



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Standards Committee

**At:** Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS Teams

**On:** Wednesday, 24 July 2024

**Time:** 2.45 pm

**Chair:** Mike Lewis

**Membership:**

Councillors: O G James, M B Lewis and L G Thomas

Community / Town Council Representative: Vacancy

Co-opted Members: Michaela Jones, Janet Pardue-Wood, Mark Rees and Margaret Williams

**Watch Online:** <http://tiny.cc/Standards24-7>

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<b>Agenda</b>		<b>Page No.</b>
<b>1</b>	<b>Apologies for Absence.</b>	
<b>2</b>	<b>Disclosures of Personal and Prejudicial Interests.</b> <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
<b>3</b>	<b>Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	<b>1 - 4</b>
<b>4</b>	<b>Standards Committee Annual Report 2023-2024.</b>	<b>5 - 21</b>
<b>5</b>	<b>Group Leader Duty.</b> <i>3 pm - Councillor R Stewart</i>	<b>22 - 36</b>
<b>6</b>	<b>Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW). (For Information)</b>	<b>37</b>
<b>7</b>	<b>Work Plan 2024-2025. (Verbal)</b>	

**Next Meeting:** Friday, 11 October 2024 at 10.00 am

Huw Evans

**Huw Evans**  
**Head of Democratic Services**  
**Wednesday, 17 July 2024**

**Contact: Democratic Services - 01792 636923**

**Councillors Labour: 2**

Oliver G James	Mike B Lewis
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**Councillors Liberal Democrat & Independent Group 1**

L Graham Thomas	
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**Independent Members**

<b>Name</b>	<b>Term of Office</b>	<b>Name</b>	<b>Term of Office</b>
Michaela Jones	01.10.2017 to 30.09.2023 Re-appointed to 30.09.2027	Mike Lewis (Chair)	01.10.2017 to 30.09.2023 Re-appointed to 30.09.2027
Janet Pardue-Wood	24.05.2022 to 23.05.2028	Mark Rees	19.10.2022 to 18.10.2028
Margaret Williams*	01.04.2015 to 31.03.2021 Re-appointed to 31.03.2025		

**Community / Town Council Representative**

<b>Name</b>	<b>Term of Office</b>
Vacancy	

**NOTE:**

1. \* Denotes that the **period of office cannot be extended further**.
2. The **term of office for Independent Members** can be for not less than 4 nor more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than 4 years.
3. **Members of the Local Authority/Community Town Councillors** who are members of the Standards Committee will have a term of office of no more than 4 years or ending at the next ordinary local government election following their election, whichever is the shorter.
4. The Standards Committee **shall not sit if the Independent Members are outnumbered by Councillors**. A Councillor shall remove him/herself from the meeting in order for the business to be transacted.
5. Only one Executive Member (except Leader) can sit on Standards Committee.

# Agenda Item 3



City and County of Swansea

## Minutes of the **Standards Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Friday, 22 March 2024 at 10.00 am

**Present:** Mike Lewis (Chair) Presided

**Councillor(s)**

M B Lewis

**Councillor(s)**

L G Thomas

**Co-opted Member(s)**

Carlo Rabaiotti  
Michaela Jones

**Co-opted Member(s)**

Janet Pardue-Wood  
Mark Rees

**Co-opted Member(s)**

Margaret Williams

**Officer(s)**

Huw Evans  
Allison Lowe  
Adrian Jeremiah

Head of Democratic Services  
Democratic Services Officer  
Lead Lawyer

**Also present**

Councillor Chris Holley	Liberal Democrat & Independent Group Leader
Councillor Peter May	Uplands Group Leader
Councillor Lyndon Jones	Conservative Group Leader

**Apologies for Absence**

Councillor(s): O James  
Independent Member(s): N/A

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**16 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

**17 Minutes.**

**Resolved** that the Minutes of the Standards Committee held on 19 January 2024 be approved and signed as a correct record.

