



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, 20 April 2018

Time: 9.35 am

Chair: Jill Burgess

Membership:

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

Co-opted Members: Gareth Evans, Michaela Jones, Mike Lewis and Margaret Williams

Community / Town Council Representative: Philip Crayford

Agenda

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
- 3 **Minutes.** 1 - 3
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive.**
09.45 am - Councillor Lyndon Jones
10.15 am - Councillor Chris Holley
- 5 **Code of Conduct Casebook.** 4 - 12

Huw Evans
Head of Democratic Services
Wednesday, 11 April 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 (see note below)	05.10.2012 to 04.05.2017 Re-appointed until next Local Government Elections	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

Total Copies Needed – 20

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.



City and County of Swansea

Minutes of the **Standards Committee**

Committee Room 5 - Guildhall, Swansea

Friday, 12 January 2018 at 9.35 am

Present: Jill Burgess (Chair) Presided

Councillor(s)

J A Hale

Councillor(s)

L G Thomas

Co-opted Member(s)

Philip Crayford
Gareth Evans

Co-opted Member(s)

Michaela Jones
Mike Lewis

Co-opted 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): None

Independent Member(s): None

21 Disclosures of Personal and Prejudicial Interests.

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

22 Minutes.

Resolved that the Minutes of the Standards Committee held on 13 October 2017 be approved and signed as a correct record.

Matters Arising:

Minute 15 - Public Services Ombudsman for Wales (PSOW) Annual Report for 2016/17

Following an instruction from the Committee, the Monitoring Officer had spoken to the PSOW Office for guidance as to how much detail could be presented to Standards Committee in relation to complaints. The Monitoring Officer advised that other authorities had asked for similar guidance. The table of complaints was later on the agenda. Further guidance may be forthcoming.

Minute 16 - Code of Conduct Casebook

In addition to the above, the Monitoring Officer had written to the PSOW in relation to the 2 cases they felt should have been referred back to the Standards Committee, as they had originally considered applications for dispensation to the Councillors concerned.

The Ombudsman had responded that unfortunately they were unable to expand on these cases, however, in order to be helpful a Public Interest factsheet had been published at the end of December. A copy was circulated to the Committee Members.

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

Following approval and encouragement from the Standards Committee, the Monitoring Officer had written to all the Community / Town Council Clerks inviting them to adopt the Model Local Resolution Protocol guidance provided by One Voice Wales.

The Monitoring Officer provided a list of the responses received from the Community / Town Councils.

Out of 24 Community / Town Councils, 18 had adopted the protocol. 3 would be discussing the protocol at their next meeting, 1 (Llangennith, Llanmadoc & Cheriton Community Council) had no plans to adopt it and 2 (Gowerton Community Council and Penrice Community Council) were still to respond.

A discussion ensued in relation to why Llangennith, Llanmadoc & Cheriton Community Council had no plans to adopt the Protocol. They had indicated that as they had a sufficient complaints procedure and did not usually receive many complaints, that a further protocol was not deemed necessary at this time.

Resolved that:

- 1) The report be noted;
- 2) An updated list be provided at the next meeting.

24 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 July – September 2017 – Issue 14 November 2017.

She outlined several cases in the Casebook, including the case which had been referred to the Adjudication Panel for Wales.

Resolved that:

- 1) The report be noted;
- 2) The Monitoring Office forward the Casebook to all Councillors, together with the decision document referred to in the Adjudication Panel for Wales case referred to on page 13 of the Agenda pack.

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

The Monitoring Officer provided a list of the complaints.

This information had previously been reported to the Committee, however the information was backdated to 4 May 2017 in order to provide the additional information requested by the Committee at its last meeting.

The Monitoring Officer would revise the table in the future if guidance from the PSOW allowed.

Resolved that the report be noted.

26 Update on Standards Committee Conference. (Verbal)

The Monitoring Officer provided a verbal update on the Standards Conference, which was scheduled for 14 September 2018 at Aberystwyth University.

Attendance and other arrangements would be discussed further once additional details were received.

27 Workplan 2017-2018.

The Head of Democratic Services suggested that the meetings with the Political Group Leaders commence at the next meeting scheduled for April 2018.

The Committee also suggested it would be beneficial to invite someone from the PSOW office to attend a future meeting to discuss:

- The workload of the PSOW, including the structure, staffing, its office management, etc;
- The present and more importantly the future role of the Standards Committee, its workload and how it fits into the overall process.

Resolved that:

- 1) The Workplan be noted;
- 2) The Monitoring Officer speak with the PSOW Office with a view to inviting a representative to a future meeting of the Standards Committee.

The meeting ended at 10.40 am

Chair



Report of the Monitoring Officer

Standards Committee – 20 April 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 October to December 2017 – Issue 15 January 2018, 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 15 January 2018

Contents

Introduction	1
No evidence of breach	3
No action necessary	5
Referred to Standards Committee	6
Referred to Adjudication Panel for Wales	7
More information	8

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 October to December 2017.

