



Report of the Chair of the Standards Committee

Council – 27 November 2019

Standards Committee Annual Report 2018-2019

Purpose: This report sets out the work of the Standards Committee 2018-2019.

Report Author: Huw Evans

Finance Officer: Ben Smith

Legal Officer: Tracey Meredith

Access to Services Officer: N/A

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 24 May 2018 to 22 May 2019.

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.

2.2 Membership of the Standards Committee during the period:

Independent Members
Jill Burgess
Gareth Evans
Michaela Jones

Mike Lewis
Margaret Williams

Community / Town Councillor
Philip Crayford

Councillors
Joe A Hale
Mike B Lewis
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
Jill Burgess*	19.10.2012	18.10.2018
	Re-appointed to	18.10.2022
Gareth Evans	01.04.2015	31.03.2021
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
Margaret Williams	01.04.2015	31.03.2021

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*	05.10.2012	04.05.2017
	Re-appointed	LGE 2022

5. Meetings of the Standards Committee

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

20 July 2018	16 November 2018
7 February 2019 (Special)	

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.

6.2 Requests for Dispensation

6.2.1 The Committee considered requests for dispensation from 2 Councillors.

6.3 Public Services Ombudsman for Wales (PSOW) Annual Report and Accounts 2017-2018

6.3.1 The Committee discussed the report, which set out performance over the year including both complaints about public service providers as well as code of conduct complaints.

6.3.2 The Committee had regular briefings from the Monitoring Officer on cases which the PSOW had dealt with and which were reported in either the PSOW Casebook or the Adjudication Panel for Wales publications. The Monitoring Officer was also asked to liaise with the PSOW as the Committee felt that some reported cases lacked sufficient detail to understand the rationale for the PSOW not investigating.

6.3.3 In addition, the Committee discussed whether there was a role for the Standards Committee to assist in cases where Councillors who had been found to have breached the code of conduct but where the PSOW had decided to take no further action.

6.4 Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive

6.4.1 The Standards Committee invite each Political Group Leader, the Chief Executive and a selection of Chairs to attend the Committee to seek their understanding and opinions on the work of the Committee.

6.4.2 The Leader of the Largest Opposition Group, Councillor C A Holley and the Leader of the Conservative Group were interviewed on 20 April 2018 which was in the previous Annual Reporting Year; however they were asked the same questions.

6.4.3 The Committee continued their discussions with the Political Group Leaders, Chairs of Committees and Chief Executive at the meetings held on 20 July 2018 and 16 November 2018.

6.4.4 The Committee interviewed Councillors Peter Black, Chair of Democratic Services Committee, Penny Matthews, Chair of General and Statutory Licensing Committee and Phil Roberts, Chief Executive.

6.4.5 The themes for discussion, which had been circulated in advance were as follows:

- 1) Do you consider that it is still appropriate to have a Code of Conduct in Wales, which applies to all councillors and co-opted members?
- 2) What do you understand the role of the Standards Committee to be?
- 3) Is there any work you feel the Standards Committee should be undertaking over the next year?
- 4) How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?
- 5) How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?
- 6) The Ombudsman, Adjudication Panel for Wales and the High Court has taken a view on politicians (and in some cases senior officers) having a “thick skin” and on political banter being part of the political landscape. What are your own views and how would you as a Political Group Leader ensure that the line is not crossed?
- 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 do not see training as important?
- 9) The Authority’s Internal Dispute Resolution Process (IDRP)(Cllr v Cllr) has not yet been utilised. In the event of a dispute will you be encouraging your party to use the process? Do you consider the lack of referrals to the IDR demonstrates that councillors are behaving within the Code?
- 10) What is the future role of the Standards Committee?

6.4.6 The Committee welcomes these discussions and is very interested to hear the views and suggestions of all those invited to the sessions. The Committee feels that these sessions reinforce the role of Group Leaders and Committee chairs in ensuring good behaviour and compliance with the Code by all councillors. The Committee are not aware of any other standards committee who undertake a similar exercise and look forward to these informative sessions continuing.

6.5 Complaints of Breach of the Code of Conduct

6.5.1 During the period 1 April 2018 to 31 March 2019 the following matters were 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 five cases where the Ombudsman decided not 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 was one case 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.

The Standards Committee were pleased to note that there were no referrals to the Standards Committee for consideration of breach of the Code of Conduct by Swansea Councillors. They also noted that the Member Dispute Resolution Protocol was not utilised to address any member/member disputes during the year.

6.6 Reports "For Information"

6.6.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook, Adjudication Panel for Wales decisions and the Standards Committee Annual Report 2017-2018.

6.7 Standards Conference Wales 2018

6.7.1 The Standards Conference was held at Aberystwyth University on 14 September 2018. Jill Burgess, Michaela Jones and Mike Lewis, Independent Members, attended and heard presentations by the Ombudsman, Nick Bennett and the President of the Adjudication Panel, Claire Sharp. They each undertook a number of useful workshops provided on the day.

7. Equality and Engagement Implications

7.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7.2 Our Equality Impact Assessment process ensures that we have paid due regard to the above.

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

8. Financial Implications

8.1 There are no financial implications associated with this report.

9. Legal Implications

9.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices: None.