**18 Group Leader Duty.**

As part of the new duties for Group Leaders as part of the Local Government & Elections (Wales) Act 2021, the Standards Committee agreed to meet with political

Group Leaders to continue discussions how they maintain high standards of behaviour within their group.

Group Leaders were provided with the themes for discussion in advance of the meeting as outlined in Appendix A.

Due to unavailability, Councillor Rob Stewart, (Labour) would be invited to attend the first meeting of the Standards Committee in the 2024-2025 Municipal Year.

Councillors May, Jones and Holley provided the following supporting information during discussions:

Councillor Peter May

Councillor May commenced by stating that all members of his group were aware of the Code of Conduct document and the Nolan Principles and they discussed any potential issues in weekly meetings. At present there weren't any Code of Conduct issues but hypothetically, an early resolution rather than escalation would always be sought.

He went on to provide an example of listening to all residents' views in relation to a consultation for a large scheme in their ward by representing the greater electorate and putting their own personal opinions aside by acting as listeners during the consultation process.

In relation to training, Councillors had recently undertaken on-line Safeguarding training. The Head of Democratic Services had provided guidance to all Councillors on utilising the new "Oracle Fusion" platform to complete the training and had sent reminders to Group Leaders in respect of any Councillor who had not completed the mandatory training. In addition, non mandatory Scrutiny training had been completed and all training was seen as valuable and welcomed.

Councillor May had recently suggested to the Democratic Services Committee that a system be adopted whereby Group Leaders could be provided with a document outlining a list of training each of his group members had completed as currently the process was quite onerous. It was hoped that the new Oracle system would be able to provide a report of this nature in the near future.

Councillor Lyndon Jones

Councillor Jones commenced by stating that he believed his group always met the highest standards and should always treat others as you would expect to be treated and that was the same for officers, other councillors and residents. However, if anyone had any issues they would speak to him about it as there was that 2-way flow within the Group.

He went on to say that he would like to think he was someone that people could trust. He held the roles of Parliamentary Assessor and member of the Disciplinary & Parliamentary Committee which he felt would assist him in order to advise group members accordingly.

He commented that in the Council Chamber there were political boundaries but as councillors they ensure that they do the best in the interests of the residents of Swansea.

Councillor Jones currently Chaired the Education Scrutiny Performance Panel and whilst challenging the Cabinet also acted as a "Critical Friend". The Panel worked closely with both the Director of Education and Cabinet Member for Education & Learning, which had been supported in a recent Estyn report.

He stated there were currently no code of conduct issues within his group and there hadn't been since he had been Group Leader. The group met regularly, were professional, hard working and always maintained the highest standards.

In relation to training Councillor Jones stated that he was in constant contact and had a good relationship with the Head of Democratic Services. He confirmed that training was very important for everyone and stated that he learnt something new with each training session undertaken.

He confirmed that there was sufficient support from the Standards Committee and was able to call on the Monitoring Officer for advice and guidance when required.

#### Councillor Chris Holley

Councillor Holley commenced by explaining that his group were made up of both Liberal Democrats and Independent Group Members. A buddy system had been utilised when Councillors had been elected at the last Local Government Election, whereby a new Councillor would "shadow" a more experienced Councillor. The learning process could take a considerable amount of time due to the varied nature of the role and could often be quite different to what had been expected by the successful candidate.

In terms of behaviour, Group members were aware of the rules and what was expected of them. The group met regularly and understood there was a hierarchy within the group.

Councillor Holley ensured he liaised individually with members of his group in respect of code of conduct issues and confirmed that everyone should be treated with respect. As a result, no code of conduct issues had arisen over the last few years.

In respect of training, Councillor Holley was in contact with the Head of Democratic Services regarding any outstanding training. Some members had found the new Oracle system difficult to navigate, however guidance notes had been provided. He felt the training programme was sufficient, however the induction training programme for new Councillors was quite demanding, coupled with the training for new Governors.

He felt that some Councillors didn't fully understand the role of the Standards Committee, however the Monitoring Officer did cover this during the Code of

Conduct training, which had been recorded and was available for all Councillors to view.

