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## AGENDA

<b>Pwyllgor</b>	PWYLLGOR SAFONAU A MOESEG
<b>Dyddiad ac amser y cyfarfod</b>	DYDD MERCHER, 22 TACHWEDD 2017, 4.30 PM
<b>Lleoliad</b>	YSTAFELL BWYLLGORA 4 - NEUADD Y SIR
<b>Aelodaeth</b>	Aelodau Annibynnol: Richard Tebboth (Cadeirydd), Hollie Edwards-Davies, James Downe, Lizz Roe and Hugh Thomas  Y Cyngorwyr: Stephen Cunnah, Emma Sandrey and Joel Williams  Cynghorydd Cymuned: Stuart Thomas

### 1 **Ymddiheuriadau am Absenoldeb**

Derbyn ymddiheuriadau am absenoldeb.

### 2 **Datgan Buddiannau**

Dylid gwneud hyn ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

### 3 **Cofnodion a Materion yn Codi** (*Tudalennau 1 - 6*)

Cymeradwyo cofnodion y cyfarfod blaenorol fel cofnod cywir.

### 4 **Croesawu aelod Cyngor Cymuned newydd**

### 5 **Swyddogaethau mewn perthynas â Chynghorau Cymuned** (*Tudalennau 7 - 10*)

### 6 **Cofrestru Rhoddion a Lletygarwch wedi Derbyn gan Aelodau** (*Tudalennau 11 - 20*)

### 7 **Cwynion Cod Ymddygiad Aelodau – Chwarter 2, 2017/18** (*Tudalennau 21 - 24*)

### 8 **Eithriadau Buddiant Niweidiol a Phersonol** (*Tudalennau 25 - 38*)

### 9 **Cynllun Gwaith 2017-18** (*Tudalennau 39 - 42*)

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Iau, 16 Tachwedd 2017

Cyswllt: Kate Rees,

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***This document is available in English / Mae'r ddogfen hon ar gael yn Saesneg***

STANDARDS & ETHICS COMMITTEE

4 SEPTEMBER 2017

Present: Independent Members: Richard Tebboth (Chair),  
Hollie Edwards-Davies and Hugh Thomas  
Councillors Cunnah, Sandrey, Williams, Hollie Edwards-Davies  
and Hugh Thomas

33 : APOLOGIES FOR ABSENCE

Apologies had been received from Dr James Downe and Lizz Rowe (Independent Members)

34 : MEMBERSHIP AND TERMS OF REFERENCE

The Membership and Terms of Reference as approved by Annual Council on 25 May 2017 and set out on the Agenda were noted

35 : WELCOME AND INTRODUCTIONS

The Chair of Standards & Ethics Committee welcomed the new Council Members to their first meeting of the Committee, and formal introductions were made.

The Chair expressed the Committee's best wishes to Hollie-Edwards Davies who would be leaving the Committee shortly as she was expecting a baby in the New Year. Hollie thanked the Chair and the Committee for their support during her time on the Committee and the positive impact the Committee had had. She hoped at some stage it may be possible for her to return as an Independent Member but felt that she could not fully commit to the Committee over the next 12 months.

36 : DECLARATIONS OF INTEREST

Councillor Joel Williams declared a Personal Interest in Item 7 – Committee Vacancies – as Community Councillor at the Old St Mellons Community Council. Councillor Williams remained at the meeting for this item (on the basis that his personal interest was not prejudicial).

37 : MINUTES

The minutes of the meeting 22 March 2017 were approved as a correct record and signed by the Chairperson.

Matters Arising

Local Resolution Protocol – the Director of Governance and Legal Services and Monitoring Officer provided an update on the recommended changes to the Local Resolution Protocol which had been subject to consultation with the Senior Management Team and would be submitted for approval by Full Council in November. The Director also advised on the information received from the Ombudsman about a new local resolution protocol which had been drafted in consultation with One Voice Wales, specifically for Community Councillors.

The Chair advised that an invitation had been issued to Community Councils to meet with himself and the Monitoring Officer to discuss matters of mutual interest. In addition, training for Community Councillors on Code of Conduct and Ethical Standards had been offered. A number of Community Council had already participated in the One Voice Wales training and it had been difficult to co-ordinate a suitable date for a meeting of the Clerks of Community Council and training of Community Councillors during August.

Member Exit Survey – the Committee discussed the recent media coverage of the Committee’s Draft Annual Report, which reported on the findings of the Member Exit Survey in relation to behaviour and alleged bullying. The Chair reinforced that the findings of this survey were based on data relating to the previous administration. He advised that a further Member Survey would be undertaken in late autumn to reflect on the Member Induction, learning opportunities, and follow up on questions asked as part of the Exit Survey. The Chair advised that following the results of the Exit Survey he had offered to meet with any individual Councillors who wished to discuss matters relating to the survey informally.

