

Report of the Monitoring Officer

Standards Committee – 4 March 2016

Feedback following discussions with the Political Group Leaders, Chief Executive and Chairs of Audit Committee, Democratic Services Committee, General Licensing Committee, Planning Committee and Scrutiny Programme Committee

Purpose:	To remind the Committee of the discussions with the Political Group Leaders, Chief Executive, Chairs of Audit Committee, Democratic Services Committee, General Licensing Committee, Planning Committee and Scrutiny Programme Committee and to consider the feedback from these discussions in order to formulate a workplan.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that:
1)	The Committee consider the report and use it to formulate a workplan.
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Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith
Access to Services Officer:	Phil Couch

1. Introduction

- 1.1 Annual discussions have historically been held with the Political Group Leaders, Chief Executive, the Chairs of Regulatory Committees and Scrutiny Programme Committee to seek their opinions regarding the role of the Standards Committee.
- 1.2 For the 2015-2016 municipal year it was agreed to widen the invitation to include the Chair of Audit Committee and Chair of Democratic Services Committee.
- 1.3 Unfortunately, due to diary commitments the Chair of Audit was unable to attend the scheduled date but will be invited again in 2016-2017.
- 1.4 Extracts of the discussions from the relevant Standards Committee are attached to remind the Committee of the points raised during the discussions.
- 1.5 The Committees views are sought based on the discussions in order to formulate a workplan.

2. Recurring Themes and Key Issues Raised at Discussions

- 2.1 The behaviour of Councillors had improved over recent years, resulting in less cases being reported to the Public Services Ombudsman for Wales (PSOW).
- 2.2 The Authority's Internal Dispute Resolution Process (Cllr-v-Cllr) had not been used. There was a belief that it was due to the mutual respect that had developed over recent years, resulting in the reduction of complaints being made.
- 2.3 Councillors were aware that the combination of the PSOW two stage test now utilised by the PSOW and the Judgement in the Calver case had reduced the number of complaints being investigated by the PSOW. This had subsequently reduced the number of cases being referred to the Committee for investigation, resulting in a reduction in the workload of the Standards Committee.
- 2.4 Code of Conduct training, as well as other training was important. Mandatory / compulsory training received mainly positive comments. The Head of Democratic Services would notify Political Group Leaders and Group Whips on a monthly basis the names of the Members in their group who had not attended training.
- 2.5 Standards Committee members should continue to attend CCS Committees in order to promote good practice and ensure that respect is maintained.
- 2.6 The Independent Members of Standards Committee should attend some Community / Town Council meetings in order to view first hand issues relating to the Code of Conduct.

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

- 4.1 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:

Appendix A	Extract of Standards Committee Minutes of Discussions with the Political Group Leaders, Chief Executive and Chairs of Audit Committee, Democratic Services Committee, General Licensing Committee, Planning Committee and Scrutiny Programme Committee
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Background Papers: None

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18 February 2016

Appendix A

Extract Of Standards Committee Minutes of Discussions with the Political Group Leaders, Chief Executive and Chairs of Audit Committee, Democratic Services Committee, General Licensing Committee, Planning Committee and Scrutiny Programme Committee

- 1) What is the role of the Standards Committee?
- 2) What is the future role of the Standards Committee?
- 3) How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?
- 4) How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?
- 5) What is your understanding of the Nolan Principles and how they impact on public life?
- 6) Are you aware of the Calver decision and do you think that it's had an influence on Councillors / Co-opted Members?
- 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 don't see training as important?
- 9) How could Standards Committee encourage the use of the Authority's Internal Dispute Resolution Process (Cllr v Cllr)?
- 10) During the past year, members of the Standards Committee have attended a number of meetings. Has this had an impact on behaviour and standards? What Committees do you feel the Standards Committee members should attend as observers?