The Chair, on behalf of the Standards Committee thanked the 3 Group Leaders for their attendance. The Committee would reflect on the comments over the next few weeks.

**19 Review of Community & Town Council Training Plans.**

The Head of Democratic Services provided a report in order to review the publication of Community & Town Council Training Plans.

**Resolved** that the update be noted.

**20 Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW). (For Information)**

The Head of Democratic Services provided a "For Information" report to update the Standards Committee on decisions made by the PSOW in relation to allegations that Local Authority and Community / Town Councillors had breached the Code of Conduct.

The meeting ended at 10.50 am

**Chair**

# Agenda Item 4



## Report of the Head of Democratic Services

Standards Committee – 24 July 2024

### Standards Committee Annual Report 2023-2024

<b>Purpose:</b>	The Standards Committee must produce a Statutory annual report at the end of the financial year. The report describes how the Committee's functions have been discharged during the previous year.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The Standards Committee Annual Report 2023-2024 be approved and forwarded to Council for information.
<b>Report Authors:</b>	Huw Evans & Allison Lowe
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Adrian Jeremiah
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 There is a legal requirement (pursuant to the Local Government and Elections (Wales) Act 2021 for the Councils Standards Committees to make an annual report to Swansea Council on the standards regime within its Council. The report must:
- (a) describe how the Standards Committee has discharged its functions during the preceding financial
  - (b) include a summary of reports and recommendations made or referred to the Standards Committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member code of conduct, and any subsequent action taken by the committee
  - (c) include a summary of notices given to the Standards Committee by the Adjudication Panel for Wales, relating to the Panel's decisions on possible breaches of the member code of conduct; and
  - (d) include the Standards Committee's assessment of how political group leaders have complied with their new duty to promote high standards of conduct.

- 1.2 The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by elected members. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. Swansea Council must consider the report and any recommendations made by its standards committee within three months of its receipt.
- 1.3 Attached as **Appendix A** is the Draft Standards Committee Annual Report 2023-2024. If the Standards Committee agrees the Annual Report it will be forwarded to Council for information on 3 October 2024.

## **2. Integrated Assessment Implications**

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
  - 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.
  - Deliver better outcomes for those people who experience socio-economic disadvantage
  - Consider opportunities for people to use the Welsh language
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 2.4 There are no integrated assessment implications associated with this report.
- ## **3. Financial Implications**
- 3.1 There are no financial implications associated with this report.



#### **4. Legal Implications**

- 4.1 There are no legal implications other than those set out in the body of the report.

**Background Papers:** None.

**Appendices:**

Appendix A Standards Committee Annual Report 2023-2024



# Standards Committee Annual Report 2023-2024

City & County of Swansea



## The Ten General Principles of Public Life

<p><b>Selflessness.</b> 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><b>Equality and Respect.</b> 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><b>Honesty.</b> 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><b>Openness.</b> 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><b>Integrity and Propriety.</b> 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><b>Objectivity in Decision-making.</b> 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><b>Duty to Uphold the Law.</b> 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><b>Accountability.</b> 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><b>Stewardship.</b> In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.</p>	<p><b>Leadership.</b> 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><b>“Nolan Committee on Standards in Public Life”</b></p>	

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## **Chair's Foreword**

The Committee has continued to meet regularly during the year, and pleasingly has been able to return largely to in-person meetings. The Committee has again undertaken some challenging work during the year, including a hearing to consider allegations of breaches of the code of conduct. Significantly the Committee continues to be kept up to date with legislative changes and has also benefited from the Chair's attendance at the National Standards' Committee Forum where the Public Service Ombudsman is a regular contributor.

I would like to acknowledge again the positive engagement with the Standards Committee demonstrated by Group Leaders, and this puts us in a strong position as we consider the Leaders duty contained in the Local Government and Elections (Wales) Act 2021.

Pleasingly, the conduct of members is high. The Committee notes that the number of Code of Conduct complaints made to the Ombudsman was 9. The number of complaints relating to Community / Town Councils during 2023-2024 has once again reduced from the previous year.

