



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Standards Committee

At: Committee Room 5 - Guildhall, Swansea

On: Friday, 12 January 2018

Time: 9.35 am

Chair: Jill Burgess

Membership:

Councillors: J A Hale, M B Lewis and L G Thomas

Independent Members: Gareth Evans, Michaela Jones, Mike Lewis and Margaret Williams

Community / Town Council Representative: Philip Crayford

Agenda

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| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 4 |
| 4 | Community / Town Councils who have adopted the Model Local Resolution Protocol. | 5 - 6 |
| 5 | Code of Conduct Casebook. | 7 - 14 |
| 6 | Breach of the Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW). | 15 - 16 |
| 7 | Update on Standards Committee Conference. (Verbal) | |
| 8 | Workplan 2017-2018. | |

Next Meeting: Friday, 6 April 2018 at 9.35 am

Huw Evans

Huw Evans
Head of Democratic Services
Friday, 5 January 2018

Contact: Democratic Services - (01792) 636923

STANDARDS COMMITTEE (3)

Councillors

Councillors Labour: 2

Joe A Hale	Mike B Lewis
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Councillors Liberal Democrat & Independent Group 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	Michaela Jones	01.10.2017 to 30.09.2023
Philip Crayford	05.10.2012 to 04.05.2017	Mike Lewis	01.10.2017 to 30.09.2023
Gareth Evans	01.04.2015 to 31.03.2021	Margaret Williams	01.04.2015 to 31.03.2021



City and County of Swansea

Minutes of the **Standards Committee**

Committee Room 3A, Guildhall, Swansea

Friday, 13 October 2017 at 9.35 am

Present: Jill Burgess (Chair) Presided

Councillor(s)

J A Hale

Councillor(s)

Councillor(s)

Independent Member(s)

Philip Crayford
Gareth Evans

Independent Member(s)

Michaela Jones
Mike Lewis

Independent Member(s)

Margaret Williams

Officer(s)

Huw Evans
Allison Lowe
Tracey Meredith

Head of Democratic Services
Democratic Services Officer
Head of Legal, Democratic Services and Business
Intelligence and Monitoring Officer

Apologies for Absence

Councillor(s): M B Lewis and L G Thomas

11 **Welcome and Introductions.**

The Chair commenced the meeting by welcoming Michaela Jones and Mike Lewis, the 2 new Independent Members to the Committee and introductions were made by all present.

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

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interest was declared:

- 1) Councillor J A Hale declared a personal interest in Minute 13 "Minutes" as his application for dispensation had been considered at the last meeting held on 7 July 2017.

13 **Minutes.**

Resolved that the Minutes of the Standards Committee held on 7 July 2017 be signed and approved as a correct record.

14 Standards Committee Annual Report 2016-2017.

The Head of Democratic Services presented a report which outlined the work of the Standards Committee during the 2016-2017 Municipal Year.

The Chair would present the report to Council at its meeting scheduled for 26 October 2017.

Resolved that the Standards Committee Annual Report 2016-2017 be approved and forwarded to Council for information subject to paragraph 10.1 being amended.

15 Public Services Ombudsman for Wales Annual Report for 2016/2017.

The Monitoring Officer provided a 'for information' report to the Standards Committee on the Annual Report of the Public Services Ombudsman (PSOW) for Wales 2016/17.

The Committee noted that the PSOW had found the number of code of conduct complaints decreasing by 14% encouraging, however the Committee would monitor the figures for Swansea over the next few years to ensure that an upward trend did not arise.

The Committee also queried the number of withdrawn cases in relation to Mumbles Community Council as the number seemed unusually high. They also felt that in order to improve the standards of Councillors it would be useful to have more information in relation to the nature of the complaints made.

Resolved that:

- 1) The report be noted;
- 2) The Monitoring Officer liaise with the PSOW to confirm how much detail in relation to complaints can be provided to the Standards Committee.

16 Code of Conduct Casebook.

The Monitoring Officer provided a 'for information' report to update the Standards Committee on the Ombudsman's Code of Conduct Casebook.

The Casebook referred to covered the period March to July 2017 - Issue 13 July 2017.

She outlined the case summaries on pages 134 & 135 of the agenda pack where there had been no evidence of a breach and the cases on pages 136-137 where no action was deemed necessary.

The Committee felt that in relation to cases 2 and 3 Powys County Council and Saltney Town Council that these cases should have been referred back to the Standards Committee as they had originally considered applications for

dispensations in relation to the Councillors concerned. The Committee asked the Monitoring Officer if she would write to the PSOW to express its concerns.

Resolved that:

- 1) The report be noted;
- 2) The Monitoring Officer write to the PSOW to outline the concerns raised by the Standards Committee.

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

The Monitoring Officer provided a list of complaints made to the Public Services Ombudsman for Wales (PSOW) in relation to alleged breaches of the Code of Conduct.

