



# Standards Committee Annual Report 2021-2022

## City & County of Swansea



## The Ten General Principles of Public Life

<p><b>Selflessness</b> – members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.</p>	<p><b>Equality and Respect</b> - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>
<p><b>Honesty</b> – Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	<p><b>Openness</b> - Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>
<p><b>Integrity and Propriety</b> - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	<p><b>Objectivity in Decision-making</b> - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>
<p><b>Duty to Uphold the Law</b> - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	<p><b>Accountability</b> - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>
<p><b>Stewardship</b> – In discharging their duties and responsibilities members must ensure that their authority’s resources are used both lawfully and prudently.</p>	<p><b>Leadership</b> - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p><b><i>“Nolan Committee on Standards in Public Life”</i></b></p>	

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## **Chair's Foreword**

The Committee has continued to meet remotely and has undertaken some challenging work during the course of the year. Significantly the Committee has been kept up to date with legislative changes brought about by the Local Government and Elections (Wales) Act 2021 which has seen changes in the Committee's terms of reference to reflect changing functions.

The Committee also had a referral from the Public Services Ombudsman for Wales in relation to an alleged breach of the Code of Conduct by a Mumbles Community Councillor.

Generally, the conduct of members is high. The Committee notes that the number of Code of Conduct complaints made to the Ombudsman was 29, however the PSOW decided not to investigate 27 of those complaints. The number of complaints relating to Community / Town Councils during 2021-2022 remains at the same level as the previous year.

The process of recruiting two replacement Independent (Co-opted) Members commenced for the one current vacancy on the Committee, together with a replacement member for myself, as my term of office will cease in October 2022.

I am pleased to announce that Janet Pardue-Wood and Mark Rees have both been appointed by Council for the 2022-2023 Municipal Year.

**Jill Burgess, Chair of Standards Committee**

# **1. The Role of the Standards Committee**

- 1.1 The Committee operates within a statutory framework and the following terms of reference applied for the municipal year 2021-22:
- a) The Standards Committee is made up of 5 Independent Members, 3 Councillors and 1 Community/Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).
  - b) To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
  - c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
  - d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
  - e) To advise and train Members on matters relating to the Code of Conduct.
  - f) To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
  - g) To consider allegations of breaches of Code of Conduct made against Members.
  - h) To oversee the Authority's protocol on Member and Officer working relationships.
  - i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
  - j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
  - k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
  - l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
  - m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.

## **2. The Committee's Work in 2021-2022**

### **2.1 Requests for Dispensation**

- 2.1.1 The Committee considered 1 request for dispensation from a Councillor who had recently been appointed as Cabinet Member. The Councillor required the dispensation as part of the Group that considers Local Authority Governor appointments, which he would be required to report on at Cabinet meetings.

### **2.2 Public Services Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a Community Councillor**

- 2.2.1 The Public Services Ombudsman for Wales (PSOW) referred an alleged breach of the Code of Conduct in respect of a Mumbles Community Councillor to the Standards Committee for consideration.

- 2.2.2 The Committee utilised the Standards Committee Hearing Procedure that had been revised in February 2021 to consider the matter. A representative from the PSOW office attended to outline the case against the Community Councillor.

- 2.2.3 The Committee found that the Councillor had breached the Code of Conduct and the Councillor was issued with a censure as a sanction for the breach of the Code of Conduct.

### **2.3 Public Services Ombudsman for Wales (PSOW) Annual Report and Letter 2020-2021**

- 2.3.1 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.

- 2.3.2 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's publications.

### **2.4 Standards Committee Annual Report 2020-2021**

- 2.4.1 The Chair presented the reformatted Standards Committee Annual Report for 2020-2021 to Council on 2 December 2021.

- 2.4.2 The Annual report outlined the work undertaken by the Committee in 2020-2021.

## **2.5 Annual Meeting with Political Group Leaders**

- 2.5.1 The Standards Committee invited the Political Group Leaders to the Standards Committee to discuss relevant legislation and responsibilities outlined in the Local Government & Elections (Wales) Act 2021.
- 2.5.2 In particular the Committee was interested in hearing the Group Leaders views on the new duty placed upon them under the Local Government and Elections (Wales) Act 2021 to ensure high standards of conduct within their political group.
- 2.5.3 The Standards Committee were also interested to hear from Group Leaders as to any additional training or support that they felt would be needed in order to fulfil their new duty.