Case summaries

No evidence of breach

Cardiff Council – Promotion of equality and respect

Case Number 201606695 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Cardiff Council (“the Council”) breached the Authority’s Code of Conduct for elected members when he allegedly made comments to a former Councillor on two occasions about a local religious association.

The complaint was investigated on the basis that the member may have breached paragraphs 4(a), 4(b), 4(d) and 6(1)(a), relating to equality, respect, impartiality and bringing their office or authority into disrepute.

The investigation found that there were no witnesses to either of the conversations the member had with the former Councillor. The member also strongly denied the allegations. Therefore, under section 69(4) (a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the member failed to comply with the Code of Conduct.

Merthyr Tydfil County Borough Council - Integrity

Case Number 201700102 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Merthyr Tydfil County Borough Council (“the Council”) breached the Authority’s Code of Conduct for elected members when she made comments about a member of the public in a Facebook messenger group chat.

The complaint was investigated on the basis that the Councillor may have breached paragraph 6(1)(a) of the Code, by bringing her office or authority into disrepute.

The Ombudsman considered that the Councillor’s comments were made in extremely bad taste. However, he took into account that the Facebook messenger group in which the Councillor posted her comments only consisted of three members. It was clear that the Councillor deeply regretted her actions and when she realised that the subject of her comments had become aware of what she had posted, she provided a fulsome apology.

The investigation found that, whilst the Councillor’s actions may have brought herself into disrepute, for the reasons outlined above, she had not brought her office or authority into disrepute. Therefore, under section 69(4)(a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct. However, the Councillor was advised of her responsibility to take care when expressing her personal opinions.

Tywyn Town Council and Gwynedd Council – Promotion of Equality and Respect

Case Number 201607353 & 201607357 – Report issued in November 2017

Councillor X complained that a member (“Councillor Y”) of Tywyn Town Council and Gwynedd Council breached the Code of Conduct for elected members by making personal allegations about her. Councillor

X provided evidence that Councillor Y made comments about her in various emails, which he had sent to members of Tywyn Town Council and Gwynedd Council.

The complaint was investigated on the basis that Councillor Y may have breached paragraphs 4(b) (failure to show respect and consideration), 4(c) (bullying and harassment), and 6(1)(a) (bringing his office or authority into disrepute).

The Ombudsman did not consider that the comments made by Councillor Y were so offensive as to amount to a breach of paragraph 4(b) of the Code of Conduct. Neither did he consider that his actions were sufficiently serious to amount to a breach of paragraph 4(c) of the Code.

In relation to paragraph 6(1)(a) of the Code, there was no evidence to suggest that Councillor Y had shared emails with members of the public. He had sent one email to a member of the press, and whilst the Ombudsman considered it was unwise for him to do so, it did not appear that the email was acted upon or shared further. That being so, the Ombudsman did not consider that the consequences of his actions were sufficiently serious to have brought his office or authority into disrepute.

Whilst the Ombudsman's finding was that there was no evidence that Councillor Y had failed to comply with the Code of Conduct, he was advised of his responsibility to be mindful of how his comments are perceived by others in future.

Llansannan Community Council – Promotion of Equality and Respect Case Number 201700953 – Report issued in November 2017

Mr X complained that a member ("the Councillor") of Llansannan Community Council ("the Community Council"), breached the Code of Conduct for members when he asked Mr X to leave a meeting of the Community Council and used the words "for your own safety," which Mr X considered to be a threat.

The complaint was investigated on the basis that there may have been a failure to comply with the following paragraph of the Code of Conduct for elected members:

- 4(b) – you must show respect and consideration for others; and
- 4(c) – you must not use bullying behaviour or harass any person.

There was no evidence to suggest that the Councillor's behaviour towards Mr X was in any way threatening and the Ombudsman was satisfied that his actions were reasonable under the circumstances.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct.

No action necessary

Conwy County Borough Council - Disclosure and registration of interests

Case Number 201702250 – Report issued in October 2017

The Ombudsman received a complaint that a member of Conwy County Borough Council (“the Councillor”) had breached the Code of Conduct when he submitted a written objection, in an official capacity, to a planning application which the complainants had made to the Council. The Councillor lives near the application site, and could be personally affected by it.

The Ombudsman concluded that it was likely that the Councillor had breached the Code given the proximity of the development site to his home and the fact his objections were sent from his Council email address and signed off “Councillor [Name]”. However, the Ombudsman decided to take no action in this case on the basis that the Councillor had shown remorse and apologised, his explanation that he had accidentally selected his Council email address from a drop down box when writing his email was plausible, he had acted swiftly to withdraw his objection when concerns were raised, and his actions did not adversely affect the planning application, which was granted permission.

Referred to Standards Committee

There are no summaries in relation to this finding

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

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 sent to the following address:

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