Independent Members expressed concern that the press coverage had not adequately explained the action taken by the Council to address the issue, and suggested that a statement to clarify that the survey related to the previous administration could have been made by the Council to fairly present the issue and avoid misunderstandings. The Monitoring Officer agreed to discuss this with the Council’s Head of Communications.

The Monitoring Officer advised that one of the main outcomes from the survey for Party Groups and individual Councillors was that Councillors felt that matters of alleged poor behaviour, alleged bullying and other issues raised are taken seriously.

The Committee noted that the Exit Survey March 2017 should not reflect on the new Council, which had a number of newly Elected Members and a new Leadership team.

## 38 : MEMBERS OF STANDARDS & ETHICS ROLE DESCRIPTION

The Committee was invited to consider the Welsh Local Government Association (WLGA) generic Role Description for a Member of the Standards and Ethics Committee. The Constitution Committee on 31 August 2017 had reviewed all the Member Role Descriptions approved by Council in December 2015 and considered whether these should be incorporated into the Constitution. The Constitution Committee had referred the role description and Member Champion role description back for further discussion, and suggested consideration should also be given to the establishment of Cross Party thematic Groups.

The Committee agreed the need for a consistent approach to the incorporation of Role Descriptions in the Constitution. The most important matter was that Elected Members in whatever role they have are aware of their role and responsibilities.

The new Members of the Committee were keen to clarify their roles as Members of this Committee and they supported the Monitoring Officer advice that they were Group Champions and should lead by example and report to their political groups and encourage appropriate behaviours and adherence to the Ethical Code and give advice on how to report breaches of the Code of Conduct.

RESOLVED: the Committee agreed the Role Description and had no issue with it being included in the Constitution provided all Role Descriptions were included.

39 : COMMITTEE VACANCIES - COMMUNITY COUNCIL MEMBER AND ONE INDEPENDENT MEMBER

*(Councillor Joel Williams had declared a personal Interest in this item as a Community Councillor for old St Mellons. Councillor Williams remained in the meeting during consideration of this item)*

The Committee was advised of proposed arrangements to fill two vacancies on the Committee.

The term of office of the Community Council representative, Councillor John Hughes expired in May 2017, and as Members had previously heard, Hollie Edwards-Davies had indicated her intention to resign due to personal commitments.

The Committee considered the regulations and the Council's Constitution in relation to these appointments and expressed the importance of obtaining diversity of Membership on this Committee.

It was suggested and agreed that the application documents for the Independent Member position should give more information about the time commitment involved and the usual day on which committee meetings are held.

RESOLVED – That

1. the proposed process to fill the vacancies was approved;
2. it was agreed that two Appointments Panels: (i) for the Community Council member; and (ii) for the Independent Member vacancy be established, with delegated authority to shortlist and interview candidates and make recommendations on appointments to full Council;
3. the size and composition of the Appointments Panels established under recommendation (2) as set out in the report were approved, and the Clerk to the Committee would seek nominations to each Panel;
4. the advertisement and person specification for the Independent Member vacancy, as set out in Appendices A and B was approved;
5. the Monitoring Officer, in consultation with the Chair, be authorised to make all necessary arrangements to fill both vacancies as set out in the report; and
6. it was noted that the recommendations of each of the Appointments Panels with regard to the appointments to fill the two vacancies are to be submitted to full Council for approval; and
7. Community Councillor John Hughes be thanked for his significant contribution to the work of the Committee over a number of years.

#### 40 : MEMBERS' CODE OF CONDUCT COMPLAINTS QUARTER 4, 2016.17

The report provided the Committee with details of Complaints made during Quarter 4 2016/17 and an update was tabled on complaints made during Quarter 1 2017/18 against Members of the Council alleging breaches of the Code of Conduct. Details of the complaints and outcomes were set out in the report and supplementary note. In Quarter 4, five cases had been referred to the Ombudsman. Four of these cases had been closed following initial consideration and one had been referred to the Adjudication Panel. There were no issues arising from complaints received in Quarter 1.

In addition, the Ombudsman Annual Letter 2016/17 on complaints received and considered by his office had been received and circulated to the Committee under a separate cover. There had been a significant decline in the number of Complaints to the Ombudsman since 2015/16.

An Independent Member requested further information on the extent of the Ombudsman new powers in relation to Complaints.

RESOLVED – That

1. the Complaints report for Quarter 4 2016/17 and Quarter 1 2017/18 was noted; and
2. the contents of the Ombudsman Annual Letter was noted.

#### 41 : COUNCILLOR INDUCTION - CODE OF CONDUCT ESSENTIAL TRAINING

The Committee received details of attendance by all Councillors at the Essential Code of Conduct Induction sessions. There remained five Members who had not completed this training and Party Whips had been advised and a session was to be arranged with these individuals. The opportunity for Members struggling to attend formal sessions was provided via the All Wales Academy E-Learning platform and some Members had completed this online training. The Monitoring Officer advised that workshop style sessions provided the opportunity for group discussion and learning from more experienced Members, and positive feedback had been received from some of the initial sessions.

