

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a meeting of the

STANDARDS COMMITTEE

At: Committee Room 3, Civic Centre, Swansea.

On: Friday, 16th October 2009

Time: 9.30am

AGENDA

1. Apologies for Absence.
2. To receive **Disclosures of Personal and Prejudicial Interests from Members** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea.
3. To approve the Minutes of the Standards Committee of 24th July 2009 as a correct record.
4. Matters Arising (For Information Only).
5. Discussions with the Leader of the Swansea Labour Political Group.
6. Update on Cases.
7. Correspondence from Ombudsman re :- Annual Report 2008/09.
8. Dates of Future Meetings.

27 th November 2009	26 th February 2010
15 th January 2009	16 th April 2010.

9. **Exclusion of the Public.**
The Committee will be requested to exclude the public from the meeting during consideration of the following item(s) on the grounds that it / they involve(s) the likely disclosure of a category of exempt information as set out in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If, following the application of the public interest test, the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded.

The Public Interest Test: The Proper Officer (Monitoring Officer) has determined in respect of the following report(s) that Paragraphs 12 and 13 should apply. The report(s) contain information relating to a particular individual (Paragraph 12) and information which is likely to reveal the identity of an individual (Paragraph 13).

His view on the public interest test is that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Also, the individuals involved are entitled to privacy.

Because of this and since there did not appear to be an overwhelming public interest requiring the disclosure of personal data or the disclosure of the individuals identity, he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Councillors are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

IT IS RECOMMENDED that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. Application for Dispensation.
11. Application for Dispensation.
12. Application for Dispensation.
13. Ombudsman's Non Acceptance of Allegation for Investigation.
14. Consideration of Reports in Camera.



David M Daycock
Head of Legal and Democratic Services
12.10.2009

Contact: Jane Tinker

☎ 01792 636820

Z: Word /Committee /Agenda /AppointmentsCommittee/24 July 2009

Item No. 3

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STANDARDS COMMITTEE

HELD AT THE CIVIC CENTRE, SWANSEA ON FRIDAY 24TH JULY 2009
AT 9.30 A.M.

PRESENT: Professor I R Davies (Chairman) presided

Councillor(s):	Councillor(s):	Councillor(s):
J E Evans	A Lloyd	J Newbury

Independent Members:

J Gomes	A Novis	C Walton
M Howells		

Officers:

Huw G Evans	-	Democratic Services & Complaints Manager
Janet Hooper	-	Directorate Lawyer
Jane Tinker	-	Principal Democratic Services Officer

14. **APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor M H Jones.

15. **DISCLOSURES OF INTEREST**

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

16. **MINUTES**

RESOLVED that the Minutes of the Standards Committee held on 3rd July 2009 be agreed as a correct record, subject to:

- (1) the reference to "Professor Meirion Howells" under apologies for absence be amended to "Meirion Howells";
- (2) under Minute No. 5 - Discussion with the Chief Executive on page 7, the undermentioned second sentence of bullet point 5 be deleted:
"The reputation of the Authority was not good and we appeared to be one of the best customers of the Ombudsman. The aim of the Authority was to be at the bottom of the League Table of Complaints to the Ombudsman".

17. **DISCUSSION WITH THE LEADER OF THE SWANSEA ADMINISTRATION POLITICAL GROUP**

The Chairman welcomed the Leader of the Swansea Administration Political Group and explained that he had been invited to give his opinion regarding the potential role of the Standards Committee. He referred to the three major motivations of the Standards Committee. Firstly, the role of the Standards Committee was largely viewed as being negative as the Committee has to deal with complaints against Councillors under the Code of Conduct and it is reactive not proactive. Secondly, it was evident that some of the decisions of the Standards Committee required explaining to the political leaders as there had appeared to be some understanding. Thirdly, he felt the Standards Committee could add value to the Authority by being a beacon of promoting standards and good practice in public life, in addition to policing the Code of Conduct. He outlined that in order to achieve progress with this issue the co-operation of the political parties was essential.