Finally, I would like to thank my colleagues on the Standards Committee for their active participation and engagement and the Democratic Services team for their support throughout the year.

**Mike Lewis, 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 applied for the municipal year 2023-2024:
- 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 2023-2024**

### **2.1 Public Services Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a former Community Councillor.**

2.1.1 The Public Services Ombudsman for Wales (PSOW) referred an alleged breach of the Code of Conduct in respect of a former Mumbles Community Councillor to the Standards Committee for consideration.

2.1.2 The Committee utilised the Standards Committee Hearing Procedure that had been revised in February 2021 to consider the matter. A representative from the PSOW office attended to outline the case against the Community Councillor.

2.1.3 The Committee found that the former Councillor had breached the Code of Conduct and the former Councillor was issued with a censure as a sanction for the breach of the Code of Conduct.

2.1.4 Should the former still have been a serving Community Councillor, the Standards Committee would have imposed a 6-month suspension, which is the maximum period of suspension that the Committee could have imposed.

### **2.2 Standards Committee Annual Report 2022-2023**

2.2.1 The Chair presented the Standards Committee Annual Report for 2022-2023 to Council on 21 March 2023.

2.2.2 The Annual report outlined the work undertaken by the Committee in 2022-2023.

### **2.3 Public Services Ombudsman for Wales (PSOW) Annual Report and Accounts 2022-2023**

2.3.1 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.

2.3.2 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.

### **2.4 Review of Standards Committee Hearings Procedure**

2.4.1 Due to the Standards Committee utilising its Hearings Procedure during the year, the Committee reviewed the document to ensure that any learning during its use be reflected within the Hearings Procedure.

2.4.2 As a result, several amendments were made to the Standards Committee Hearings Procedure.

## **2.5 Group Leader Duty**

2.5.1 The Standards Committee invited the Political Group Leaders to the Standards Committee to discuss relevant legislation and responsibilities outlined in the Local Government & Elections (Wales) Act 2021.

2.5.2 The Committee was interested in hearing the Group Leaders views on the new duty placed upon them under the Local Government and Elections (Wales) Act 2021 to ensure high standards of conduct within their political group.

2.5.3 The Standards Committee were also interested to hear from Group Leaders as to any additional training or support that they felt would be needed to fulfil their new duty.

2.5.4 3 out of 4 of the Group Leaders provided feedback to the Standards Committee. The Leader of the Council (& Labour Group Leader) would attend early in the 2024-2025 Municipal Year.

## **2.6 Community / Town Council Training Plans**

2.6.1 The Committee received an update on the publication of Community & Town Council training plans to ensure that appropriate training was being undertaken in Community & Town Councils in Swansea.

## **2.7 Complaints of Breach of the Code of Conduct**

2.7.1 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 9 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.

2.7.2 One case (two complaints) from 2021-2022 were referred to the Standards Committee for consideration. The Standards Committee Hearing took place during the 2023-2024 reporting period.

2.7.3 The Public Services Ombudsman for Wales referred one case from 2022-2023 to the Adjudication Panel for Wales. This was heard during the 2023-2024 reporting period.

**2.8 Reports “For Information”**

2.8.1 Several reports were noted by the Committee, including the Breach of Code of Conduct – Complaints made to the Public Services Ombudsman for Wales reports.

**2.9 National Standards Committee Forum**

2.9.1 The Standards Committee Chair attended the National Standards Committee forum in January 2024.

**3. Future Priorities**

3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2024/25:

- Whistleblowing Policy
- Indemnity Scheme

**4. Committee Membership**

4.1 The Standards Committee consists of 9 members:

<b>5 x Independent Members</b>
Michaela Jones
Mike Lewis (Chair)
Janet Pardue-Wood (Vice Chair)
Mark Rees
Margaret Williams

<b>1 x Community / Town Councillor</b>
Carlo Rabaiotti

<b>3 x City &amp; County of Swansea Councillors</b>
Oliver James
Mike B Lewis
L Graham Thomas

#### 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>Michaela Jones*</i>	01.10.2017 Re-appointed to	30.09.2023 30.09.2027
<i>Mike Lewis*</i>	01.10.2017 Re-appointed to	30.09.2023 30.09.2027
Janet Pardue-Wood	24.05.2022	23.05.2028
Mark Rees	19.10.2022	18.10.2028
<i>Margaret Williams*</i>	01.04.2015 Reappointed to	31.03.2021 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 until the Ordinary Election for the Community Council of which the Community Councillor is a member. They may be reappointed for one further consecutive term.

