



## Report of the Chair of the Standards Committee

Council – 26 October 2017

### Standards Committee Annual Report 2016-2017

**Purpose:** This report sets out the work of the Standards Committee 2016-2017.

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**Finance Officer:** Ben Smith

**Legal Officer:** Tracey Meredith

**Access to Services Officer:** Phil Couch

#### For Information

#### 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 19 May 2016 to 24 May 2017.

#### 2. Membership of Standards Committee

2.1 The Standards Committee consists of 9 members:

- 5 x Independent (Co-opted) Members;
- 3 x Councillors of the City and County of Swansea;
- 1 x Community / Town Councillor.

2.3 Membership of the Standards Committee during the period:

Independent Members	Notes
Jill Burgess	Vice Chair - 17.04.2015-06.10.2016 Chair - 07.10.2016
Gareth Evans	-

Jennifer Gomes	Ceased on 04.12.2016
Meirion Howells	Ceased on 31.07.2016
Margaret Williams	-

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

<b>Councillors</b>	<b>Notes</b>
Joe A Hale	-
Clive E Lloyd	-
L Graham Thomas	-

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

3.1 The term of office for Independent Members can be for not less than 4 years and for no more than 6 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 (Co-opted) 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.

Independent Members	Appointment Terms	
	Start	End
<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. Term of Office - Community / Town Council Member of the Standards Committee

4.1 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.

4.2 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.

Community / Town Council Member	Appointment Terms	
	Start	End
Philip Crayford	26 November 2015	04 May 2017
	Re-appointed	6 May 2021

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

5.1 The Standards Committee met four times during the period as follows:

3 June 2016	7 October 2016
12 July 2016	20 January 2017

## **6. Detail of the Work undertaken by the Standards Committee**

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

## **7. Code of Conduct**

7.1 A new Model Code of Conduct was adopted by Council at its Annual Meeting on 19 May 2016. The Monitoring Officer reported the changes to the Standards Committee on 3 June 2016.

## **8. Local Government Ethical Framework – New Statutory Provision**

8.1 The Committee were updated on the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 came into force on 1 April 2016. The Regulations amended the following regulations:

- Standards Committees (Wales) Regulations 2001;
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001;
- Local Authorities (Grant of Dispensations) (Wales) Regulations 2001.

## **9. Public Services Ombudsman for Wales (PSOW) Annual Report and Annual Letter 2015-2016**

9.1 The Committee discussed the complaints contained within the Report and Letter whereby the PSOW had re-emphasised his intent that his Office is devoted to issues of real concern and not trivial complaints about the Councillors Code of Conduct.

9.2 The Committee noted that the number of Code of Conduct complaints had risen by 19. This was solely attributable to Community and Town Councils, where complaints rose by 49%.

## **10. Attendance at Community / Town Council Meetings by Members of the Standards Committee**

- 10.1 Following liaison with a number of other Welsh Authorities, an "Attendance at Community / Town Council Meetings by Members of the Standards Committee Protocol" was adopted by the Committee. The purpose of such attendance being to assist the Committee in its wider role of Community / Town Councillors standards following the merger of the former Community / Town Council Standards Sub Committee with the Standards Committee.

## **11. Dispensation Regime**

- 11.1 The Committee reviewed the dispensation regime, and approved amendments to the "Request for Dispensation Form" in order to simplify it and improve the guidance notes in order to reflect the legislation changes.

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

- 12.1 During the period 1 April 2016 to 31 March 2017 the following matters were emailed to or reported to the Standards 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**

There were 10 cases where the Ombudsman refused to investigate an alleged breach of the Code of Conduct following a complaint.

### **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 2 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.

### **13 Appointment of Independent Members (x2) to Standards Committee**

- 13.1 Two (Meirion Howells and Jennifer Gomes) of the Co-opted Members' terms of office ended during this term. The Committee and Council paid tribute to their work over their terms of office.
- 13.2 The process also commenced to recruit and appoint replacements to the Committee; however this process continues.

### **14. Reports "For Information"**

- 14.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook and the Standards Committee Annual Report 2015-2016.

### **15. Equality and Engagement Implications**

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

### **16. Financial Implications**

- 16.1 There are no financial implications associated with this report.

### **17. Legal Implications**

- 17.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:** None.