RESOLVED – that the details of the completion of Essential Training on the Code of Conduct be noted and the Committee would continue to monitor on an annual basis.

#### 42 : STANDARDS & ETHICS ANNUAL REPORT 2016/17

The Draft Standards & Ethics Committee Annual report had been circulated as part of the papers. The report and its contents was commended and thanks given to officials for pulling the data together.

A new Council Member sought clarification on the use of social media by Councillors, in particular on the distinction between the use of social media in their role as a Councillor and in their personal capacity. The Monitoring Officer was asked to provide examples of the pitfalls of social media for Councillors to avoid bringing the Council into disrepute. The Monitoring Officer confirmed that a Member Development session on this issue was scheduled for November. It was agreed that the Social Media Guidance should be

circulated to the Committee for members to consider whether they wished to formally review the Guidance again.

RESOLVED – That the Annual Report be approved for submission to Council subject to any minor amendments by the Chair of the Committee in consultation with the Monitoring Officer.

#### 43 : WORK PLAN 2017-18

The draft Work Plan for the Committee was considered and discussed. Members were keen for the Member Survey to be completed in late autumn and for the findings to be reported to this Committee early in the New Year. It was agreed that the Leaders and Whips be invited to the meeting in the New Year that considers these findings.

The Chair also drew attention to the proposed business item on engagement with the Community Councils, to look at ways in which the Committee could improve awareness and understanding of its role.

It was agreed in response to a suggestion by an Independent Member to change the RAG rating to Priority – High; Medium; and Low, as more appropriate for the Committee.

RESOLVED – That subject to the changes outlined, the Work Plan for 2017/18 be agreed.

#### 44 : MEMBER BRIEFING - SEPTEMBER 2017

The content of the next Member Briefing was considered and other than to amend the accuracy following changes made to the Work Plan, it was approved for circulation to all Members and Community Councils.

The Monitoring Officer advised that the format of future briefings was to be reviewed in line with the future branding for the Council.

RESOLVED – That the Member Briefing be approved.

#### 45 : DATES OF NEXT MEETINGS

RESOLVED – That the future meeting dates be agreed as follows:

22 November 2017

28 March 2018

13 June 2018.

The meeting terminated at 18.45

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## CARDIFF COUNCIL CYNGOR CAERDYDD

**STANDARDS & ETHICS COMMITTEE: 22<sup>nd</sup> NOVEMBER 2017**

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### REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

### FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

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#### Reason for this Report

1. To allow the Committee to consider its functions in respect of Community Councils, and agree any further action to be taken to effectively discharge those functions.

#### Background

2. The Committee's terms of reference authorise it:
 

'(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law.'
3. In early 2016, the Committee was advised about a number of complaints made to the Ombudsman in relation to the conduct of Councillors in one particular Community Council. The Ombudsman found no evidence of any breach of the Code in any of these cases. In light of these complaints, however, the Chair of the Committee suggested that the Committee should consider whether anything further should be done to promote and maintain high standards of conduct within the Community Councils in its area.

#### Issues

4. Town and Community Councils are considered to be the grassroots level of local government in Wales, intended to provide for and respond to local needs; to advocate community interests; and to organise and promote community events. Community Councils are accountable to local people through elections in a similar way to County Councils, but there are many communities in Cardiff which are not represented by a Town or Community Council.
5. In Cardiff, there are 6 Community Councils:
  - Lisvane Community Council
  - Old St Mellons Community Council
  - Pentyrch Community Council

- Radyr and Morganstown Community Council
- St Fagans Community Council
- Tongwynlais Community Council

Each Community Council has between 9 and 13 Community Councillors, with a total of 62 Community Councillors in Cardiff.

### Statutory Ethical Framework

6. Community Councils and their Members are governed by the same statutory ethical framework which applies to Principal Authorities and their Members (under Part 3 of the Local Government Act 2000). In particular, Community Councils are required to adopt a Members' Code of Conduct (incorporating certain mandatory provisions); and Community Councillors are obliged to comply with the Code of Conduct adopted by their Council.

### Functions of the Standards & Ethics Committee

7. The Standards and Ethics Committee has the same statutory functions in relation to the Community Councils and Community Councillors in Cardiff as it has in relation to Cardiff Council and Cardiff County Councillors. Specifically, it has responsibility for:

General functions:

- promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- assisting members and co-opted members of the authority to observe the authority's code of conduct.

Additionally, it has the following specific functions:

- advising the authority on the adoption or revision of a code of conduct,
- monitoring the operation of the authority's code of conduct, and
- advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct

(pursuant to sections 54 and 56 of the Local Government Act 2000).