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
Councillor Carlo Rabaiotti	06.10.2022	Local Government Election 2027

## 5. Attendance Records


5.1 During 2023/2024, the Standards Committee met on the following dates:

- 23 June 2023
- 13 October 2023
- 19 January 2024
- 22 March 2024


5.2 Attendance Statistics:

Committee Member	Attendance	
	Possible	Actual
Mike Lewis (Chair)	4	4
Michaela Jones	4	3
Janet Pardue-Wood (Vice Chair)	4	4
Mark Rees	4	4
Margaret Williams	4	1
Town Councillor Carlo Rabaiotti	4	4
Councillor Oliver James	4	2
Councillor Mike B Lewis	4	4
Councillor Graham Thomas	4	3

## 6. Biographies

	<p>Mike Lewis</p> <p>Chair of the Standards Committee</p> <p>Statutory Co-opted (Independent) Member</p>
<p>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</p>	

Wales Police Ethics and Risk Committees and was elected as Vice Chair of the Standards Committee in December 2020 and Chair in November 2022.


	<p>Michaela Jones</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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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.

	<p>Janet Pardue-Wood</p> <p>Vice-Chair of the Standards Committee</p> <p>Statutory Co-opted (Independent) Member</p>
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Janet has been a member of the Standards Committee since May 2022 and was elected Vice Chair in November 2022. Janet's career has been in the Not-for-Profit sector working in senior roles with various charities involved in physical and mental health and child protection, notably being the first employee for Childline Cymru Wales launching the income generation appeal which resulted in the establishment of Childline's first centre for Wales in Swansea. As a result of this work, she was a finalist in the Community Category of 1994 Welsh Woman of the Year awards.

Janet retired from her final role as Director of Mind Cymru in 2016 and then worked from 2017-to- date with Social Care Wales as both a panel member and chair of its Registration, Investigating and Fitness to Practice committees; with the Retail Motor Industry providing a range of business development services and with British Humanist Association as a Strategic Advisor.

	<p>Mark Rees</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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Mark has been a Member of the Standards Committee since November 2022. He is a Welsh learner and was a member of the Welsh medium secondary school Governing Body in Aberystwyth for 12 years with 6 years' experience as Chair & Vice Chair. Alongside his membership of Swansea Standards Committee, Mark is currently a Board Member of Care & Repair Powys; a Member of Torfaen Council Governance & Audit Committee and Ethics & Standards Committee; Chair of Caerphilly Council Governance & Audit Committee; a Ceredigion Council Education Appeals Panel member; and is a member of Dyfed Powys Police Misconduct Panel.

Having retired from Wales TUC Cymru as a union learning officer, Mark is a passionate advocate for workplace learning partnerships and greater opportunities for life-long learning. He is committed to the ethos of community involvement, social justice and responsibility, all of which are integral to ensuring high standards of behaviour in public life are maintained. He enjoys walking, reading about political history, military aviation and the Bloomsbury Group of writers & artists.

	<p>Margaret Williams</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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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.

	<p>Town Councillor Carlo Rabaiotti</p> <p>Community / Town Councillor Representative of the Standards Committee</p>
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Councillor Rabaiotti is the Community / Town Council representative on the Standards Committee. He was appointed on 6 October 2022. He is a Councillor on Gorseinon Town Council and the Mayor for 2023-2024.

