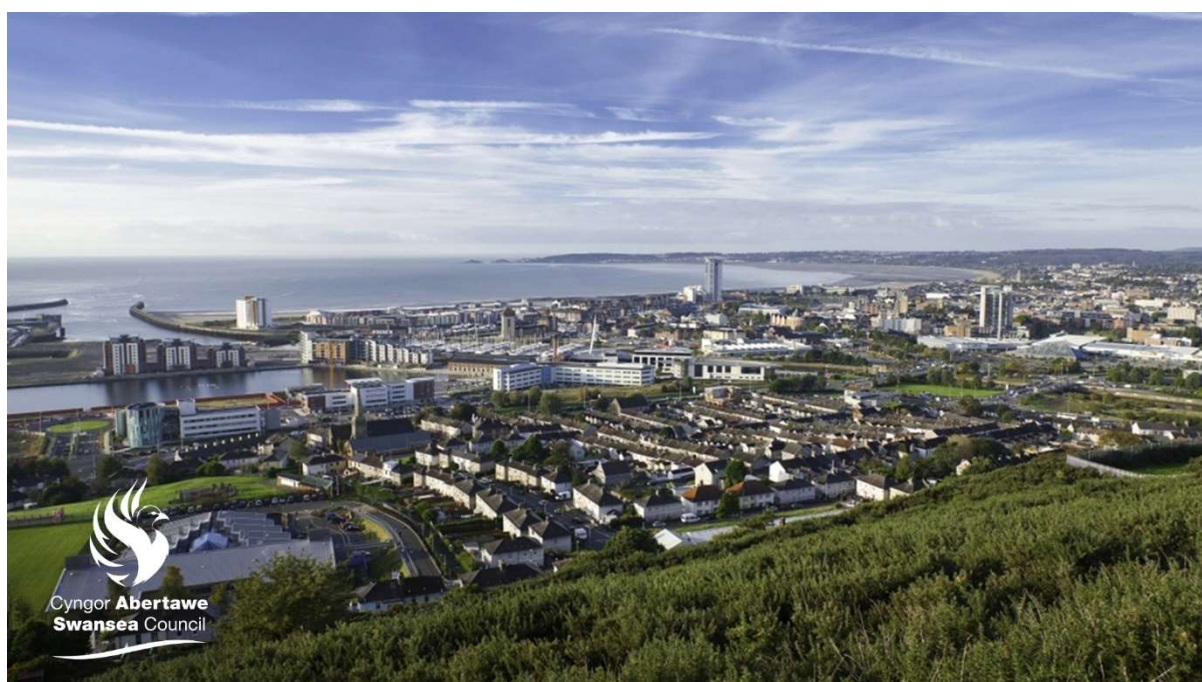


Standards Committee Annual Report 2020-2021

City & County of Swansea



The Ten General Principles of Public Life

<p>Selflessness – members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.</p>	<p>Equality and Respect - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>
<p>Honesty – Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	<p>Openness - Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>
<p>Integrity and Propriety - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	<p>Objectivity in Decision-making - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>
<p>Duty to Uphold the Law - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	<p>Accountability - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>
<p>Stewardship – In discharging their duties and responsibilities members must ensure that their authority’s resources are used both lawfully and prudently.</p>	<p>Leadership - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p><i>“Nolan Committee on Standards in Public Life”</i></p>	

Table of Contents

	Page Number
Chair's Foreword	4
The Role of the Standards Committee	5
The Committee's Work in 2020/21	6
Future Priorities	8
Committee Membership including Terms of Office	8
Attendance Records	10
Biographies - Committee Members 2020/21	11
Helpful Contacts	14

Chair's Foreword

Despite the work of the Committee this year being affected by the Covid 19 pandemic the Committee has continued to meet remotely and has undertaken some challenging work during the course of the year.

The Committee overhauled its Hearing Procedure for dealing with Public Service Ombudsman for Wales (PSOW) complaints. This was a significant piece of work with the procedure being used for a code of conduct complaint received from the PSOW in 2020.

Generally, the conduct of members is high with the number of Code of Conduct complaints being 17 with the PSOW deciding not to investigate those complaints. One matter was referred to the Standards Committee for determination and that related to Mumbles Community Council. We were pleased to see that the number of complaints relating to Community / Town Councils during 2020-2021 reduced.

I would also like to thank Gareth Evans for his invaluable contribution whilst serving as an independent (lay) member on the Standards Committee. Gareth joined the Committee on 1 April 2015 and completed 6 years. The Committee will seek to recruit a replacement member in 2021.

Jill Burgess, Chair of Standards Committee

1. The Role of the Standards Committee

- 1.1 The Committee operates within a statutory framework and the following terms of reference:
- a) The Standards Committee is made up of 5 Independent Members, 3 Councillors and 1 Community/Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).
 - b) 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.
 - c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
 - d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
 - e) To advise and train Members on matters relating to the Code of Conduct.
 - f) 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.
 - g) To consider allegations of breaches of Code of Conduct made against Members.
 - h) To oversee the Authority's protocol on Member and Officer working relationships.
 - i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
 - j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
 - k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
 - l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
 - m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.