8. The Committee also has functions in relation to hearing and determining the outcome of complaints alleging a breach of the Members' Code of Conduct, following a referral to the Committee by the Ombudsman or the Monitoring Officer (in accordance with SI 2001/2281).

### Discharge of Standards & Ethics Committee's Functions

9. The Committee discharges its functions in respect of Community Councils in a variety of ways:

#### **Training**

10. After the May 2017 local government elections, the Monitoring Officer wrote to all 6 Community Council Clerks to invite Community Councillors and Clerks to an Induction Session Workshop on the Members' Code of

Conduct aimed specifically at Community Councillors. However, it transpired that many Councillors had already undertaken training provided by One Voice Wales, the organisation representing Community Councils in Wales. It is proposed that the Monitoring Officer should discuss with the Clerks any further training needs on the Code of Conduct to follow on from the training undertaken to date, for example, refresher sessions on the Code of Conduct or workshops on any specific issues such as local resolution processes (see paragraph 13 below).

### **Advice**

11. The Monitoring Officer provides advice, upon request, to any Community Council Clerks or Community Councillors in relation to Code of Conduct matters. Additionally, it is recommended that the Monitoring Officer should offer to meet annually with the Clerks to discuss any issues of common concern. The Monitoring Officer has recently written again to all Clerks to invite them to meet with her and arrangements are in hand to agree a suitable meeting date and venue.

### **Member Briefing**

12. Members will recall that the Committee has resolved to issue a biannual Member Briefing to all Members, to raise awareness and understanding of Member conduct issues and the work of the Standards & Ethics Committee. The last Member Briefing was issued in September 2017 and was circulated to all Community Council Clerks for onward transmission to their Councillors. It is recommended that all future Member Briefings should be circulated to Cardiff Community Councillors (via their Clerks), and the content of the Briefings should include reference to Community Councillors and any issues which may be of particular interest to them.

### **Local Resolution Processes**

13. The Committee recently (at its March 2017 meeting) reviewed Cardiff's Local Resolution Protocol, which is used to seek resolution of low-level Member on Member conduct complaints. It was agreed that local resolution may be equally suitable for resolving low-level Community Councillor Member on Member conduct complaints, and that Cardiff's Protocol should be offered to the Community Councils for them to consider its adoption. However, the Monitoring Officer was subsequently notified of a Local Resolution Protocol developed by One Voice Wales, in consultation with the Ombudsman, specifically aimed at Community Councils. The Monitoring Officer has written to all Clerks advising them to recommend to their Community Councils the adoption of the One Voice Wales model Local Resolution Protocol. It is suggested that the Monitoring Officer should follow this up to check whether Community Councils have adopted a Local Resolution Protocol, and to offer any necessary advice, training and support to the Clerks and Community Councillors in relation to implementing such protocol.

### **Meeting with the Standards & Ethics Committee**

14. The Committee may wish to consider inviting representatives from each Community Council to attend a Standards and Ethics Committee meeting, on a regular basis e.g. annually, to discuss any relevant general conduct issues. This would need to be incorporated into the Committee's Forward Work Plan.

### **Observation of Community Council meetings**

15. The Committee may also wish to consider whether it would be informative for members of the Standards & Ethics Committee to attend a Community Council meeting in order to observe proceedings and any Member conduct issues, familiarise themselves with the work of a Community Council, and raise awareness of the Standards and Ethics Committee and its remit. The schedule of Council meetings for observation could be extended to include meetings of Community Councils, in order to facilitate this.

### **Standards and Ethics Committee's Annual Report**

16. It is also recommended that the Committee's Annual Report should be circulated to the Community Councils for their information and to allow the opportunity for comments.

### **Other**

17. The Committee is invited to consider and give views on any other action which should be taken in order to promote and maintain high standards of conduct within Cardiff's Community Councils, or to facilitate the effective discharge of the Committee's functions in relation to Community Councils.

### **Legal Implications**

18. The legal implications are contained within the body of the report.

### **Financial Implications**

19. There are no financial implications arising from this report.

## **RECOMMENDATIONS**

The Committee is recommended to agree the proposals, as set out in this report (subject to any additional proposals or changes), for action to be taken to promote and maintain high standards of conduct within Cardiff's Community Councils; and instruct the Monitoring Officer to put in hand the necessary arrangements.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

15 November 2017

**CITY OF CARDIFF COUNCIL  
CYNGOR DINAS CAERDYDD**



**STANDARDS AND ETHICS COMMITTEE: 22<sup>nd</sup> NOVEMBER 2017**

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY  
MEMBERS**

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**Reason for this Report**

1. To enable the Committee to consider the gifts and hospitality received by Members, which have been registered in accordance with rules set under the Members' Code of Conduct; and to make any appropriate comments or recommendations in this regard.

