



## Report of the Chair of the Standards Committee

Council – 20 September 2018

# Standards Committee Annual Report 2017-2018

<b>Purpose:</b>	This report sets out the work of the Standards Committee from 2017-2018.
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<b>For Information</b>	

## 1. Introduction

- 1.1 The Local Government Act 2000 requires the Council to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors of the City and County of Swansea.
- 1.2 This Standards Committee Annual Report covers the period 25 May 2017 to 23 May 2018.

## 2. Membership of Standards Committee

- 2.1 The Standards Committee consists of 9 members:
- 5 x Independent (Co-opted) Members;
  - 3 x Councillors of the City and County of Swansea;
  - 1 x Community / Town Councillor.

- 2.2 Membership of the Standards Committee during the period:

<b>Independent Members</b>	
Jill Burgess	Mike Lewis
Gareth Evans	Margaret Williams
Michaela Jones	

<b>Community / Town Councillor</b>	Philip Crayford
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<b>Councillors</b>	
Joe A Hale	L Graham Thomas
Mike B Lewis	

### 3. Terms of Office - Independent Members of the Standards Committee

3.1 The term of office for Independent Members can be for not less than 4 years and for no more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than an additional four years.

3.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Independent (Co-opted) Members of the Standards Committee. **Note:** Independent Members marked in *italics* and with “\*” denotes that they are in their second term and cannot have their term extended further.

Independent Members	Appointment Terms	
	Start	End
Jill Burgess	19.10.2012	18.10.2018
Gareth Evans	01.04.2015	31.03.2021
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
Margaret Williams	01.04.2015	31.03.2021

### 4. Term of Office - Community / Town Council Member of the Standards Committee

4.1 The term of office shall be no more than 4 years or until the Ordinary Election for the Community Council of which the Community Councillor is a member, whichever is the shorter. They may be re-appointed once.

4.2 A Community / Town Council member shall not take part in the proceedings of the Standards Committee when matters relating to their Community / Town Council are being considered.

Community / Town Council Member	Appointment Terms	
	Start	End
Philip Crayford*	05.10.2012	04.05.2017
	Re-appointed	LGE.05.2022

### 5. Meetings of the Standards Committee

5.1 The Standards Committee met four times during the period as follows:

7 July 2017	12 January 2018
13 October 2017	20 April 2018

### 6. Local Dispute Resolution for Dealing with Councillor v Councillor and Officer v Councillor Complaints

6.1 Following a recommendation from the Standards Committee, the Local Dispute Resolution Process was initially adopted by Council on 9 June 2011. This Process was readopted by Council on 22 June 2017.

6.2 All Councillors have signed up to the Process. The Standards Committee was pleased to note that to date the Local Dispute Resolution Process has never needed to be utilised between members.

## **7. Detail of the Work undertaken by the Standards Committee**

7.1 The following paragraphs set out the work carried out by the Standards Committee during the reporting period.

### **7.2 Model Local Resolution Protocol for Community and Town Councils.**

The Committee considered the Model Local Resolution Protocol for Community and Town Councils that had been produced by One Voice Wales. The Monitoring Officer advised the Committee that the Public Services Ombudsman for Wales was supportive of a Community and Town Council Local Resolution Protocol having widely supported the Councillor Dispute Protocol some years ago.

On behalf of the Standards Committee a letter was written to Community and Town Councils recommending that they adopt a Local Resolution process.

Community and Town Councils were asked to feed back to the Standards Committee and 18 out of 24 Community and Town Councils have since adopted the protocol.

### **7.3 Requests for Dispensation**

The Committee considered a number of requests for dispensation from a number of Councillors.

### **7.4 Public Services Ombudsman for Wales (PSOW) Annual Report and Annual Letter 2016-2017**

The Committee discussed the report which set out performance over the year including both complaints about public service providers as well as code of conduct complaints.

The Committee noted that the PSOW had found the number of code of conduct complaints decreasing by 14% encouraging. The majority of complaints received during 16-17 related to matters of promotion of equality and respect which accounted for 37% of complaints made.

The Committee also noted that during 16-17 no PSOW complaint of breach of the code by a councillor was referred to the Standards Committee or Adjudication Panel for Wales and all were closed after initial consideration save one which was discontinued. The Committee would continue to monitor the figures for Swansea over the next few years to ensure that an upward trend did not arise.

The Committee had regular briefings from the Monitoring Officer on cases which the PSOW had dealt with and which were reported in either the PSOW Casebook or the Adjudication Panel for Wales publications. In addition, the Monitoring Officer was asked to liaise with the PSOW to establish whether additional information in relation to certain cases could be provided to the Standards Committee.

## **7.5. Annual Meeting with Political Group Leaders, Chairs of Committees and Chief Executive**

The Committee commenced their discussions with two of the Political Group Leaders on 20 April 2018. The meetings had been delayed due to the Local Government Elections in May 2017 and to allow Councillors to settle into their new roles.

## **7.6. Complaints of Breach of the Code of Conduct**

7.6.1 During the period 1 April 2017 to 31 March 2018 the following matters were reported to the Standards Committee for information.

### **a) Complaints made but not investigated by the Ombudsman under the provisions of Section 69(2) of the Local Government Act 2000**

There were 7 cases where the Ombudsman decided not to investigate an alleged breach of the Code of Conduct following a complaint.

### **b) Investigations completed by the Ombudsman where the decision was no evidence of breach or no action taken**

There were no cases 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 where the decision was to discontinue the investigation**

There were no cases 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 Local Government Act 2000 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.

## **7.7 Reports "For Information"**

7.7.1 A number of reports were noted by the Committee, including the Ombudsman's Code of Conduct Casebook, Adjudication Panel for Wales decisions and the Standards Committee Annual Report 2016-2017.

## **8. Appointment of Independent Members (x2) to Standards Committee**

8.1 Two new Independent Members - Michaela Jones and Mike Lewis were appointed to the Standards Committee on 1 October 2017.

## **9. Equality and Engagement Implications**

9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

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

## **10. Financial Implications**

10.1 There are no financial implications associated with this report.

## **11. Legal Implications**

11.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:** None.