2. The Committee's Work in 2020-2021

2.1 Requests for Dispensation

- 2.1.1 The Committee considered 32 requests for dispensation from Councillors, the majority of which related to a Notice of Motion. The Committee will be looking at the Dispensation Form as part of their work next year and considering whether the Form can be made easier to understand and complete.

2.2 Public Services Ombudsman for Wales (PSOW) Annual Report and Accounts 2019-2020

- 2.2.1 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.
- 2.2.2 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's publications.

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

- 2.3.1 Usually the Standards Committee invites each Political Group Leader, the Chief Executive and a selection of Committee Chairs to attend the Standards Committee to seek their understanding and opinions on the work of the Committee.
- 2.3.2 However, these meetings did not take place in 2020-2021 due to the Covid-19 pandemic.
- 2.3.3 The Monitoring Officer took this opportunity to outline the themes / issues raised during the Meetings with Political Group Leaders, Chairs of Committee and Chief Executive.
- 2.3.4 The Committee also received a briefing on the new duties under the Local Government and Elections (Wales) Act 2021. They were advised as to the new duty upon Group Leaders to ensure high standards of conduct within their group and the Committee's duty to bring an annual report to full council as soon as reasonably practicable after the end of each financial year, both duties coming into force next year.

2.4 Complaints of Breach of the Code of Conduct

- 2.4.1 During the period of this Annual Report 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 17 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 were no cases where the Ombudsman investigated but found that it was not in the public interest to take any further action.

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.

NB - One referral (from 2019) had been made to the Standards Committee and was heard on 30 June 2021.

2.5 Standards Committee – Hearings Procedure

2.5.1 The Committee, together with the Monitoring Officer, drafted and approved a new Hearings Procedure to determine any referrals from the Public Services Ombudsman for Wales (PSOW) in relation to a complaint about breach of the Code of Conduct by a Member. The Hearing Procedure was drafted having considered other Authority's procedures and in accordance with any guidance from the PSOW and Adjudication Panel for Wales.

2.6 Public Services Ombudsman for Wales Consultation on Revised Guidance on the Code of Conduct

2.6.1 The Committee considered the revised Guidance and responded to the PSOW Consultation on the new Guidance. The Committee welcomed the more user friendly and improved layout, the inclusion of more real life cases and the fact that they were numbered for easy reference.

- 2.6.2 Whilst the Committee welcomed the proposed improved changes they noted that it would be useful if the Guidance would include a reference to the sanction imposed in relation to the cases outlined.
- 2.6.3 The Committee also welcomed the clarity on the role of the Community Council Clerk in the guidance for Community Councillors and the reference to working as a team and culture of mutual respect.
- 2.6.4 However, they expressed concern around the low number of referrals made to the Standards Committee as a proportion of complaints received by the Ombudsman. Whilst the Committee respected the Ombudsman's discretion in applying the two stage test to determine whether to refer complaints to them, they were of the view that the low levels of referrals affected their ability to undertake their role of maintaining public confidence and would welcome the balance of the Ombudsman's discretion to be more towards referral than it currently was.

2.7 Public Services Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a Community Councillor

- 2.7.1 As outlined above, the Ombudsman referred one case from 2019 to the Monitoring Officer for determination by the Standards Committee.

2.8 Reports “For Information”

- 2.8.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook, Adjudication Panel for Wales decisions, the Local Government and Elections (Wales) Bill and the Standards Committee Annual Report 2019-2020.

3. Future Priorities

- 3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2021/22:
- Interview Group Leaders regarding Local Government & Elections (Wales) Act 2021 responsibilities;
 - Consultation with community councils in relation to training/induction;
 - Updating the request for dispensation form.

4. Committee Membership

- 4.1 Jill Burgess (lay member) was re-elected Chair in July 2020 and Mike Lewis (lay member) was elected Vice Chair.

4.1.1 The Standards Committee consists of 9 members:

5 x Independent Members
Jill Burgess
Gareth Evans*
Michaela Jones
Mike Lewis
Margaret Williams

1 x Community / Town Councillor
Philip Crayford

3 x City & County of Swansea Councillors
Joe A Hale
Mike B Lewis
L Graham Thomas

*Gareth Evans term of office ceased on 31 March 2021 and he did not seek reappointment.

4.2 Terms of Office - Independent Members of the Standards Committee

4.2.1 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.

4.2.2 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>Jill Burgess*</i>	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
<i>Margaret Williams*</i>	01.04.2015	31.03.2021
	Reappointed to	31.03.2025

4.3 Term of Office - Community / Town Council Member of the Standards Committee

4.3.1 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. They may be re-appointed once.

4.3.2 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. Attendance Records

5.1 The Committee usually meets twice a year, with additional ad hoc meetings held as required. During 2020/2021, the Standards committee met on the following dates:

- 31 July 2020 (Special meeting);
- 4 December 2020 (Special meeting);
- 18 February 2021 (Special meeting);
- 19 March 2021.