**Background**

2. The Standards and Ethics Committee's terms of reference include the following:
  - “(a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.
  - (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
  - (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.”
3. The Members' Code of Conduct (paragraph 17), requires Members to register the receipt of any gifts, hospitality or other benefits where the value of the item or benefits exceeds a threshold determined by the Council from time to time.
4. The Council's threshold for registration of gifts and hospitality received by Members has been set, on the recommendations of this Committee (in October 2007), at £25 (in line with the threshold then applied to all local authorities in England by the Standards Board for England).
5. The Committee has requested regular reports on the registration of gifts and hospitality received by Members. At its meeting on 30<sup>th</sup> November 2016, the Committee considered gifts and hospitality registered during the period from 17<sup>th</sup> September 2015 to 30<sup>th</sup> September 2016.

## Issues

6. The Register of Members' Gifts and Hospitality held by the Democratic Services Manager on behalf of the Monitoring Officer shows the registrations set out in **Appendix A** for the period from 1<sup>st</sup> October 2016 to 30<sup>th</sup> September 2017.
7. For Members' information, the Council's Guidance on Guidance on Hospitality, Gifts and Other Benefits Received by Members (with the Members' Registration Form) is attached as **Appendix B**.

## Legal Implications

8. There are no legal implications arising directly from the recommendations of this report.

## Financial Implications

9. There are no financial implications arising from this report.

## RECOMMENDATION

The Committee is recommended to note the information supplied at **Appendix A** on the registration of hospitality, gifts and other benefits received by Members during the period from 1<sup>st</sup> October 2016 to 30<sup>th</sup> September 2017; and make any comments considered appropriate.

**Davina Fiore**

**Director of Governance & Legal Services and Monitoring Officer**

13<sup>th</sup> November 2017

## APPENDICES

- |            |  |
|------------|--|
| Appendix A | Register of Member's Hospitality, Gifts & Other Benefits, 1 <sup>st</sup> October 2016 to 30 <sup>th</sup> September 2017. |
| Appendix B | Guidance on Hospitality, Gifts and Other Benefits Received by Members (with Members Registration Form)                     |

### Background papers

Report to Standards & Ethics Committee, 'Members' Gifts and Hospitality Register', 30<sup>th</sup> November 2016

<b>Councillor</b>	<b>Date of hospitality/gift</b>	<b>Provider of hospitality/gift</b>	<b>Nature/purpose of hospitality</b>	<b>Capacity in which hospitality/gift received</b>
Walsh	02/10/16	Mayor of Blaenau Gwent	Civic Sunday buffet lunch	Lord Mayor
Walsh	08/10/16	Livery Company of Wales	Installation dinner	Lord Mayor
Walsh	09/10/16	Mayor of Swansea	Lord Mayor of Swansea civic service lunch	Lord Mayor
Walsh	17/10/16	Goldies Cymru	Goldies Day buffet lunch	Lord Mayor
Walsh	17/10/16	Muslim Council for Wales	National Interfaith Week dinner	Lord Mayor
Walsh	21/10/16	Care Forum Wales	Wales Care Awards 2016 gala dinner	Lord Mayor
Walsh	22/10/16	Ian Mackenzie	UK KDS 50 <sup>th</sup> anniversary dinner	Lord Mayor
Phillips	23/10/16	Royal Air Force	RAF Massed Voluntary Band concert	Deputy Lord Mayor
Phillips	24/10/16	Cardiff Business Club	Dinner in honour of Sir Peter Hendy	Deputy Lord Mayor
Walsh	26/10/16	Cardiff Nantes Fellowship	Lunch and AGM	Lord Mayor
Bale	27/10/16	Cardiff Business Club	Sir Peter Hendy Lecture and Dinner	Leader
Walsh	03/11/16	Castle Leisure, Ltd.	Caste Bingo cheque presentation dinner	Lord Mayor
Phillips	04/11/16	HMS Richmond	Reception and capability demonstration	Deputy Lord Mayor
Walsh	04/11/16	Cardiff Met University	Graduation ceremony lunch	Lord Mayor
Walsh	05/11/16	Royal British Legion	Wales Festival of Remembrance concert tickets and reception	Lord Mayor
Walsh	06/11/16	Royal Navy	HMS Richmond dinner	Lord Mayor
Bale	08/11/16	FAW	FAW Awards Dinner	Leader