DISCUSSION WITH COUNCILLOR CHRIS HOLLEY, LEADER OF THE LIBERAL DEMOCRAT GROUP – 13 NOVEMBER 2015

- He felt that the behaviour of Councillors had improved, resulting in the role of the Standards Committee having changed over the last few years.
- Councillors felt there was little point in reporting cases to the Public Services Ombudsman for Wales. The Standards Committee should be the arbiter and have more visibility in order to be more productive in what is happening in the Authority.
- Councillor Holley agreed it was useful that members of the Standards Committee had attended various meetings as observers, however suggested that they should target their attendance to Council and Planning Committee

as they tended to be the most controversial, particularly those meetings involved in the LDP process.

- In relation to Declarations of Interests, he outlined that members now carry out block declarations at Committee, however there was still great nervousness amongst members.
- He felt that the Nolan principles had gone beyond what they were originally intended for.
- He was aware of the Calver case and felt it had made a difference.
- Code of conduct training provided by the Legal Department was very good and provided on a regular basis.
- Agreed all Senior Salary holders should undertake a personal development review. However, it was more difficult to enforce non-Senior Salary holders as they had no 'authority' to do it.
- Councillor Holley encourages members of his group to undertake training, however the Head of Democratic Services reiterated that under the new framework, Group Leaders would be informed on a monthly basis of which members had attended training. He went on to clarify that Council had no authority to impose sanctions for non-attendance.
- Councillor Holley had no knowledge of the internal Dispute Resolution Process having been instigated.

DISCUSSION WITH COUNCILLOR WENDY FITZGERALD, LEADER OF THE INDEPENDENT GROUP – 13 NOVEMBER 2015

- Councillor Fitzgerald was aware of the Standards Committee Annual Report presented to Council but as an Independent Group they hadn't had much contact with the Standards Committee.
- She felt there was a certain code of conduct within the group. Disagreements did arise but they were managed. Robust political debate would need to be resolved amongst the different political groups.
- Confirmed that the Independent Group had not signed the 'Swansea Pledge'.
- In relation to Calver, she agreed that Councillors had to have a 'thicker skin'.
- Councillors know their own needs in terms of personal development, however Councillors have various different responsibilities and cannot always attend the scheduled training events.
- As an Independent member she didn't feel in a position to tell the Independent Members which training events to attend.
- Felt the informal Cllr –v- Cllr resolution is working.
- She thought it would be beneficial for members of the Standards Committee to attend other Committees as observers, in particular Scrutiny meetings to gain an understanding of how the committee system works.

DISCUSSION WITH COUNCILLOR PAXTON HOOD-WILLIAMS, LEADER OF THE CONSERVATIVE GROUP – 13 NOVEMBER 2015

- Councillor Hood-Williams understanding of the role of the Standards Committee was to demand high standards of behaviour across Swansea at both Local Authority or Community Council level and to resolve cases as and when necessary.

- He felt that Councillors behaviour had improved over the years in the Chamber.
- He agreed that training is essential and that Councillors are regularly provided with training on the Code of Conduct.
- Understood the Calver case and agreed that robust political debate was to be expected.
- Members of the Conservative group had excellent attendance at the various training courses provided by the Authority.
- Internal Resolution Process appeared to be working.