The Committee felt that they would welcome further Information as to the nature of the complaints being received.

Resolved that the report be noted.

18 Workplan 2017-2018

The Monitoring Officer and Head of Democratic Services outlined the following additional items to the Work Plan:

- Meetings with Political Group Leaders, Chairs of Committees, Backbench Councillors & Clerks / Chairs of Community / Town Councils;
- Update on Community / Town Councils who have adopted the Local Dispute Protocol;
- Any Consultation documents relating to the powers of the PSOW in connection with code of conduct matters.

19 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the item(s) of business identified in the recommendation to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exemption paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, relevant to the item(s) of business set out in the report.

The Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item(s) of business where the Public Interest Test was relevant as set out in the report.

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

(Closed Session)

20 Requests for Dispensation.

The Monitoring Officer provided a report to consider an application for dispensation in relation to the following Councillor:

- i) S J Gallagher

In considering the granting of dispensations, the Committee need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a representative group of members of the Authority.

A failure to grant a dispensation which results in an authority or committee not achieving a quorum, can constitute grounds for granting a dispensation.

- i) **Resolved** that that the Standards Committee grant Councillor S J Gallagher dispensation under paragraphs 2 (d) and (Grant of Dispensations) (Wales) Regulations 2001 (as amended), as follows:

To stay, speak and vote and make oral and written representations in respect of issues involving Education matters.

The dispensation shall **not** apply if the Councillor is or becomes aware of any impact on a closely associated person (within the meaning of paragraph 10 (2) (c) of the Code of Conduct) that relates to and is specific to his son.

The meeting ended at 10.43 am

Chair



Community / Town Councils who have adopted the Model Local Resolution Protocol

Community / Town Council	Date Adopted	Notes
Bishopston Community Council	18 December 2017	
Clydach Community Council	10 October 2017	
Gorseinon Town Council	6 September 2017	
Gowerton Community Council		Awaiting details
Grovesend / Waungron Community Council	5 September 2017	
Illston Community Council	28 July 2017	
Killay Community Council	August 2017	(recommended) One Voice Wales (OVW) version
Llangennith, Llanmadoc & Cheriton Community Council	-	No plans to adopt.
Llangyfelach Community Council	20 July 2017	
Llanrhidian Higher Community Council	21 September 2017	OVW version
Llanrhidian Lower Community Council	12 September 2017	
Llwchwr Town Council	2 October 2017	
Mawr Community Council	17 October 2017	
Mumbles Town Council	11 July 2017	
Penllergaer Community Council	8 August 2017	
Pennard Community Council		On Agenda for January 2018 meeting
Penrice Community Council		Awaiting details
Pontarddulais Town Council	June 2017	

Pontlliw & Tircoed Community Council	5 September 2017	
Port Eynon Community Council		On agenda for January 2018 meeting
Reynoldston Community Council	26 September 2017	
Rhossili Community Council	13 June 2017	Adopted a customised version. By "customized", Rhossili and Rhossili Community Council was inserted as appropriate.
Three Crosses Community Council	21 September 2017	
Upper Killay Community Council		On agenda for 8 January 2018 meeting



Report of the Monitoring Officer

Standards Committee – 12 January 2018

Code of Conduct Casebook

Purpose: To update the Standards Committee on the Ombudsman's Code of Conduct Casebook

Report Author: Tracey Meredith

Finance Officer: Ben Smith

Legal Officer: Tracey Meredith

Access to Services Officer: Sherill Hopkins

For Information

1. Background

- 1.1 The Public Service Ombudsman for Wales has published a Code of Conduct Casebook for the period July to September 2017 – Issue 14 November 2017, which is attached at Appendix A.

2. Equality and Engagement Implications

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

3. Legal Implications

There are no legal implications associated with this report.

4. Financial Implications

There are no financial implications.

Background Papers: None

Appendices: Appendix A – Code of Conduct Casebook

The Code of Conduct Casebook

Issue 14 November 2017

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Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers July to September 2017.

Case summaries

No evidence of breach

Vale of Glamorgan Council – Integrity

Case Number 201606398 - Report issued in July 2017

A complaint was received that a member of the Council had sought to mislead the public, to create an advantage for herself in the election campaign, by making misleading statements in a campaign leaflet.

The investigation found that there was no intent to mislead and that once a complaint had been received that the leaflet could be misleading, it was withdrawn.

Llanelli Rural Council – Promotion of equality and respect

Case Number 201607211 - Report issued in August 2017

Councillor B complained that Councillor C had said Councillor B was corrupt, during a Council meeting at which the public and press were present. She said that doing so had been disrespectful and inconsiderate to her and had brought the Council into disrepute. Councillor B said this would amount to a breach of the Code of Conduct for elected members.

