

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Meeting of the

## STANDARDS COMMITTEE

**At:** Committee Room 3, Civic Centre, Swansea

**On:** Friday, 9 January 2015

**Time:** 9.30 am

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## AGENDA

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| <b>1</b> | <b>Apologies for Absence.</b>  |               |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b>  | <b>1 - 2</b>  |
| <b>3</b> | <b>Minutes.</b><br>To approve as a correct record the minutes of the Standards Committee Meeting held on 21 November 2014. | <b>3 - 5</b>  |
| <b>4</b> | <b>Standards Committee Workplan 2015 - 2016.</b>   | <b>6 - 8</b>  |
| <b>5</b> | <b>Swansea Councillor Pledge on Standards.</b>   | <b>9 - 13</b> |



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**18 December 2014**

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**Contact: Jane Tinker ( 01792) 636820**

## STANDARDS COMMITTEE (4)

### Councillors

#### Labour Councillors: 3

J C Bayliss	Clive E Lloyd
Phil Downing	

#### Liberal Democrat Councillor: 1

L Graham Thomas	
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Name	Term of Office	Name	Term of Office
Jill Burgess	19.10.2012 to 18 10.2018	Clive Walton *	22.02.2005 to 21.02.2015
Meirion Howells *	01.08.2008 to 31.07.2016	Jennifer Gomes *	05.12.2008 to 04.12.2016
Adrian Novis * (Chair)	22.02.2005 to 21.02.2015		

#### Others:

Executive	One copy
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement
Huw Evans	Head of Democratic Services
Mike Hawes	Head of Financial Services
Janet Hooper	Directorate Lawyer
Democratic Services	1 Copy
Archives	
Councillor	Chair of Scrutiny Programme Committee – public agenda pack

**Total Copies Needed – 27**

#### 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** 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.

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE STANDARDS COMMITTEE

HELD AT COMMITTEE ROOM 3, CIVIC CENTRE, SWANSEA ON  
FRIDAY, 21 NOVEMBER 2014 AT 9.30 AM

**PRESENT:** A Novis (Chair) Presided

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

L G Thomas

#### **Independent Members:-**

J Burgess  
J Gomes  
C Walton

#### **Officers:-**

P Arran - Monitoring Officer  
T Meredith - Deputy Head of Legal, Democratic Services and Procurement  
H Evans - Head of Democratic Services  
J Tinker - Democratic Services Coordinator

#### 31 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors P Downing and C E Lloyd and M Howells.

#### 32 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

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

#### 33 **MINUTES.**

**RESOLVED** that the Minutes of the Standards Committee held on 10 October 2014 be accepted as a correct record.

#### 34 **FEEDBACK FOLLOWING DISCUSSION WITH CHIEF EXECUTIVE, POLITICAL GROUP LEADERS AND CHAIRS OF REGULATORY COMMITTEES AND SCRUTINY PROGRAMME COMMITTEE.**

The Head of Democratic Services presented the Monitoring Officer's Report which reminded the Committee of the discussions with the Chief Executive, Political Group Leaders, Chairs of the Regulatory Committees and the Chair of the Scrutiny Programme Committee. Recurring Themes and Key Issues raised at discussions were highlighted in the report.

The Committee discussed these recurring themes. It was stated that for Standards Committee to raise its profile there was a need to explore this further. It was also suggested that best practices could be investigated with other authorities. It was considered beneficial that refresher training be encouraged. The Committee were supportive of attending other Committees especially Scrutiny Committee. It was also considered important that an audit be produced of the achievements of the Standards Committee.

**RESOLVED** that:

- (1) A workplan be formulated and issues be prioritised.
- (2) This workplan be distributed to all Councillors.

35 **CODE OF CONDUCT CASEBOOK ( FOR INFORMATION).**

The Code of Conduct Casebook Issue 3 for October 2014 was submitted for information. The Cardiff Council Integrity case was highlighted together with the Gwynedd Council case in respect of social media. It was also mentioned that the Ombudsman had stated in his opening remarks regarding this casebook that he took a dim view of vexatious complaints.

**RESOLVED** that the report be noted.

36 **MEETING WITH THE OMBUDSMAN TO DISCUSS HIS ANNUAL REPORT.**

The Ombudsman, Nick Bennett and Katryn Shaw attended to discuss the Annual Report. The Ombudsman gave an overview in relation to the number of complaints and provided a breakdown in respect of these. He referred to Calvert v Adjudication Panel for Wales and that his view was that there should be an indemnity cap on both sides. He had been engaging with staff regarding processing the volumes of work and intended to use the complaints data to gain a clearer picture of what was going wrong and what was in the public interest. Reference was also made to a review of the Code of Conduct Guidance.