DISCUSSION WITH COUNCILLOR ROB STEWART, LEADER OF THE COUNCIL AND LEADER OF THE LABOUR GROUP – 4 DECEMBER 2015

- He stated that the Standards Committee were there to maintain the standards and behaviour of Councillors and to make decisions on issues that arose in public life.
- The workload had reduced considerably over recent years and he hoped that decline would continue.
- Suggested that the Standards Committee provide advice on certain things such that would improve what we were doing as an Authority.
- Councillor Stewart outlined that he worked in a collaborative way and had a good working relationship with all of the Group Leaders. They lead by example even if they have disagreements. As Leader he has taken forward the collaborative agenda, made changes to the constitution in relation to dispersing the authority from the Leader and giving the relevant Cabinet Member the responsibility to make decisions in relation to their own Cabinet portfolio.
- He suggested that the Standards Committee provide more advice to Councillors in advance of complaints being submitted to the Public Services Ombudsman for Wales.
- Had full knowledge of the Nolan Principles and felt that Councillors should be living and breathing them.
- He was aware of the Calver decision of robust political debate, however he felt that the decision had dented respect.
- Stated the Code of Conduct training was good and would support making important subjects such as Safeguarding mandatory. He reiterated that the Head of Democratic Services would be suggesting a list of mandatory training items to Council in the near future.
- He agreed the Authority's Internal Dispute Resolution Process was working well and that this was assisted by the good relationship that had been developed between the Group Leaders.
- He agreed that attendance by the Standards Committee at meetings as observers has had an impact on behaviour and standards. He suggested attending Council, Cabinet, Licensing, Planning and also Community / Town Council meetings.

DISCUSSION WITH JACK STRAW, CHIEF EXECUTIVE – 4 DECEMBER 2015

- Mr Straw introduced himself to the Committee Members. He commenced by stating that the involvement of the Chief Executive in Standards Committee was far different today than it had been 5 years ago.
- He stated that the inter-member resolution had changed the behaviour across political groups however; looking forward to the future and the difficulties that the Authority would face in the years ahead, the role of the Standards Committee would need to continue in its important role.
- He stated that both Officers and Councillors expectations should be the same and apply throughout the Authority. He explained that staff are going through many changes and have to do things differently. As a result an Innovation Community, led by staff for staff had been created and they had recently reviewed the “behaviours” that all staff should adopt.
- He suggested that members of the Standards Committee continue to attend Council and Planning Committee as observers.
- The Chief Executive explained that although there was no sanction that could be imposed for Councillors who did not attend training, he and other officers were working with the Group Leaders to try to encourage more Councillors to take responsibility for their own personal development.

DISCUSSION WITH COUNCILLOR PAUL LLOYD, CHAIR OF PLANNING COMMITTEE – 4 DECEMBER 2015

- Standards Committee was responsible for maintaining the standards within the City & County of Swansea and the Community / Town Councils and was responsible for consideration of any case the Public Services Ombudsman for Wales referred to it for investigation.
- He was aware that the Standards Committee had merged with the Community Town Council Standards Sub Committee.
- All Chairs should try to maintain standards at each committee, however he stated that the new Planning Committee was well organised and understood its role well. He suggested that all Members, not just those on the Planning Committee should receive Planning training.
- The Standards Committee could become more active in promoting ethical conduct among Councillors by raising awareness and via training; however he felt that members were far more engaging these days. He suggested inviting Community / Town Councillors to attend the sessions put on for City & County of Swansea Councillors in a bid to get to know each other.
- He was aware of the Nolan Principles that had been created in the 1990's and the standard by which all Councillors should adhere to.
- In relation to the Calver result, he felt it could have a detrimental effect to some people.
- Confirmed that the Code of Conduct training was good and agreed to the concept of mandatory training.
- Thought the Authority's internal dispute resolution process (Councillor -v- Councillor) was a good idea but fortunately, he had not had to utilise it.

- He was aware that members of the Standards Committee had attended Committee meetings as observers as they had attended Planning Committee. He felt this was good practice and agreed it should continue.

DISCUSSION WITH COUNCILLOR MARY JONES, CHAIR OF SCRUTINY PROGRAMME COMMITTEE – 4 DECEMBER 2015

- She understood that the role of the Standards Committee was to uphold the behaviour and standards of Councillors.
- She suggested the future role of the Standards Committee should be in a mediation role and would prefer the Standards Committee be able to consider complaints before they were sent to the Public Services Ombudsman for Wales.
- Felt it was more difficult for Chairs (as opposed to Group Leaders) to promote standards and good governance through leadership.
- Indicated that the Standards Committee, in her view, were already actively promoting ethical conduct amongst members.
- All Councillors had signed up to the Nolan Principles via the Code of Conduct.
- Was aware of the Calver decision but did not agree with it.
- Code of Conduct training is very good and should be reinforced for Community / Town Councillors.
- Agreed that training for Councillors is very important, however she understood the commitments that Councillors had on their time and explained that it was often very difficult to try to fit everything into an already busy Councillor schedule.
- She had not had to use the Councillor –v- Councillor Internal Dispute Resolution process but stated that all Councillors were aware of it.
- Was aware of Standards members having attended Council as observers. Agreed this should continue and suggested they also attended Planning, Scrutiny Programme Committee and the various Scrutiny Panels.

