

# Report of the Chair of the Standards Committee

Council – 28 July 2016

## Standards Committee Annual Report 2015-2016

<b>Purpose:</b>	This report sets out the work of the Standards Committee and Community / Town Councils Standards Sub Committee from June 2015 to May 2016.
<b>Consultation:</b>	Standards Committee, Access to Services, Finance and Legal.
<b>FOR INFORMATION</b>	

### 1. Introduction

- 1.1 The Local Government Act 2000 requires 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 2015 to May 2016.

### 2. Merger of the Community / Town Councils Standards Committee with the Standards Committee

- 2.1 Council at its meeting on 25 June 2015 resolved that the Community / Town Council Standards Sub Committee be merged with the Standards Committee.
- 2.2 The merger required that a Community / Town Councillor sit on the Standards Committee in the place of one of the City and County of Swansea Councillors. As a result of the merger Councillor Phil Downing left the Committee and was replaced by Community Councillor Philip Crayford (Llangyfelach Community Council).
- 2.3 Prior to the merger, the Committee was consisted of 9 members:
  - Five Independent Members;
  - Four Councillors of the City and County of Swansea.
- 2.4 Following the merger the Committee consisted of 9 members:
  - Five Independent Members;
  - Three Councillors of the City and County of Swansea;
  - One Community / Town Councillor.

### 3. Membership of Standards Committee

3.1 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
Gareth Evans	-
Jennifer Gomes	-
Meirion Howells	Chair from 17.04.2015
Margaret Williams	-

<b>Community / Town Councillor</b>	<b>Notes</b>
Philip Crayford	Appointed from 26.11.2015

<b>Councillors</b>	<b>Notes</b>
Phil Downing	Ceased on 26.11.2015
Joe A Hale	-
Clive E Lloyd	-
L Graham Thomas	-

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

4.1 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.

4.2 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>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

## **5. Terms of Office of Community / Town Council Member of the Standards Committee**

- 5.1 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. They may be re-appointed once.
- 5.2 A Community / Town Council member shall not take part in the proceedings of the Standards Committee when matters relating to their Community / Town Council are being considered.

<b>Community / Town Council Member</b>	<b>Appointment Terms</b>	
	<b>Start</b>	<b>End</b>
Philip Crayford	26 November 2015	25 November 2019

## **6. Meetings of the Standards Committee**

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

5 June 2015	4 December 2015
4 September 2015	22 January 2016
13 November 2015	4 March 2016

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

- 8.1 At the time of writing this report The Public Services Ombudsman for Wales (the Ombudsman) had not yet issued his Annual Report for 2015-2016.

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

- 9.1 During the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016 the following matters were emailed to the Standards Committee for information. There is one complaint outstanding which the Public Services Ombudsman for Wales (PSOW) is yet to be determined.

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

There were 14 cases where the Ombudsman refused to investigate an alleged breach of the Code of Conduct following a complaint. The Standards Committee believe that the PSOW new two stage test make it very difficult for anything but the most serious of cases to progress to investigation.

**b) Investigations completed by the Ombudsman where the decision was no evidence of breach or no action taken**

There were no cases 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 where the decision was to discontinue the investigation**

There were no cases 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.

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

10.1 The annual discussions commenced on 13 November 2015 with the Leaders of the Main Opposition Group; the Independent Group and Conservative Group attending Standards Committee.

10.2 The Chief Executive, Leader of the Council, Chair of Scrutiny Programme Committee and Chair of Planning Committee attended the Standards Committee on 4 December 2015.

10.3 The Chair of General Licensing Committee and Chair of Democratic Services Committee attended the Standards Committee on 22 January 2016.

10.4 The comments that stemmed from these discussions were collated into recurring themes and key issue categories and reported to the Standards Committee on 4 March 2016.

**11. Code of Conduct**

11.1 Whilst this is not strictly within the timeframe of this Annual Report it is worth noting that a new Model Code of Conduct was adopted by the City & County of Swansea on 19 May 2016. The Monitoring Officer reported the changes to the Standards Committee on 3 June 2016.

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

- 12.1 The Standards Committee attended a meeting of the Community / Town Councils Forum on 16 November 2015 to discuss behaviour and the Code of Conduct between the Community / Town Councillors and the Standards Committee.

## **13. Standards Committee meeting with Democratic Services Committee**

- 13.1 The Standards Committee were invited to a meeting of the Democratic Services Committee on 16 June 2015 to discuss Councillors Training in a bid to increase attendance at Councillors training sessions.

## **14. Standards Committee Members Observing Other Council Body Meetings Protocol**

- 14.1 The Standards Committee received a protocol to follow when they attend other Council Body Meetings as Observers.
- 14.2 In addition, they discussed attending Community / Town Council meetings as observers. The Head of Democratic Services and Deputy Head of Legal & Democratic Services / Deputy Monitoring Officer would be drafting a document outlining the remit and scope of the exercise for the 2016-2017 Municipal year.

## **15. Dispensation Regime**

- 15.1 The Committee briefly discussed reviewing the dispensation regime, however this would be considered in 2016 prior to the next Local Government Elections in 2017.

## **16. Interview Community / Town Councillors to sit on the Standards Committee**

- 16.1 Due to the Merger of the Community / Town Council Standards Sub Committee with the Standards Committee, the Committee met on 13 November 2015 to interview applicants from the Community / Town Councils.

## **17. Reports "For Information"**

- 17.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook and the Standards Committee Annual Report 2014-2015.

## **18. Standards & Ethics Conference Wales – 20 October 2015**

- 18.1 A number of the Independent Members of the Standards Committee attended the above Conference.

## **19. Letter to Public Services Ombudsman for Wales**

19.1 The Chair of the Committee wrote to the Public Services Ombudsman for Wales (PSOW) on 21 December 2015 in relation to several concerns that the Committee had expressed following the publication of the PSOW's Code of Conduct Casebook as follows:

19.1.1 Consideration of breaches of the Code of Conduct by the Public Services Ombudsman for Wales Office;

19.1.2 Concerns raised at the Standards Conference that the new two stage test would make it very difficult for anything but the most serious of cases to progress to investigation;

19.1.3 Concern that the role of the Standards Committee may diminish and that the Standards Committee will become de-skilled due to the lack of cases being referred to them as a result of the new two stage test.

19.2 The Public Services Ombudsman for Wales responded to the concerns as follows:

19.2.1 The Public Interest Test is intended to support high standards in local government, not high volumes of work for Standards Committee.

19.2.2 The Ombudsman understood that the Standards Committee were interested in providing local resolution for code matters affecting town and community councils in Swansea.

19.2.3 Standards Committees in other areas in Wales had developed their roles into proactively promoting high standards. Swansea could liaise with these to develop in a similar way.

## **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:** None.