistleblowing Policy;
 - ii) Overview of Complaints Handling and Public Services Ombudsman for Wales Investigations.
- 9.8.3 The Procedure for investigating complaints is determined by the Standards Committee, and may be amended by the Committee at any time.