## **2.6 Review of the Ethical Standards Framework**

- 2.6.1 The Committee considered a review report from Richard Penn that had been Commissioned by Welsh Government to review the ethical standards framework for local government in Wales to ensure that it remained fit for purpose and was effective in fostering high standards of conduct and public confidence in local government. The Committee noted the review and that Welsh Government were likely to consult further on the Framework in due course.
- 2.6.2 It also supported the recommendation of the creation of a National Forum for Independent Chairs of Standards Committee with a view to sharing good practice amongst Standards Committees in Wales.

## **2.7 Standards of Conduct – Draft Statutory Guidance**

- 2.7.1 The Committee considered a Welsh Government consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance. The Committee was asked to consider:

**Question 1** - Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?

**Question 2** - Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?

- 2.7.2 The Committee provided a positive response to Welsh Government, confirming their understanding of the guidance and questions outlined above and broadly welcoming the guidance which they felt would be useful in understanding the new duty.

## **2.8 Review of Standards Committee Terms of Reference**

2.8.1 The Committee considered changes to the Terms of Reference following new duties under the Local Government and Elections (Wales) Act 2021.

2.8.2 The Amended Terms of Reference was approved by Council at the Annual Meeting and includes reference to their new duties under the legislation.

## **2.9 Complaints of Breach of the Code of Conduct**

2.9.1 During the period of this Annual Report 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 27 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 was one case where the Ombudsman investigated but found that it was not in the public interest to take any further action.

**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.

One referral (from 2019) had been made to the Standards Committee and was heard on 30 June 2021.

2.9.2 A final decision on one case that the Ombudsman is investigating is still outstanding at the time of writing this report.



## 2.10 Reports “For Information”

2.10.1 A number of reports were noted by the Committee, including the Ombudsman’s Code of Conduct Casebook and Adjudication Panel for Wales’s decisions.

## 2.11 All Wales Standards Conference

2.11.1 A virtual conference was held on 9 February 2022 with a number of lay members of the Committee attending together with the Monitoring Officer and Head of Democratic Services.

## 3. Future Priorities

3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2022/23:

- How the Committee will deal with their duty under the Local Government & Elections (Wales) Act 2021 in terms of monitoring group leaders and their requirement to complete an Annual Report;
- Review of Officer / Member Relations Protocol;
- Review of Member –v- Member Local Dispute Resolution Protocol;
- Update report regarding Community / Town Councils training, particularly financial training;
- Social Media guidance for Councillors;
- Update Dispensation form;
- Whistleblowing Policy (Head of HR to provide background information to Committee);
- Indemnity Scheme.

## 4. Committee Membership

4.1 Jill Burgess (Independent member) was re-elected Chair in June 2021 and Mike Lewis (Independent member) was elected Vice Chair.

4.1.1 The Standards Committee consists of 9 members:

<b>5 x Independent Members</b>
Jill Burgess
Michaela Jones
Mike Lewis
Margaret Williams
Vacancy

<b>1 x Community / Town Councillor</b>
Philip Crayford

<b>3 x City &amp; County of Swansea Councillors</b>
Oliver James
Mike B Lewis
L Graham Thomas

#### 4.2 Terms of Office - Independent Members of the Standards Committee

4.2.1 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.

4.2.2 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
<i>Jill Burgess*</i>	19.10.2012 Re-appointed to	18.10.2018 18.10.2022
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
<i>Margaret Williams*</i>	01.04.2015 Reappointed to	31.03.2021 31.03.2025

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

4.3.1 The term of office shall be until the Ordinary Election for the Community Council of which the Community Councillor is a member. They may be re-appointed for one further consecutive term. .

4.3.2 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 Re-appointed to	04.05.2017 05.05.2022

### 5. Attendance Records

5.1 During 2021/2022, the Standards committee met on the following dates:

- 30 June 2021 (Special meeting);

- 15 October 2021;
- 21 January 2022 (Special meeting);
- 9 March 2022.