The Chairman indicated that the Chief Executive had been invited to the last meeting and had made some observations. This included consideration of a set of values that could be established by Standards Committee that were similar to a Job Description. These values were considered to be equally important to both officers and elected Members. The Chief Executive had referred to a recent speech that stated that in the past the rough and tumble was held within the Chamber but at present it seemed that arguments continued outside.

The Leader of the Swansea Administration Political Group outlined the following in response:

- Consideration of Job Descriptions were not what was probably required for the role of Standards Committee as Councillors were elected from all walks of life.
- Code of Conduct seems to work quite well. However, it is a reactive document rather than a proactive document.
- There had been a poor relationship with the Ombudsman and maybe the problem was that some elected Members had a lack of respect for other Members and reacted via the media rather than in the Council Chamber.
- Reference was made to the modernisation of the Council and its Committee structure and the role of overview and scrutiny.

Minutes of the Standards Committee (24.07.09) Cont'd

- One of the roles of the Standards Committee could be in the production of a set of guidelines which would identify respect and values. This protocol would include a set procedure for what was considered appropriate - similar to that for some other Authorities and Parliament. This could also have examples of disruptive behaviour and include an understanding of what is meant by public meetings and private meetings.

The possibility of signing up to a pledge similar to that in Cardiff was considered and having a meeting with WLGA, Standards Committee Members and political leaders and officers in order to have a debate agreeing a behaviour guide.

The Leader of the Swansea Administration Political Group was thanked for his views.

18. **DISCUSSION WITH THE LEADER OF THE CONSERVATIVE POLITICAL GROUP**

The Chairman welcomed the Leader of the Conservative Political Group and explained that he had been invited to give his opinion regarding the potential role of the Standards Committee. He again referred to the major motivations and role of the Standards Committee and outlined the observations of the Chief Executive, at the last meeting.

The Leader of the Conservative Political Group outlined the following in response:

- The Standards Committee in his view already had a role in giving general guidance and an oversight on good governance but should be cautious introducing a protocol regarding behaviour. However, signing up to a pledge would be welcomed although more information would be welcomed on the Cardiff pledge. The Standards Committee does have a remit to look at governance issues as opposed to corruption.
- Respect was difficult to address. Standards Committee should not prevent robust political debate. There was a discussion regarding respect in proceedings.
- A session facilitated by the WLGA would be welcomed.

A debate took place regarding respecting proceedings.

The Leader of the Conservative Political Party was thanked for his views.

19. **UPDATE ON CASES**

An update on alleged breaches of the Code of Conduct referred to the Ombudsman and their current status was submitted.

RESOLVED that the update be noted.

20. **CONSULTATION ON DRAFT LOCAL AUTHORITIES (CASE AND INTERIM CASE TRIBUNALS AND STANDARDS COMMITTEE) (AMENDMENT) (WALES) REGULATIONS 2009**

Further to the Standards Committee considering the Draft Regulations and accepting them at their Meeting of 3rd July 2009, it had become apparent that there was a significant change in the Draft Regulations that was not identified in the accompanying Welsh Assembly Government (WAG) letter. It was stated that the Draft Regulations proposed deleting paragraph 8(2) of the 2001 Standards Committee which currently gave the Standards Committee the power to require the Investigating Officer to attend when considering representations made by any persons who are the subject of the investigation. It was considered that any restriction upon the Committee's ability to require the investigating Officer to attend before the Committee would significantly impair the Committee's ability to reach a decision.

RESOLVED that the Standards Committee respond to the Welsh Assembly Government that they oppose this proposal to remove their power to require the Investigating Officer to attend before them as it was felt that this would impede the ability of the Standards Committee to come to a safe conclusion.

21. **LETTER FROM OMBUDSMAN RE:- CONSIDERATION OF REPORTS IN CAMERA**

The Monitoring Officer's report submitted informed Members of correspondence from the Ombudsman regarding consideration of reports in camera. It was the view of the Committee that it already considers each case on its individual circumstances when deciding whether to exclude the public, taking account of any personal data in the report.

RESOLVED that:

- (1) other Authorities be consulted to investigate if reports on investigations are made exempt when reported to Standards Committee.