A number of witnesses were interviewed and whilst it was clear that Councillor B had become upset by something Councillor C had said there was not a consistent account of what was said. From the evidence gathered it was not clear that Councillor C had made the statement attributed to her by Councillor B. Further, it is not the Ombudsman's role to interfere with robust political debate and the evidence did not suggest that the actions of Councillor C went beyond that on this occasion.

Tywyn Town Council - Disclosure and registration of interests

Case Number 201607052 - Report issued in August 2017

Councillor A complained that Councillor B breached the Code of Conduct for members by failing to declare a personal and prejudicial interest in the matter of an adverse possession claim on a parcel of land owned and managed by the Town Council.

Councillor A alleged that Councillor B had a close personal association with the adverse possession claimant (a local farmer) despite denying having ever met him. Councillor A alleged that Councillor B concealed this in order to profit from the farmer's land claim. Councillor A also alleged that Councillor B sought to suppress the production of minutes of meetings at which the land claim was discussed.

The Ombudsman investigated whether Councillor B had improperly used her position to secure an advantage; whether she had failed to disclose a prejudicial or personal interest and whether she had brought her office into disrepute. Statements and comments were obtained from Councillor B, from the Clerk to the Council, from the farmer involved in the land claim and from the County Council's Monitoring Officer.

The Ombudsman found no evidence that Councillor B ever had a close personal association with the adverse possession claimant; no evidence that Councillor B sought to conceal and/or failed to declare a prejudicial or personal interest in the claim, and no evidence that Councillor B attempted to suppress the production or distribution of minutes. The Ombudsman concluded that Councillor B had not, therefore, breached the Code of Conduct.

No action necessary

There are no summaries in relation to this finding

Referred to Standards Committee

There are no summaries in relation to this finding

Referred to Adjudication Panel for Wales

Flintshire County Council – Promotion of equality and respect
Case Number 201601611 - Report issued in June 2017

The Ombudsman received a complaint that a former member of Flintshire County Council (“the former Councillor”) had failed to show respect and consideration for others and had used bullying and harassing behaviour. The complaint related to two emails which the former Councillor had sent to a team manager in the Council’s planning department, which had been copied to senior officers and several other Members. The investigation considered whether the former Councillor may have breached paragraphs Paragraph 4(b), 4(c), 4(d) and 7(a) of the Code of Conduct (“the Code”).

The Ombudsman concluded that the two emails were distasteful and derogatory and failed to show respect and consideration for the recipient. He also found that the emails were intimidating and malicious and that they appear to have been intended to undermine and insult the recipient. He did not, however, consider that the former Councillor’s conduct breached paragraphs 4 (d) and 7 (a) of the Code.

Whilst the former Councillor did not seek re-election at the May 2017 election, the Ombudsman considered that the potential breaches were sufficiently serious for it to be in the public interest to pursue the matter further. The Ombudsman referred the matter to the Adjudication Panel for Wales for consideration, as he considered that the former Councillor’s conduct in sending the two emails was suggestive of breaches of paragraphs 4 (b) and 4 (c) of the Code.

On 6 October, a Case Tribunal, convened by the Adjudication Panel for Wales, concluded that the former Councillor had failed to show respect and consideration for the Council officer through the two emails and in a subsequent post on social media. The Case Tribunal further concluded that, through the two emails and in a subsequent post on social media, the former Councillor had used behaviour which amounted to bullying and harassment of the Council officer. Consequently, the Case Tribunal found the former Councillor to have been in breach of paragraphs 4 (b) and 4 (c) of the Code.

The Case Tribunal decided, by unanimous decision, that the former Councillor should be disqualified for a period of 14 months from being or becoming a member of Flintshire County Council or of any other relevant authority.

The decision of the Panel can be found [here](#).

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or Lucy.John@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk



Report of the Monitoring Officer

Standards Committee – 12 January 2018

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. This information has previously been reported but has been backdated to 4 May 2017 in order to provide additional information requested by the Committee.

Name of Council / Councillor	Name of Complainant	Ombudsman Reference	Complaint Date	Result of Investigation and date or the current situation
Gorseinon Town Council	Member of the Public	201700763	8 May 2017	12 May 2017 - Ombudsman not investigating. An investigation would not be in the public interest.
Gorseinon Town Council	Member of the Public	201701416	18 May 2017	16 June 2017 Ombudsman not investigating.
Mumbles Community Council	Member of the Public	201701996	16 May 2017 & 23 May 2017	Ombudsman not Investigating.
Mumbles Community Council	Member of the Public	201702134	16 May 2017 & 23 May 2017	Ombudsman not Investigating. An investigation would not be in the public interest.

Mumbles Community Council	Member of the Public	201702129	16 May 2017	Ombudsman not Investigating – insufficient evidence to support allegation.
Swansea Council	Member of the Public	201702729-31	19 July 2017	Ombudsman not Investigating.