DISCUSSION WITH COUNCILLOR PENNY MATTHEWS, CHAIR OF GENERAL LICENSING COMMITTEE – 22 JANUARY 2016

- She outlined that the role of the Standards Committee was to investigate complaints and breaches of the Code of Conduct.
- Councillor Matthews indicated that the role of the Standards Committee might change in the future if the Code of Conduct were amended as a result of the Localism Bill.
- As Chair of General Licensing Committee, Councillor Matthews felt she provided a calming influence to the other Members and tried to offer a guiding hand.
- Awareness raising sessions or walk-in sessions were suggested as a way of the Standards Committee being more active in promoting ethical conduct among Councillors / Co-Opted Members.
- In addition, she felt that Community / Town Councils would benefit from attending awareness raising sessions.
- She felt that Councillors of the City & County of Swansea had always adhered to the Nolan principles.

- Councillor Matthews was aware of the Calver decision and the expectation that people in public life should have “thick skins”.
- She stated that the Code of Conduct training provided by the Authority was very thorough.
- Councillor Matthews had never had to utilise the Authority’s Internal Dispute Resolution Process (Cllr- v-Cllr).
- She would be happy for members of the Standards Committee to attend Licensing Committee meetings, however much of the business conducted would be in closed session so they would not be able to stay for those agenda items.

DISCUSSION WITH COUNCILLOR PAUL MEARA, CHAIR OF DEMOCRATIC SERVICES COMMITTEE – 22 JANUARY 2016

- Councillor Meara commenced by stating that he was proud of the fact that he had not had any previous dealings with the Standards Committee.
- He was aware that the Committee looked at breaches of the Code of Conduct when cases were referred by the Public Services Ombudsman for Wales.
- In relation to the future role of the Standards Committee, he felt that would depend on the future of the Authority in general. He did go on to say that the Standards Committee used to have a greater workload under the previous administration, however the number of complaints reported to the Public Services Ombudsman for Wales had decreased considerably over the past few years.
- Councillor Meara felt that Political Group Leaders and Committee Chairs were already promoting ethical conduct amongst their members.
- He did not think it was the role of the Standards Committee to promote ethical conduct among Councillors / Co-Opted Members.
- Councillor Meara was aware of the Nolan Principles and how they impacted on public life.
- He was also aware of the Calver decision but was not sure that it had an influence on Councillors / Co-Opted Members.
- The Authority’s Code of Conduct training provided at Induction was acceptable however it needed to be repeated several months later. He felt that political group whips could play a role in this process.
- As Chair of Democratic Services Committee he had worked with the Head of Democratic Services in order to formalise a new training programme for Councillors / Co-Opted Members which would be presented to Council on 28 January 2016. No sanction could be imposed for Councillor non-attendance at training sessions; however Political Group leaders would be informed after each training session which of their group members had not attended. He did however understand the difficulty that some Councillors encountered in attending training due to workload.
- The Standards Committee had been invited to attend the Democratic Services Committee held on 16 June 2015 to discuss Councillor / Co-Opted Member training.
- He was aware of the Authority’s Internal Dispute Resolution Process (Cllr-v-Cllr) which was currently not being utilised due to the drop in complaints being made.

- Agreed that Standards Committee attending other Committee meetings as observers was positive and should continue. He suggested they attend Audit Committee and Planning Committee in particular.

NO MEETING WAS HELD WITH THE CHAIR OF AUDIT COMMITTEE FOR THE 2015-2016 MUNICIPAL YEAR