

Report of the Chair of the Standards Committee

Council - 4 November 2014

Standards Committee Annual Report 2013-2014

Purpose:	This report sets out the work of the Standards Committee and Community / Town Councils Standards Sub Committee from June 2013 to May 2014.
Consultation:	Standards Committee, Finance and Legal
FOR INFORMATION	

1. Background

- 1.1. The Local Government Act 2000 required the Council to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of elected Members of the City and County of Swansea. The Standards Committee has been in operation since October 2000.
- 1.2. The tenth report of the Standards Committee up to May 2013 was presented to Council on 24 September 2013. This is the eleventh Report of the Standards Committee and covers the period from June 2013 to May 2014.

2. Membership

2.1. Standards Committee

- 2.1.1 During the period covered by this report there were nine members on the Committee. Five of these were independent members and four were Councillors. Adrian Novis and Clive Walton have been Chair and Vice Chair respectively since July 2012. At the Annual Meeting of Council held on 9 May 2013 Councillors were appointed to the Standards Committee, as shown below, together with the Independent Members:

Independent Members:	Councillors:
Jill Burgess	Phil Downing
Jennifer Gomes	Jeff W Jones
Meirion Howells	Clive E Lloyd
Adrian Novis (Chair)	Jennifer A Raynor
Clive Walton (Vice Chair)	

2.1.2 However, at the Council Meeting held on 21 January 2014, the Councillor Membership was amended as Councillor R A Clay and L G Thomas replaced Councillors J A Raynor and J W Jones.

2.2 Community / Town Councils Standards Sub Committee

2.2.1 During the period covered by this report there were seven members on the Community / Town Councils Sub Committee. Four of these were independent members and three were Community / Town Councillors. One vacancy currently remains on the Sub Committee. Clive Walton and Meirion Howells were appointed as Chair and Vice Chair respectively since November 2012. Details of membership are shown below:

Independent Members:	Community / Town Council Councillors:
Meirion Howells (Vice Chair)	Gail John
Jennifer Gomes	Philip Crayford
Adrian Novis	Vacancy
Clive Walton (Chair)	

3. The Standards Committee

3.1 The Standards Committee met seven times during the year on the following occasions: 12 July 2013, 23 August 2013, 15 November 2013, 17 January 2014, 21 February 2014, 18 March 2014 and 4 April 2014.

3.2 Detail of the work undertaken by the Committee this year is set out below.

3.3 Dispensations

3.3.1 Sixteen requests for Dispensation were reported for consideration. The dispensation form has been amended in order to ensure greater clarity of the nature of the dispensation being required.

3.4 The Public Services Ombudsman for Wales Annual Report

3.4.1 The Public Services Ombudsman for Wales (the Ombudsman) has issued his Annual Report for 2013-2014. A link and hard copy to the full report was circulated to the Standards Committee at the meeting on 29 August 2014. <http://www.ombudsman-wales.org.uk/>

3.4.2. Relevant Extracts from this Annual Report are contained in Appendix A. Section 4 of the report deals with Code of Conduct complaints. There had been a reduction in the number of complaints to the Ombudsman by 22% in 2012-2013. The Ombudsman attributed the decline in Code of Conduct complaints to the local resolution arrangements in place and would continue to refer 'low level' complaints to Authorities' Monitoring Officers to deal with locally.

3.4.3 At Annex C of his report the Ombudsman provided a statistical breakdown of outcomes by Local Authority. In relation to County Borough Councils, Swansea had 30 total cases closed of which 22 were closed after initial consideration. In relation to Community / Town Councils of the 115 cases closed 26 related to Mumbles Community Council which were all closed after initial consideration.

3.5 Complaints of Breach of the Code of Conduct

3.5.1 During the period to May 2014 the following matters were reported to the Committee for information:

a) Complaints made but not investigated by the Ombudsman under the provisions of section 69(2)

Seven cases were reported to the Standards Committee where the Ombudsman refused to investigate an alleged breach of the code of conduct following a complaint.

b) Investigations completed by the Ombudsman and reported to Standards Committee for Information where the decision was no evidence of breach or no action taken

Two cases were reported to the Standards Committee this year where the Ombudsman investigated but found that there was no evidence of any failure to comply with the Code of Conduct.

c) Investigations undertaken by the Ombudsman and reported to Standards Committee for Information where the decision was to discontinue the investigation

One case was reported to the Standards Committee 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 Act 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.

No such referrals have been received during the period of this report.

4. Other matters considered by the Standards Committee during 2013-2014

4.1 Revised Guidance from the Ombudsman on the Code of Conduct

- 4.1.1 The Public Services Ombudsman for Wales (PSOW) first published guidance on the code in April 2010. A revised Guidance was issued in September 2012.
- 4.1.2 The Committee were informed that following the High Court Case of Calver – The Adjudication Panel for Wales, the Ombudsman made changes to the Guidance in relation to complaints in respect of a breach of paragraph 4 (b) p Treating others with respect and consideration.
- 4.1.3 The Committee has actively contributed to the development of the Ombudsman's guidance, by making extensive representations in relation to consultation papers and guidance.

4.2 Members Indemnity for the Code of Conduct Hearings

- 4.2.1 At the meeting held on 15 November 2013, the Committee considered this matter and decided to recommend to Council that they would consider each application and if indemnity be given it be up to a maximum of £20,000 per case and the form of indemnity be amended to reflect this. Also it was decided that clarity be sought from the Ombudsman regarding the timescale for the review of the indemnity level and procedure in respect of 'equality of arms' approach. The response from the Ombudsman was consequently circulated to Standards Members, which stated that the Ombudsman's own costs would not be allowed to exceed the level imposed by the proposed cap and that at that time no review of the level of indemnity was planned.