Members asked questions in respect of why complaints could not be dealt with locally first or whether The Ombudsman could refer these back to the local authority to deal with.

The Ombudsman's view was welcomed in respect of vexatious complaints. The volume of complaints in relation to Community Councillors was discussed together with the reasons for these with the Ombudsman drawing particular attention to the number of Community Councillor complaints in the City and County of Swansea. The role of the Chair and Community Council Clerks was discussed and the difficulty in that only members were bound by the Code of Conduct.

The Ombudsman was thanked for his useful contribution to the above issues.

The meeting ended at 10.30.a.m.

**CHAIR**

## Report of the Head of Democratic Services

### STANDARDS COMMITTEE – 9 JANUARY 2015

#### Standards Committee Workplan 2015-2016

<b>Purpose:</b>	To formulate a workplan for the Standards Committee for 2015-2016 based on the feedback discussions held in 2014.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	In order to plan ahead the work of the Standards Committee.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation:</b>	It is recommended that:  1) The Committee consider the report and prioritise the items into a workplan for 2015-2016.
<b>Report Author:</b>	Huw Evans
<b>Access to Services Officer:</b>	Euros Owen
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Tracey Meredith

#### 1. Introduction

- 1.1 During the period 18 March and 10 October 2014, the Standards Committee held individual discussions with the Chief Executive, Political Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee.
- 1.2 Extracts from these discussions were presented to the Standards Committee on 21 November 2014. Additionally, the Public Services Ombudsman for Wales attended the Committee on the 21 November 2014; thereby giving his view on his role and workload.

#### 2. Recurring Themes and Key Issues Raised at Discussions

- 2.1 Councillor Links with Standards Committee. Standards Committee needs to raise its profile with Councillors and greater engagement with all Councillors. Standards Committee needed to become more proactive. Standards Committee meet with other Authorities to assist and improve their role. Rebranding as Standards Board.

- 2.2 Swansea Pledge. 50 of the 72 Councillors had signed the Pledge. This has basically split along Political lines. Standards Committee needs to review the issue. Some Councillors had created and signed their own version of a Pledge. A feeling that it was a Labour Manifesto commitment and not suitable for Opposition Councillors.
- 2.3 Councillors Local Dispute Resolution. Whilst this is an excellent innovation the system has not been used. Standards Committee could raise profile of this and encourage its use. It was suggested that the local dispute resolution be adopted by Community / Town Councils and that Standards Committee may wish to investigate how the various Community Councils operate and if correct procedures are adhered to.
- 2.4 Treating People with Respect.
- 2.5 Merger of the Standards Committee and the Community / Town Councils Standards Sub Committee. The majority support a merger.
- 2.6 Declarations of Interests at meetings were seen to be a precaution against being reported to the Ombudsman. Suggestion that many of the general interests should be added to the non Committee version which must be amended within 28 days of a change.
- 2.7 Standards Committee look at good Governance and best practice in other Local Authorities. It could also look at promoting the Council's values.
- 2.8 Inconsistency in some Ombudsman decisions and guidance difficult to interpret.
- 2.9 Councillor Training and attendance at training. Refresher Training in areas such as the Code of Conduct.
- 2.10 The possibility of promoting best practice e.g. declaration of interest being developed across other public services.
- 2.11 Advantageous if Standards Committee attended Committees in order to consider if good practice is being undertaken.
- 2.12 Annual link with Scrutiny Committee to ensure that Scrutiny was fulfilling its role.

### **3. Standards Committee Workplan 2015-2016**

- 3.1 The Standards Committee are asked to consider the items above and to prioritise them so that they can be used to formulate a workplan for 2015-2106.



#### **4. Equality and Engagement Implications**

- 4.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

#### **5. Financial Implications**

- 5.1 There are no specific financial implications associated with this report.

#### **6. Legal Implications**

- 6.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

Appendices: None.

# Agenda Item 5

## Report of the Head of Democratic Services

Standards Committee – 9 January 2015

### SWANSEA COUNCILLOR PLEDGE ON STANDARDS

<b>Purpose:</b>	To review the sign up to the Swansea Councillor Pledge on Standards following comments made by Political Group Leaders and Chairs of Committee to the Standards Committee.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	To review sign up to the Pledge.
<b>Consultation:</b>	Finance, Legal.
<b>Recommendation(s):</b>	The views of the Committee are sought.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Euros Owen

#### 1. Introduction

1.1 The Standards Committee of 12 April 2013 recommended to Council that:

- i) The “Swansea Councillor Charter and Councillor Pledge on Standards” be approved and adopted;
- ii) It be compulsory that Councillors sign the “Swansea Councillor Charter and Councillor Pledge on Standards”.