Bale	09/11/16	Amplified Business Content, 9-11 Castle Street, Cardiff	Entrepreneur Wales Awards 2016	Leader
Bale	11/11/16	Effective Communications, 46-48 Cardiff Road	Cardiff Breakfast Club – Guest Speaker With Breakfast	Leader
Bale	12/11/16	FAW	Wales vs Serbia, ticket and dinner	Leader
Walsh	16/11/16	Royal College of Nursing in Wales	RCN Centenary Welsh Nurse of the Year Awards 2016 dinner	Lord Mayor
Phillips	17/11/16	Cardiff Scouts and Guides	Cardiff Scout and Guide Gang Show	Deputy Lord Mayor
Walsh	17/11/16	Cardiff Scouts and Guides	Gang Show	Lord Mayor
Walsh	20/11/16	Cllr Dilwar Ali	Lord Mayor's charity curry evening	Lord Mayor
Walsh	22/11/16	Wales Bangladesh Chamber of Commerce	Annual gala dinner	Lord Mayor
Walsh	25/11/16	HMS Dragon Auxiliary	Remembrance dinner	Lord Mayor
Walsh	26/11/16	Ahmadiyya Muslim Association	Interfaith peace symposium and lunch	Lord Mayor
Walsh	26/11/16	WRU	Wales vs South Africa tickets and lunch	Lord Mayor
Walsh	28/11/16	British-Irish Parliamentary Assembly	British-Irish Parliamentary Assembly Conference dinner	Lord Mayor
Phillips	02/12/16	Church Army Amber Project	Pantomime and drinks reception	Deputy Lord Mayor
Walsh	02/12/16	Cancer Research Wales	Christmas masquerade ball	Lord Mayor
Phillips	04/12/16	St John Council for Cardiff and the Vale	Annual celebration of carols and lessons concert tickets	Deputy Lord Mayor
Bale	06/12/16	Deryn, Public Affairs Cymru	Awards Ceremony and Dinner: ITV Welsh Politician of the Year 2016	Leader
Phillips	07/12/16	CCVG Music Service	Christmas showcase concert ticket	Deputy Lord Mayor
Phillips	08/12/16	Muscular Dystrophy UK	Spirit of Christmas carol concert	Deputy Lord Mayor



Walsh	08/12/16	Insole Court	Supports reception	Lord Mayor
Phillips	11/12/16	Welsh Hearts	Christmas with the stars concert	Deputy Lord Mayor
Bale	13/12/16	FAW	Book: "Together Stronger. The Official Inside Story of Wales' Extraordinary Euro Journey" published by FAW	Leader
Phillips	14/12/16	HMS Cambria	Winter divisions event dinner	Deputy Lord Mayor
Walsh	15/12/16	St John Cymru	Christmas carol service	Lord Mayor
Walsh	17/12/16	Cardiff Community Concern	Christmas dinner party	Lord Mayor
Walsh	17/12/16	Tenovus	Tenovus Cancer Care Concert	Lord Mayor
Walsh	18/12/16	Bangladesh Association	Victory Day celebration	Lord Mayor
Bale	20/12/16	Ahmed Goga, KPMG, 3 Assembly Square, Britannia Quay, Cardiff, CF10 4PL	Evening meal at San Martino Private Dining Rooms, Mermaid Quay	Leader
Phillips	12/01/17	Rio 2016 celebration event	Buffet and drinks reception	Deputy Lord Mayor
Walsh	14/01/17	British Association of Physicians of Indian Origin	Dinner in honour of Aileen Richards	Lord Mayor
Woodman	14/01/17	British Association of Physicians of Indian Origin	Dinner and hospitality	Leader of opposition
Phillips	20/01/17	Annual Hoteliers Ball	Dinner	Deputy Lord Mayor
Bale	27/01/17	Ukrainian Embassy	LEX Vodka, commemorative Ukrainian coin	Leader
Walsh	30/01/17	Cardiff Metropolitan University	Past presidents lunch	Lord Mayor
Walsh	06/02/17	Ministry of Defence 160 Brigade	Royal salute reception	Lord Mayor
Derbyshire	09/02/17	Girona Municipality	Two books, one about Girona, one about Barcelona	Cabinet Member and guest speaker

Phillips	10/02/17	Ty Enfys Care Home	10th anniversary buffet	Deputy Lord Mayor
Walsh	16/02/17	St David's Awards 2017	Finalists reception and lunch	Lord Mayor
Bale	17/02/17	Deryn	Welsh Labour business dinner	Leader
Walsh	17/02/17	Cardiff Metropolitan University	Graduation ceremony and lunch	Lord Mayor
Bale	21/02/17	NAID Charity	International Mother Language Day charity gala dinner	Leader
Walsh	01/03/17	National Assembly for Wales	St David's Day celebration of Welsh music VIP reception	Lord Mayor
Walsh	04/03/17	Cardiff Reform Synagogue	Spring service and lunch	Lord Mayor
Walsh	04/03/17	Lazarou Brothers Hair Group	Lazarou 50th Anniversary event	Lord Mayor
Bale	10/03/17	WRU	Pre-match meal and ticket to Wales vs Ireland rugby	Leader
Walsh	13/03/17	Cardiff and the Vale Music Service	Junior music festival VIP concert ticket	Lord Mayor
Phillips	20/03/17	ABF Soldiers Charity	First annual reception and dinner	Deputy Lord Mayor
Phillips	21/03/17	Student Volunteering Cardiff	Annual general meeting and awards evening	Deputy Lord Mayor
Walsh	24/03/17	Introbiz	Lord Mayor's fundraising dinner in aid of Cancer Research Wales	Lord Mayor
Walsh	28/03/17	City and County of Swansea	Civic Heads buffet evening	Lord Mayor
Walsh	03/04/17	Aldi Cardiff	Opening of new distribution centre. Lunch.	Lord Mayor
Walsh	03/04/17	Cardiff-Nantes Association	Welcome dinner event	Lord Mayor
Phillips	10/04/17	Cardiff Business Club	Cardiff Business Club dinner – Tim Parker	Deputy Lord Mayor
Walsh	11/04/17	Merthyr Tydfil Council	Joint Civic Heads dinner	Lord Mayor