## 5.2 Attendance Statistics:

COMMITTEE MEMBER	ATTENDANCE	
	Possible	Actual
Jill Burgess (Chair)	4	4
Mike Lewis (Vice Chair)	4	4
Michaela Jones	4	3
Margaret Williams	4	4
Councillor Philip Crayford	4	3
Councillor Oliver James	4	3
Councillor Mike B Lewis	4	4
Councillor Graham Thomas	4	3

## 6. Biographies

### Independent Members



**Jill Burgess, Chair**

Jill has been a member of the Standards Committee since October 2012, Chair since October 2016. She is a retired business-woman whose greatest contribution is in the area of Entrepreneurship, and Business Enterprise. The innovative and complexity of her business start-up earned her the accolade of Welsh Businesswoman of the Year 1996 and still mentors students as part of her governorship with Swansea

University. She also works with Gower College Swansea through their “Lions Lair” competitions for young entrepreneurs. She was the instigator of job sharing for Women in American Express UK and won the recognition and award for this being adopted UK wide. At the request of the Chief Executive of Neath Port Talbot Council she set up the first Businesswomen’s Network and was the first lady president of Neath and Port Talbot Business Club. She has been a Constant Judge for Women in Business Awards for the last 9 years in conjunction with the Evening Post. She is Vice Chair of the Gower Society with responsibilities for the protection of the Lordship of Gower and a Super Lay member of the National Institute for Clinical Health Research (NICHHR). Jill is passionate about giving back - be it to someone young or old – who can STEP UP to reach their potential.



**Mike Lewis, Vice Chair**

Mike Lewis enjoyed a thirty-eight year career with Lloyds Banking Group before joining the Standards Committee in 2017.

He has previously been an Independent Member of South Wales Police Authority, a Senior Assessor with the College of Policing and an Independent Member of Hywel Dda University Health Board. He is currently a Non-Legal Member sitting on Employment Tribunals, an Independent Member of South Wales Police Ethics and Risk Committees, and was elected as Vice Chair of the Standards Committee in December 2020.



**Michaela Jones**

Michaela was appointed to the Standards Committee in October 2017. She was a solicitor in private practice until 2016. She sits as a judge in the Mental Health Review Tribunal for Wales and is a lay member on professional conduct regulatory committees. In addition she is an Independent Assessor for Student Loans Company appointed by DfE. Michaela currently lives in Cardiff.



**Margaret Williams**

Margaret Williams was appointed to the Standards Committee in 2015 and served as Vice Chair for two years.

She studied Chemistry at Imperial College, London University, and was awarded a BSc Hons. degree. This led on to research leading to a PhD at University College of Wales, Swansea.

Margaret pursued a thirty-five year career in teaching, including fourteen years as Deputy Headteacher and a further fourteen years as Headteacher of a large Secondary School.

Since retiring, Margaret regularly chairs Admissions Appeal hearings across South West Wales. Also, she is Vice Chair of Governors for a primary school in Carmarthenshire.

## Community / Town Council Representative



**Phil Crayford, Community /  
Town Council Representative**

After retiring in 2010 after 37 years in the Fire & Rescue Service Phil wanted to continue to be involved in community initiatives, safety and general wellbeing for all. He was fortunate to be elected onto LLangyfelach Community Council where he has served as Chairman, and is currently Chair of the Finance committee. This will be his last year on the standards committee as next year he will have to relinquish this role due to the time limits set. "I have thoroughly enjoyed the interaction being on the committee which has been varied and interesting." Phil continues to work in the voluntary sector and is currently Chair of the governing Body of St Helens Primary School. He is president of

his Community in Spain and works with a variety of charitable organisations in assisting in Health & Safety issues and assessments.

## City & County of Swansea Councillors



Councillor Oliver  
James

Serving the  
Cockett Electoral  
Ward

Term of Office:  
08.05.2017 -



Councillor Mike  
Lewis

Serving the  
Mynyddbach  
Electoral Ward

Term of Office:  
05.05.2016 -



Councillor  
Graham Thomas

Serving the  
Cwmbwrla  
Electoral Ward

Term of Office:  
06.05.1999 -

## 7. Helpful Contacts

Chair of Standards Committee – Jill Burgess

Email: [democratic.services@swansea.gov.uk](mailto:democratic.services@swansea.gov.uk)

Chief Legal Officer and Monitoring Officer – Tracey Meredith Tel: (01792) 637521

Email: [tracey.meredith@swansea.gov.uk](mailto:tracey.meredith@swansea.gov.uk)

Huw Evans, Head of Democratic Services Tel: (01792) 635757

Email: [huw.evans@swansea.gov.uk](mailto:huw.evans@swansea.gov.uk)

Democratic Services - Tel: (01792) 636923

Email: [democratic.services@swansea.gov.uk](mailto:democratic.services@swansea.gov.uk)

Public Services Ombudsman for Wales – Mr Nick Bennett Tel: 0300 790 0203

Webpage: <http://www.ombudsman-wales.org.uk/en.aspx>