4.3 Annual Meeting with Political Group Leaders

- 4.3.1 At the meeting held on 15 November 2013, it was decided that Annual Meetings with the Political Group Leaders and the Chief Executive be held. The framework and expected outcomes were agreed in the following meeting and as a result it was decided that views would be sought regarding:

- How you see the role of the Standards Committee
- Your understanding of this role
- How could you help to promote standards and good governance
- How do you see the future role of the Standards Committee
- Your views regarding training in respect of the Code
- How do you consider the dispute resolution process working
- 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

Consequentially the Leaders of the Main Opposition Group, the Independent Group and Conservative Group attended the meeting of the Standards Committee on 18 March 2014. The Chief Executive and the Leader of the Council then attended the meeting of the Standards Committee on 4 April 2014. At this meeting it was suggested that the Chair of a Regulatory Committee and Chair of Scrutiny be also invited.

These meetings are continuing and it is the intention of the Standards Committee to consider all the responses and produce a report setting out their findings and any recommendations for improvement.

4.4 Swansea Councillor Charter & Councillor Pledge on Standards

4.4.1 The Standards Committee were consulted on the notion of a "Swansea Councillor Charter and Councillor Pledge on Standards" prior to the issue being passed to Council for adoption. The Standards Committee recommended to Council that this be formally adopted and be compulsory for all Councillors.

4.4.2 The Head of Democratic Services had subsequently provided an update to the Standards Committee regarding the number of Councillors that had actually signed up to the Pledge. It was agreed that when the Political Group Leaders attend Standards Committee they be questioned regarding this matter.

4.5 Community /Town Council Standards Sub Committee Vacancy and Merger with Standards Committee.

4.5.1 The Committee considered the appointments process regarding the vacancy of the Community Town Council Standards Sub Committee at the meeting held on 12 July 2013. However, at subsequent meetings the consequences of the Sub Committee being merged and the effect of the Standards Committee undertaking this role was considered. No steps have been taken to fill the vacancy at the present time.

4.5.2 A report was submitted to the meeting of the Standards Committee held on 17 January 2014 regarding a possible merger, the process that must be followed, together with the situation with regard to the Standards Committee throughout Wales. It was decided that views of Political Group Leaders be sought when they are invited to the Committee and depending on their views it be recommended to Council that they consider the options of this merger.

4.6 Reports "For Information"

4.6.1 A number of reports were noted by the Committee, including regular updates on the progress of ongoing Ombudsman investigations and the Ombudsman's Annual Report for 2012-2013 and Annual Standards Conference feedback.

5. The Community / Town Councils Standards Sub Committee

5.1 The Community / Town Councils Standards Sub Committee have met on two occasions since June 2013. Dates of Community / Town Councils Standards Sub Committee Meetings were as follows: 24 June 2013 and 10 October 2013.

5.2 Detail of work undertaken by the Committee during the period of this report is set out below.

5.3 Dispensations

5.3.1 There were five applications for dispensation to be considered by the Sub Committee this year.

5.4 Complaints made but not investigated by the Ombudsman under the provisions of section 69(2) and reported for information:

5.4.1 There were five case reported to the Community / Town Councils Standards Sub Committee where the Ombudsman refused to investigate an alleged breach of the code of conduct following a complaint.

5.5 Ombudsman Referral to Monitoring Officer

5.5.1 There were two cases reported to the Community / Town Council Standards Sub Committee where the Ombudsman had referred an allegation of a breach of the Code of Conduct to the Monitoring Officer to determine whether or not local investigations would be appropriate.

5.6 Investigations under the provisions of Section 70 (4) of the Local Government Act 2000 – referred to the Standards Committee for consideration.

5.6.1 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 Act 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.

5.6.2 A referral in respect of a former Town Councillor from Gorseinon Town Council was received from the Ombudsman. Full details of the determination in relation to this matter can be found on the internet at:
<http://www.swansea.gov.uk/index.cfm?articleid=53719>

5.7 Appeals to the Adjudication Panel for Wales

An appeal against the decision of the Community/ Town Council Standards Sub Committee was made by a Community Councillor from Mumbles Community Council. The appeal was considered by the Appeal tribunal and

their decision dated 10 June 2013 was reported on their public web site. It was the unanimous decision of the Appeal Tribunal to endorse the decision of the Standards Committee and the Community Councillor had been in breach of the Code and the Community Councillor was suspended for 18 weeks.

6. Terms of Office of Independent Members of the Standards Committee and the Community / Town Councils Standards Sub Committee

- 6.1 The term of office for Independent Members can be for not less than four years and for no more than six years. They can be reappointed for one further consecutive term but that term cannot be for more than an additional four years.
- 6.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all independent member of the Standards Committee.

Standards Committee: Independent Member Appointments

Independent Members	Appointment Terms	
	Start	End
Adrian Novis (Chair)	22 February 2005	21 February 2015
Clive Walton (Vice Chair)	22 February 2005	21 February 2015
Meirion Howells	1 August 2008	31 July 2016
Jennifer Gomes	5 December 2008	4 December 2016
Jill Burgess	12 October 2013	11 October 2019

- 6.3 The table below shows the dates of commencement and subsequent expiry dates of membership of the Community / Town Councillors.

Community Councillors	Appointment Terms	
	Start	End
Gail John	26 February 2008	4 May 2017
Philip Crayford	5 October 2012	4 May 2017

Background Papers:

Agendas and Minutes of the Standards Committee and Community / Town Councils Standards Sub Committee during the period June 2013 to May 2014.

Appendix

Extract of Annual Report of the Public Services Ombudsman for Wales Annual Report.