Walsh	18/04/17	Bafta Cymru	Screening of "Their Finest" film. VIP reception.	Lord Mayor
Walsh	21/04/17	160 brigade and HQ Wales	Royal gun salute and reception. VIP buffet lunch.	Lord Mayor
Walsh	25/04/17	OVO Energy Tour of Britain	National launch of the cycling tour. VIP reception.	Lord Mayor
Phillips	26/04/17	Presbyterian Church of Wales	Spring meeting, evening meal, and valedictory service	Deputy Lord Mayor
Phillips	30/04/17	Radyr and Morganstown Community Council	Civic Service and Reception	Deputy Lord Mayor
Walsh	04/05/17	Sec State for Communities in Madeira	Courtesy visit. Bottle of Madeira Port and embroidered handkerchief.	Lord Mayor
Walsh	06/05/17	Ethnic Minority Welsh Women's Achievement Association	Ethnic Minority Welsh Women's Achievement Awards dinner	Lord Mayor
Walsh	09/05/17	Cardiff Metropolitan University	Cardiff Met Student Union Sports Awards	Lord Mayor
Carter	10/05/17	Residential Landlords Association	Seat on a table they had booked at the Public Affairs Cymru dinner. Single tickets would have cost £55.	Ward Member
Goddard	12/05/17	Regency Care Home	Bunch of flowers	Ward Member
Walsh	12/05/17	Ty Llandaff Care Home	Ty Llandaff Care Home opening lunch	Lord Mayor
Walsh	16/05/17	Her Majesty the Queen	Royal Garden Party VIP reception	Lord Mayor
Walsh	19/05/17	Castell Coch Choral Society	Concert tickets	Lord Mayor
Goodway	20/05/17	Signature Living	Opening of first phase on new Exchange Hotel	Cabinet Member
Walsh	24/05/17	Women Connect First	Bright Young Futures Youth Connect project lunch	Lord Mayor
Bradbury	02/06/17	Caerau Ely RFC	Dinner at Cornerstones	Ward Member
Derbyshire	02/06/17	160th Infantry Brigade	Royal gun salute and reception	Lord Mayor

Michael	02/06/17	FAW	Champions League celebration dinner	Cabinet Member for Clean Streets, Recycling, and Environment
Thomas, Huw	02/06/17	FAW	Uefa Champions League celebration dinner	Leader
Boyle	03/06/17	FAW	Champions League final ticket and hospitality	Leader of Liberal Democrat Group
Derbyshire	03/06/17	FAW	Champions league final ticket and hospitality	Lord Mayor
Goodway	03/06/17	FAW	2017 Uefa Champions League Final ticket and hospitality	Cabinet Member
McEvoy	03/06/17	FAW	Ticket to Champions League Final	Leader of Plaid Cymru group
Thomas, Huw	03/06/17	FAW	Uefa Champions League 2017 final tickets and hospitality x2.	Leader
Derbyshire	06/06/17	Cardiff Metropolitan University	Honorary Presidents Lunch	Lord Mayor
Bale	08/06/17	Cllr Dilwar Ali	Ticket, programme, book. Bangladesh vs New Zealand trophy match	
Ali, Dilwar	09/06/17	Cardiff Council	ICC Champion Trophy 2017. Representing Cricket for Good. (Glamorgan Cricket – New Zealand vs Bangladesh)	Councillor
Derbyshire	09/06/17	Cardiff Metropolitan University	Sporting Wales Rising Stars Awards	Lord Mayor
Goodway	14/06/17	Glamorgan Cricket Club	Ticket and hospitality, ICC Champions Trophy, England and Wales 2017 fixture semi final 1	Cabinet Member
Derbyshire	18/06/17	BBC National Orchestra and Chorus of Wales	BBC Cardiff Singer of the World VIP reception at Cardiff Castle	Lord Mayor
Lister	23/06/17	Welsh Government Youth Work Excellence Awards	Dinner and awards ceremony	Assistant Cabinet Member for Youth Services
Derbyshire	24/06/17	South Wales Masons Tercentenary Committee	South Wales Province Masonic Tercentenary Masonic gala dinner	Lord Mayor
Bale	29/06/17	Amanda Gronow, Icing On The Cake	Birthday cake (£50 donated to Grenfell Tower Red Cross Appeal)	

