

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STANDARDS COMMITTEE

HELD AT THE CIVIC CENTRE ON FRIDAY, 18 JULY 2014
AT 9.30 AM

PRESENT: A Novis (Chair) Presided

Councillor(s) **Councillor(s)**

J C Bayliss
P Downing

C E Lloyd
L G Thomas

Independent Members:-

J Burgess M Howells
J Gomes C Walton

Also Present:

Councillor R Francis – Davies – Chair of Development Management and Control Committee
Councillor P M Matthews - Chair of Statutory and General Licensing Committees

Officers:

J Hooper – Directorate Lawyer
H Evans – Head of Democratic Services
J Tinker – Democratic Services Coordinator

1 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

2 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

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

3 **MINUTES.**

RESOLVED that the Minutes of the Standards Committee held on 4 April 2014 , be accepted as a correct record.

4 **MATTERS ARISING FROM THE MINUTES (FOR INFORMATION).**

None

5 **UPDATE ON CASES.**

An update of the current outstanding cases of the Code of Conduct investigations was given. The Head of Democratic Services suggested that in future rather than submitting this update to the Standards Committee the matrix be e mailed to members instead, which would allow further details regarding the cases to be given. It was also suggested that this approach be followed in respect of the matrix in relation to Community Councillors.

RESOLVED that this approach as outlined above be adopted.

6 **MEETING WITH CHAIRS OF REGULATORY COMMITTEES.**

The Chair stated that the Chairs of the Regulatory Committees had been invited to the meeting in order to give their views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chair explained that the role of the Standards Committee was both proactive and reactive. The Chair indicated that views would be sought regarding the following:-

- How you see the role of the Standards Committee
- Your understanding of this role
- How could you help promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community/ Town Council Standards Sub – Committee
- Do you think that incorporating the Community Council would/could bring benefits?

The Chair indicated that the views of the Chief Executive and other political Group Leaders had been received.

Councillor R Francis - Davies outlined the following in response:-

- Considered that the role of the Standards Committee was to ensure that good governance was maintained.
- He noted that the Standards Committee dealt with Code of Conduct Issues for Members, but had no experience of dealing with officer's code of conduct.

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- The Head of Democratic Services clarified that there were 2 different codes for Members and Officers and it was not in the remit of Standards Committee terms of reference to deal with the Officers Code of Conduct.
- Councillor R Francis Davies expressed concern in protecting officers and how things are perceived by the public.
- In his role as Chair he tried to keep Members to adhere to the code and avoiding predetermination.
- He considered that training on the Code was good, but as there were a large number of new members after the last election they had been inundated with training so it was difficult to take in everything so, refresher training was considered to be more beneficial.
- The Head of Democratic Services responded regarding the future training proposals together with personal development.
- He considered that the Swansea Pledge was a good idea and felt that the signing of this reassured the public.
- He considered that it would be beneficial if the Standards Committee merged with the Community /Town Council Standards Sub Committee.
- He also suggested that the Standards Committee be known as the Standards Board and the its remit be widened to deal with code of conduct matters in relation to the Assembly as well.
- Independent members sitting as observers on various committees should be encouraged and it was considered that attending Area Development Control Committees was encouraged
- Appraisals should be undertaken and the need to attend committees be part of this.

Councillor R Francis - Davies was thanked for his views.

The Chair then welcomed Councillor P M Matthews. He explained that she had also been invited to give her opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor P M Matthews outlined the following in respect of the views sought as indicated above.

- She considered that Standards Committee was necessary and helpful and prevents cases being referred to the Ombudsman.
- She recognised that Standards were promoted by being guided by the Nolan Principles, but some aspects were more challenging than others.
- She stated that training on the code was well thought out, but there was a need for a refresher and update training to be undertaken.
- She considered that the Local Dispute Resolution had prevented some cases being referred to the Ombudsman.
- She felt that the Swansea Pledge was a good thing for Swansea and a positive step forward.
- No firm views were expressed regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee but it was thought that this could be beneficial.

- She suggested that in order to gain an understanding of Members perception of the Standards Committee, a questionnaire be sent to Members.

Councillor P M Matthews was thanked for her views.

7 **EXCLUSION OF THE PUBLIC.**

The Committee were requested to exclude the public during consideration of the items of business identified in the recommendation of the report on the grounds that they involve the likely disclosure of exempt information as set out in the exclusion paragraph of schedule 12 A of the Local Government (Access to Information) (Variation) (Wales) Order 2007, relevant to the items of business as set out in the report.

The Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the items of business where the Public Interest Test is relevant as set out in the report.

RESOLVED that the public be excluded for the following items of business.

(CLOSED SESSION)

8 **REQUEST FOR DISPENSATION.**

The Monitoring Officer submitted a report which sought consideration of an application from Councillor J E Burtonshaw under the Standards (Grant of Dispensation) (Wales) Regulations 2001.

RESOLVED that the Standards Committee grant Councillor J E Burtonshaw dispensation under paragraphs 2 (d) and , due to her role as Cabinet Member, 2 (f) of the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001, as follows:

To stay, speak and vote on any item relating to Education matters, general staff employment, on budget matters and other Education matters other than those that directly affect her sister's daughter in law by specific reference to her post.

9 **REQUEST FOR DISPENSATION.**

The Monitoring Officer submitted a report which sought consideration of an application from Councillor M Thomas under the Standards (Grant of Dispensation) (Wales) Regulations 2001.

RESOLVED that the Standards Committee grant Councillor M Thomas dispensation under paragraphs 2 (d) of the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001, as follows:

To stay, speak and vote on any item relating to Social Services Matters, general staff employment, on budget matters and other Social Services matters other than those that directly affect his mother who is a service user of adult social care.

10 **OMBUDSMAN NON ACCEPTANCE OF ALLEGATION.**

The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman be noted.

11 **OMBUDSMAN NON ACCEPTANCE OF ALLEGATION.**

The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman be noted.

12 **OMBUDSMAN NON ACCEPTANCE OF ALLEGATION.**

The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman be noted.

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The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman be noted.

14 **OMBUDSMAN NON ACCEPTANCE OF ALLEGATION.**

The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman be noted.

15 **OMBUDSMAN NON ACCEPTANCE OF ALLEGATION.**

The report of the Monitoring Officer advised the Committee of the decision by the Ombudsman in relation to the allegation of a breach of the Code of Conduct against the Councillor(s) indicated in the report.

RESOLVED that the decision of the Ombudsman and the Independent Investigation be noted.

16 **MATTERS ARISING IN RESPECT OF NON ACCEPTANCE OF ALLEGATIONS.**

The Head of Democratic Services suggested that in respect of cases of the Ombudsman's non acceptance of allegation and also where there are findings of no breach where these are reported for information only, that these be e mailed to members rather than appearing on the agenda and that a similar procedure be adopted regarding Community Councillors. It was also suggested that the new Ombudsman be invited to a future meeting of this Committee.

RESOLVED that

(1) the procedure in respect of non - acceptance of allegation cases and cases of findings of no breach as outlined above for Standards Committee and Community Town Council Standards Sub Committee be adopted.

(2) The new Ombudsman be invited to a meeting of the Standards Committee later in the year.

The meeting ended at 10.55 a.m.

CHAIR