Minutes of the Standards Committee (24.07.09) Cont'd

- (2) two sets of documents be prepared for the next meeting so that the Committee could see what the redacted version would look like.

22. **OMBUDSMAN ANNUAL REPORT 2008/09**

It was noted that the Standards Committee Annual Report was to be presented to Council on 30th July 2009.

AGREED that the Ombudsman report be noted but that the Monitoring Officer enquire of the Ombudsman why the table on the Local Authority Code of Conduct complaints was no longer presented in his report.

23. **DATES OF FUTURE MEETING**

It was stated that the Leader of the Labour Political Group had been invited to the next meeting. It was considered helpful if a summary was produced of the various discussions with the Chief Executive and the Leader of the Swansea Administration and Conservative Political Groups which would incorporate the different elements.

RESOLVED that the date of the next meeting be rearranged to 11th September 2009.

24. **EXCLUSION OF THE PUBLIC**

The Committee was requested to exclude the public from the meeting during consideration of the following items of business on the grounds that there would be likely disclosure of a category of exempt information as set in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 (the Act) as amended by the Local Government (Access to Information) (Variation) (Wales) Order (namely the reports contained information relating to an individual and it would be likely to reveal the identity of the individuals contrary to provisions of the Data Protection Act) .

The Public Interest Test

The Committee determined that the Public Interest Test in maintaining the exemption outweighed the Public Interest in disclosing the information and **RESOLVED** to exclude the public from the following items of business.

(CLOSED SESSION)

25. **OMBUDSMAN'S NON ACCEPTANCE OF ALLEGATION FOR INVESTIGATION**

The Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the alleged allegation of breach of the Code of Conduct against Councillor 1. The initials of the Councillor were amended in the report.

RESOLVED that the decision of the Ombudsman be noted.

26. **OMBUDSMAN'S NON ACCEPTANCE OF ALLEGATION FOR INVESTIGATION**

The Monitoring Office advised the Committee of the decision by the Ombudsman not to investigate the alleged allegation of breach of the Code of Conduct against Councillor 2.

RESOLVED that the decision of the Ombudsman be noted.

27. **OMBUDSMAN'S NON ACCEPTANCE OF ALLEGATION FOR INVESTIGATION**

The Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the alleged allegation of breach of the Code of Conduct against Councillor 3.

RESOLVED that the decision of the Ombudsman be noted.

28. **OMBUDSMAN'S NON ACCEPTANCE OF ALLEGATION FOR INVESTIGATION**

The Monitoring Officer advised the Committee of the decision by the Ombudsman not to investigate the alleged allegation of breach of the Code of Conduct against Councillor 4.

RESOLVED that the decision of the Ombudsman be noted.

The meeting ended at 11.35 a.m.

CHAIRMAN

Item No.6
Breach of Code of Conduct
Ombudsman & Standards Committee Complaints as at 16th October 2009

Name & Address	Date received	Ombudsman Reference	Date opened and file Ref.	Description	Current Status	Outcome	
City and County of Swansea DT & 31 other members	15/08/2008	1933/200801075	18/08/2008 SC1-91	Alleged Breach of the Code	Ombudsman Investigating		
City and County of Swansea MJ	30/09/2008	1128/200801311/ CB/CC	02/10/2008 SC1-94	Alleged Breach of the Code	Ombudsman Investigated	Ombudsman referred to Adjudication Panel for consideration	
City and County of Swansea MJ	05/02/2008	1128/200802178/ CB	05/02/2009 SC1-99	Alleged Breach of the Code	Ombudsman Investigated	Ombudsman referred to Adjudication Panel for consideration	
City and County of Swansea	12/03/2009	2108/200802439/ KS/SEE	12/03/2009 SC1-103	Alleged Breach of the Code	Ombudsman Investigating		

RK							
City and County of Swansea RK	05/03/2009	2108/200802423/ KS/SEE	12/03/2009 SC1-104	Alleged Breach of the Code	Ombudsman Investigating		
City and County of Swansea SJ	01/06/2009	200900380/SC	01/08/2009 SC1-110	Alleged Breach of the Code	Report to Standards Committee on 16 th October 2009		

Item No. 7

Report of the Monitoring Officer

Standards Committee - 16th October 2009

**Correspondence from the Ombudsman
Re: Annual Report 2008/09**

Summary of Report

The purpose of this report is to advise the Standards Committee of the correspondence from the Ombudsman.