	<p>Councillor Oliver James</p> <p>Serving the Cockett Electoral Ward</p> <p>Term of Office: 08.05.2017-</p>
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	<p>Councillor Mike Lewis</p> <p>Serving the Mynyddbach Electoral Ward</p> <p>Term of Office: 05.05.2016-</p>
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	<p>Councillor Graham Thomas</p> <p>Serving the Cwmbwrla Electoral Ward</p> <p>Term of Office: 06.05.1999-</p>
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## 7. Helpful Contacts

Chair of Standards Committee. Mike Lewis	<a href="mailto:democracy@swansea.gov.uk">democracy@swansea.gov.uk</a>
Chief Legal Officer & Monitoring Officer. Tracey Meredith	<a href="mailto:Tracey.meredith@swansea.gov.uk">Tracey.meredith@swansea.gov.uk</a> 01792 63 7521
Huw Evans, Head of Democratic Services. Huw Evans	<a href="mailto:Huw.evans@swansea.gov.uk">Huw.evans@swansea.gov.uk</a> 01792 63 5757
Democratic Services	<a href="mailto:democracy@swansea.gov.uk">democracy@swansea.gov.uk</a> 01792 63 6923
Public Services Ombudsman for Wales	<a href="http://www.ombudsman.wales">www.ombudsman.wales</a> 0300 790 0203





# Agenda Item 5



## Report of the Monitoring Officer

Standards Committee – 24 July 2024

### Group Leader Duty

<b>Purpose:</b>	To meet with political Group Leaders and discuss how they maintain high standards of behaviour within their group.
<b>Policy Framework:</b>	Standards Committee Terms of Reference – Council Constitution.
<b>Consultation:</b>	Legal, Access to Services and Finance.
<b>Recommendation(s):</b>	It is recommended that the Standards Committee:  1) Discuss with political Group Leaders how they continue to comply with the duty to maintain high standards of behaviour within their Group.
<b>Report Author:</b>	Adrian Jeremiah
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Adrian Jeremiah
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Background

1.1 At the Standards Committee meeting on 24 June 2022 the Committee resolved that:

- The Committee meets formally with the Group Leaders on an annual basis
- The Chair and Vice Chair of the Committee meet with the Group Leaders on an informal basis to monitor their compliance with the duty
- That a template report is drafted to be sent to Group Leaders to complete in terms of members of their group who have attended training (mandatory and recommended) and any steps they have taken during the year to promote high standards within their group.

1.2 Themes for discussion were circulated to Group Leaders and are attached at Appendix A.



## **2. Duty of Group Leaders**

- 2.1 The duty of group leaders is to take reasonable steps to promote and maintain high standards of conduct by the members of the group. This could include leading by example, using their influence to create a positive culture, being proactive in promoting high standards of behaviour within their group, addressing issues as soon as they arise and working with the Monitoring Officer for early advice and guidance.
- 2.2 Attached at Appendix B is the Guidance on Group Leader duties from Welsh Government.

## **3. Integrated Impact Assessment**

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 3.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 3.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

## **4. Financial Implications**

- 4.1 There are no financial implications associated with the report.

## **5. Legal Implications**

5.1 There are no legal implications associated with this report.

### **Background Papers:**

None

### **Appendices:**

Appendix A – Themes for Discussion.

Appendix B – Welsh Government Statutory Guidance on duties of leaders of political groups in relation to standards of conduct.

**Themes for Discussion**

**Question 1** – The Local Government and Elections (Wales) Act provides that Leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. We are interested to hear as to what actions you take now in terms of maintaining standards within your own group and how are you proposing to meet the new duty going forward?

**Question 2** – The Standards Committee also has new functions under the Act to ensure that group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties. Is there any support that you feel would be beneficial either from the Standards Committee/Chief Executive/Monitoring Officer in carrying out your duty and whether we can assist you in any way.

# Statutory Guidance on duties of leaders of political groups in relation to standards of conduct

## Status of this Guidance

This is statutory guidance issued under section 52A of Local Government Act 2000 (the 2000 Act) inserted by section 62 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

## Purpose of this Guidance

This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

This guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. However, the basic principles set out in the guidance should apply to all.