5.2 The meeting scheduled for 2 October 2020 was cancelled.

COMMITTEE MEMBER	ATTENDANCE MAIN COMMITTEE	
	Possible	Actual
Jill Burgess (Chair)	4	4
Mike Lewis (Vice Chair)	4	4
Gareth Evans	4	3
Michaela Jones	4	4
Margaret Williams	4	4
Councillor Philip Crayford	4	4
Councillor Joe Hale	4	1
Councillor Mike B Lewis	4	4
Councillor Graham Thomas	4	3

6. Biographies - Committee Members 2020/21

Independent Members



Jill Burgess, Chair

Jill has been a member of the Standards Committee since October 2012, Chair since October 2016. She is a retired business-woman whose greatest contribution is in the area of Entrepreneurship, and Business Enterprise. The innovative and complexity of her business start-up earned her the accolade of Welsh Businesswoman of the Year 1996 and still mentors students as part of her governorship with Swansea

University. She also works with Gower College Swansea through their “Lions Lair” competitions for young entrepreneurs. She was the instigator of job sharing for Women in American Express UK and won the recognition and award for this being adopted UK wide. At the request of the Chief Executive of Neath Port Talbot Council she set up the first Businesswomen’s Network and was the first lady president of Neath and Port Talbot Business Club. She has been a Constant Judge for Women in Business Awards for the last 9 years in conjunction with the Evening Post. She is Vice Chair of the Gower Society with responsibilities for the protection of the Lordship of Gower and a Super Lay member of the National Institute for Clinical Health Research (NICHR). Jill is passionate about giving back - be it to someone young or old – who can STEP UP to reach their potential.



Mike Lewis, Vice Chair

Mike Lewis enjoyed a thirty-eight year career with Lloyds Banking Group before joining the Standards Committee in 2017.

He has previously been an Independent Member of South Wales Police Authority, a Senior Assessor with the College of Policing and an Independent Member of Hywel Dda University Health Board. He is currently a Non-Legal Member sitting on Employment Tribunals, an Independent Member of South Wales Police Ethics and Risk Committees, and was elected as Vice Chair of the Standards Committee in December 2020.



Gareth Evans

I have been a member of the Standards Committee since April 2015 and this year sees the end of my tenure on the Committee. It has been absorbing at times and has generally focussed on the right things being done and how to get that message over. The fact that there haven't been multiple concerns gives confidence that councillors are cognisant of the requirements expected of them and that this is well managed and monitored by Democratic Services.



Michaela Jones

Michaela was appointed to the Standards Committee in October 2017. She was a solicitor in private practice until 2016. She sits as a judge in the Mental Health Review Tribunal for Wales and is a lay member on professional conduct regulatory committees. In addition she is an Independent Assessor for Student Loans Company appointed by DfE. Michaela currently lives in Cardiff.



Margaret Williams

Margaret Williams was appointed to the Standards Committee in 2015 and served as Vice Chair for two years.

She studied Chemistry at Imperial College, London University, and was awarded a BSc Hons. degree. This led on to research leading to a PhD at University College of Wales, Swansea.

Margaret pursued a thirty-five year career in teaching, including fourteen years as Deputy Headteacher and a further fourteen years as Headteacher of a large Secondary School.

Since retiring, Margaret regularly chairs Admissions Appeal hearings across South West Wales. Also, she is Vice Chair of Governors for a primary school in Carmarthenshire.

Community / Town Council Representative



**Phil Crayford, Community /
Town Council Representative**

After retiring in 2010 after 37 years in the Fire & Rescue Service Phil wanted to continue to be involved in community initiatives, safety and general wellbeing for all. He was fortunate to be elected onto LLangyfelach Community Council where he has served as Chairman, and is currently Chair of the Finance committee. This will be his last year on the standards committee as next year he will have to relinquish this role due to the time limits set. "I have thoroughly enjoyed the interaction being on the committee which has been varied and interesting." Phil continues to work in the voluntary sector and is currently Chair of the governing Body of St Helens Primary School. He is president of

his Community in Spain and works with a variety of charitable organisations in assisting in Health & Safety issues and assessments.

City & County of Swansea Councillors



Councillor Joe
Hale

Serving the St.
Thomas Electoral
Ward

Term of Office:
03.05.2012 -



Councillor Mike
Lewis

Serving the
Mynyddbach
Electoral Ward

Term of Office:
03.05.2012 -



Councillor
Graham Thomas

Serving the
Cwmbwrla
Electoral Ward

Term of Office:
03.05.2012 -

7. Helpful Contacts

Chair of Standards Committee – Jill Burgess

Email: democratic.services@swansea.gov.uk

Chief Legal Officer and Monitoring Officer – Tracey Meredith Tel: (01792) 637521

Email: tracey.meredith@swansea.gov.uk

Huw Evans, Head of Democratic Services Tel: (01792) 635757

Email: huw.evans@swansea.gov.uk

Democratic Services - Tel: (01792) 636923

Email: democratic.services@swansea.gov.uk

Public Services Ombudsman for Wales – Mr Nick Bennett Tel: 0300 790 0203

Webpage: <http://www.ombudsman-wales.org.uk/en.aspx>