Recommendation

The correspondence from the Ombudsman is noted

1 Introduction

- 1.1 At its meeting on 24th July 2009 the Standards Committee received a copy of the Ombudsman Annual Report for 2008/09. The Committee noted the Annual Report but asked the Monitoring Officer to inquire of the Ombudsman why the table on the local authority code of conduct complaints was no longer present in his report.
- 1.2 The Ombudsman was contacted and his reply is attached as Appendix 1 for information. Members will note that the Ombudsman has agreed to include such statistical information when producing his next Annual Report of 2009/10.

2. Recommendation

- 2.1 The correspondence from the Ombudsman be noted.

Background papers:

Correspondence from the Ombudsman dated 4th September 2009

Contact Officer: David Daycock

☎ 01792 636699

16th October 2009

Our ref: SMH

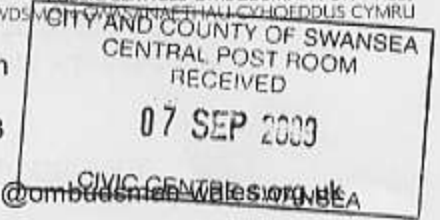
Ask for: Susan Hudson

Your ref:

01656 641153

Date: 4 September 2009

susan.hudson@ombudsman-wales.org.uk



Ms Janet Hooper
Directorate Lawyer
Legal and Democratic Services
City and County of Swansea
Civic Centre
Oystermouth Road
SWANSEA
SA1 3SN

Dear Ms Hooper

Ombudsman's Annual Report 2008/09

I refer to your letter dated 4 August 2009 and that of my colleague, Christine Watkins, dated 17 August 2009.

I note that your authority's Standards Committee raised the fact that a breakdown of the Code of Conduct complaints by authority no longer forms a part of the Ombudsman's Annual Report. The decision to reduce the level of statistical reporting in relation to Code of Conduct complaints was taken by Adam Peat, who was the Public Services Ombudsman for Wales up until April 2008.

However, I can fully understand that local authorities find it useful to see information about the code of conduct complaints concerning their own authority members and how that may compare with other authorities. Therefore, having consulted with the current Ombudsman, Peter Tyndall, I am pleased to be able to let your Authority's Standards Committee know that I will include such statistical information when producing the Annual Report for 2009/10.

Yours sincerely

Susan Hudson
Policy & Communications Manager

STANDARDS COMMITTEE (9 – 5 Ind. & 4 Cllrs)

Councillors:

Swansea Administration Councillors:

J Evans	J Woodman
J Newbury	

Labour Councillors:

A Lloyd	
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Independent Members:

Name	Term of Office	Name	Term of Office
Iwan Davies (Chair)*	01.09.2002 to 31.08.2012	Clive Walton	22.02.2005 to 21.02.2011
Meirion Howells	01.08.2008 to 31.07.2012	Jennifer Gomes	05.12.2008 to 04.12.2012
Adrian Novis	22.02.2005 to 21.02.2011		

Others:

Paul Smith	Chief Executive
Phil Roberts	Corporate Director (Regeneration & Housing)
Reena Owen	Corporate Director (Environment)
Chris Maggs	Corporate Director (Social Services)
Dave Daycock	Head of Legal & Democratic Services
Rod Jones	Deputy Head of Legal & Democratic Services
Mike Trubey	Head of Finance
Patrick Arran	Directorate Lawyer
Nigel Havard	Directorate Lawyer
Janet Hooper	Directorate Lawyer
Huw G Evans	Democratic Services & Complaints Manager
Democratic Services	1 Copy
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Members Library	

Total Copies Needed – 28

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** 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.

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 transact