1.2 The Annual Meeting of Council of 9 May 2013 accepted the recommendation of the Standards Committee and passed a resolution as outlined above. The Pledge is attached as **Appendix A**.

#### 2. Sign Up to the Pledge

2.1 During the following months 50 Councillors signed up to the pledge whilst 22 did not. At the time there were 49 Ruling Group Councillors and 23 Opposition Councillors and it became evident that sign up had split along Political lines. All of the Ruling Group had signed the Pledge, however only one Opposition Councillor had done so.

2.2 Despite this 4 Opposition Councillors prepared their own version of the pledge, signed them and returned them to the Head of Democratic Services. The Alternative Pledge is attached as **Appendix B**. I have been informed that more Opposition Group Councillors have signed their alternative pledge however I have never been passed them.

**3. Standards Committee discussions with the Chief Executive, Political Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee**

3.1 During the period 18 March to 10 October 2014, the Standards Committee held individual discussion meetings with the Chief Executive, Political Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee.

3.2 A recurring theme from these discussion meetings was a call for the Standards Committee to reconsider its recommendation to Council that the Pledge be compulsory.

3.3 The Standards Committee on 21 November 2014 asked that a report be presented to its next meeting in order that further consideration be given to the matter.

**4. Equality and Engagement Implications**

4.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

**5. Financial Implications**

5.1 There are no specific financial implications associated with this report.

**6. Legal Implications**

6.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

**Appendices:**

Appendix A	City and County of Swansea - Councillor Pledge on Standards
Appendix B	Independent Councillor Pledge

## City and County of Swansea - Councillor Pledge on Standards

This Pledge is made in conjunction with the Members' Code of Conduct and forms part of an ethical code which binds all Councillors of the City and County of Swansea.

In accordance with the decision of Council on 9 June 2011 (Minute 29 refers) to adopt the "Dealing with Complaints by One Councillor against another" mediation process, I hereby confirm that I will always attempt to resolve any grievances through that mediation process.

As a Councillor elected to the City and County of Swansea, I am committed to the highest standards in public life and support the Nolan Principles of:

• Selflessness	• Objectivity	• Openness	• Leadership
• Integrity	• Accountability	• Honesty	

### In order to achieve the Nolan Principles, I Will:

#### Selflessness and Stewardship

- 1) Protect the interests of the Council, the City and County of Swansea and its people and never to act in my own interests in carrying out my duties as a Councillor.

#### Integrity

- 2) Act according to the highest standards of probity in carrying out my various duties as a Councillor.

#### Promotion of Equality and Respect for Others

- 3) Lead by example, promoting equality and respect for others whenever I am representing Swansea and its residents.

#### Objectivity and Propriety

- 4) Consider all issues and cases on their merits and follow the principles of good decision making set out in Article 13 of the Council's Constitution.
- 5) Carry out my duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people and to consider all business of the Council whether it affects the interests of my Electoral Division (Locality) and / or the interests of the City and County of Swansea and its residents on this basis.

**Duty to uphold the Law**

- 6) Be fully aware of my duties and responsibilities under the Members' Code of Conduct and have regard to the advice and guidance issued by Standards Committee, Chief Executive, Monitoring Officer and Section 151 Officer.

**Accountability and Openness**

- 7) Be aware of and carry out my duty in dealing with confidential matters.
- 8) Support and Promote the conduct of the Council's business being carried out in an open and transparent manner.

**Training and Personal Development**

- 9) Regularly review my training needs and undertake appropriate development opportunities to properly fulfil my Councillor duties.

**Leadership**

- 10) Seek to work towards the City and County of Swansea becoming a beacon of best practice.

<b>Councillor</b>	
<b>Date</b>	
<b>Signature</b>	

**Independent Councillor Pledge**

In accordance with a decision of Council, I hereby confirm that I will always attempt to resolve any complaints I have made against another Councillor through the mediation process that has now been adopted.

I also agree to review my training needs on a regular basis and to undertake appropriate development opportunities which I consider of value in order to improve and properly fulfil my Councillor duties.

I also undertake to put the interests of my ward and its residents at the forefront of my responsibilities as a Councillor.

In all other respects, I agree to uphold the Nolan principles embodied in the Code of Conduct and which I signed on becoming elected to the City and County of Swansea.

Signed: \_\_\_\_\_

Name & Title & Address: \_\_\_\_\_

Political Group (at City and County of Swansea Council): \_\_\_\_\_