This guidance specifically addresses the following duties:

## Duty to take reasonable steps to promote and maintain

## **high standards of conduct by the members of the group**

Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

## **Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions**

Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022.

There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

This guidance is set out as follows:

- policy context within which the duties are set and the purpose of the duties
- duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group
- duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

# Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

## Policy context

Part 3 of the 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee.

The framework consists of the 10 general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:

- Selflessness.
- Honesty.
- Integrity and propriety.
- Duty to uphold the law.
- Stewardship.
- Objectivity in decision-making.
- Equality and respect.
- Openness.
- Accountability.
- Leadership.

These are included in the statutory Model Code of Conduct ("the Code") (as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also guides members on the declaration and registration of interests. All elected members must familiarise themselves with and give a written undertaking to observe the Code before they can take up office. As the Code may from time to time be updated members must familiarise themselves with

any changes with which they are required to observe.

Watch a video on:

- [the local authority ethical standards framework in Wales](#)
- [how councillors should behave and interact with people](#)
- [how to complain about a councillor in Wales](#)

Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).

Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

## **Purpose of the standards of conduct provisions**

The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity in all its forms and treat everyone with the respect they would expect for themselves. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility and accountability for their actions both individually and collectively.

The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

## **The wider environment in which the standards of conduct duties operate**

The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association (WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

The Anti Racist Wales Action Plan sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. It includes a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which better reflect society as a whole. This in turn contributes to greater public confidence.

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group



## Introduction

This is statutory guidance issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). This section of the guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach, and work together to share best practice across political groups and with standards committees.

## Definition of political groups and group leaders

Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking

reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

Reasonable steps the group leader may undertake include:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct
- ensuring nominees to a committee have received the recommended training for participating on that committee
- promoting modelling civility and respect within group communications and meetings and in formal council meetings
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution
- encouraging a culture within the group which supports high standards of conduct and integrity
- attend a meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues
- drive forward work to implement any recommendations from the standards committee about improving standards
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group

As set out above, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It

includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members, including independent members, should have regard to the Ombudsman's Guidance, which can be accessed on the [Ombudsman's website](#).

The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.

It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.

A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into

disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).

Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

## **Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions**

### **Introduction**

This section of guidance is issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). It is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

The duties came into force on 5 May 2022.

## Duty

Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

## Role of leader of political group

It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches.

At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:

- how group leaders and the standards committee will work together to ensure appropriate standards of behaviour
- frequency of meetings between group leaders and the standards committee throughout the year
- the threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the

2021 Act

- the mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act

If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should observe the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

## Statutory Guidance on the Functions of Standards Committees

### Status of this guidance

This guidance is issued under; section 54(7) of the Local Government Act 2000 (the 2000 Act) inserted by section 63 of Local Government and Elections (Wales) Act (the 2021 Act).

The duties came into force on 5 May 2022.

### Purpose of this guidance

Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.

A principal council is required by section 53 of the 2000 Act to establish a standards committee.

# Agenda Item 6



## Report of the Monitoring Officer

Standards Committee – 24 July 2024

### **Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW)**

The Committee is advised of the following decisions by the PSOW in relation to allegations that Local Authority and Community and Town Councillors have breached the Code of Conduct.

<b>Name of Council / Councillor</b>	<b>Name of Complainant</b>	<b>Ombudsman Reference</b>	<b>Result of Investigation and date of the current situation</b>
Mumbles CC	Public	202203558	Adjudication Panel for Wales – 18 March 2024 – found that the respondent had not failed to comply with Paragraph 6(1)(a) of the Code of Conduct
Gorseinon TC	Community Councillor	202401236	PSOW not investigating
Gorseinon TC	Community Councillor	202401239	PSOW not investigating
Swansea Council	Self-Referral	202402565	PSOW not investigating
Swansea Council	Community Councillor	202401688	PSOW not investigating
Gorseinon TC	Community Council	202401573	PSOW start investigation