Rees	08/07/17	Cardiff Tamil School	Annual awards day ceremony. Bouquet. Shawl. Artificial floral necklet (ceremonial).	Ward Member
Derbyshire	10/07/17	Cardiff Business Club	Chairman's summer reception	Lord Mayor
Derbyshire	10/07/17	Cardiff Metropolitan University	Graduation and installation of Lord Mayor of Pro Chancellor and Honorary President. Lunch.	Lord Mayor
Derbyshire	12/07/17	Cardiff Metropolitan University	Graduation ceremony. Lunch.	Lord Mayor
Derbyshire	12/07/17	Cardiff Metropolitan University	Annual dinner	Lord Mayor
Derbyshire	14/07/17	Cardiff Metropolitan University	Graduation ceremony lunch	Lord Mayor
Lay	19/07/17	Cardiff Bus, Ltd.	Bus pass	Representative of outside body
Sandrey	19/07/17	Cardiff Bus	Bus pass	Non-Executive Director
Derbyshire	22/07/17	Cardiff and Vale of Glamorgan Youth Orchestra	Concert tickets	Lord Mayor
Derbyshire	24/07/17	Royal Welsh Agricultural Society	Royal Welsh Show president's lunch reception	Lord Mayor
Derbyshire	24/07/17	Powys County Council	Royal Welsh Show reception	Lord Mayor
Thomas, Huw	24/07/17	President, Royal Welsh Agricultural Society	Ticket to show, lunch	Leader
Thomas, Huw	28/07/17	Cllr Huw David, Leader, Bridgend County Borough Council	The Seniors Open	Leader
Bradbury	29/07/17	Owain Arwel Hughes, Welsh Proms	Ticket for last night of Welsh Proms and hospitality	Cabinet Member for Culture and Leisure
Lister	19/08/17	Lewis Ballard	Sponsors access to Cardiff Devils game	Non-council role
Derbyshire	03/09/17	Sri Dasmesh Singh Sabha Gurwara	Grand reopening of Sikh Temple Prayer Hall. Scarf, dagger, and book.	Lord Mayor
Derbyshire	09/09/17	HMS Cambria	Royal Navy in Wales Reception and Beating Retreat	Lord Mayor

Lister	09/09/17	Cardoff Devils (sponsors ticket from employee of Lewis Ballard Accounts)	Sponsors ticket	Non-council role
Derbyshire	10/09/17	OVO Energy	OVO Energy Cycling Tour of Britain VIP reception	Lord Mayor
Derbyshire	17/09/17	Bridgend Council	Civic Blessing Service, afternoon tea	Lord Mayor
Derbyshire	21/09/17	MOD St Athan	Officer's Mess Annual Reception	Lord Mayor
Lister	21/09/17	Dr Mhari McVicar, Community Gateway, Cardiff University	Ticket to Leading Wales Awards 2017	Chair of Grangetown Community Action
Derbyshire	23/09/17	National Police Memorial Day	VIP reception	Lord Mayor
Patel	28/09/17	Cardiff Bus	Bus pass	Board Member of Cardiff Bus
Hill-John, Gavin	TBC	Cardiff City Transport Services, Ltd.	Bus pass	Non-Executive Director
Robson	TBC	Cardiff City Transport Services, Ltd.	Bus pass	Non-Executive Director

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD****STANDARDS AND ETHICS  
COMMITTEE****22<sup>nd</sup> NOVEMBER 2017**

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES & MONITORING OFFICER**

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**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 2 OF  
2017/18****Reason for Report**

1. To provide the Committee with an update on complaints made during Quarter 2 of 2017/18 against Members of the Council alleging a breach of the Members' Code of Conduct.

**Background**

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of the Council alleging a breach of the Members' Code of Conduct. These reports provide information to assist the Committee to discharge its functions, in particular:
  - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern; and
  - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application,  
  
(paragraphs (a) and (c) respectively, of the Committee's terms of reference).
3. Complaints received during Quarter 4 of 2016/17 and Quarter 1 of 2017/18 were considered at the Committee's last meeting, in September 2017.

**Issues**

4. One complaint alleging a breach of the Members' Code of Conduct was received by the Monitoring Officer during Quarter 2 of the current financial year (2017/18).

5. The table below shows the type of complaint received in Quarter 2 of this year and provides comparative figures for the previous 4 quarters.

	Q2 Jul, Aug, Sept 2016	Q3 Oct, Nov, Dec 2016	Q4 Jan, Feb, Mar 2017	Q1 Apr, May, Jun 2017	Q2 Jul, Aug, Sept 2018
Total	3	4	7	4	1
Member on Member	0	2	2	2	0
Public on Member	3	2	5	2	1
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0

6. The single complaint received during Quarter 2 alleged that a Member was the subject of an ongoing criminal investigation being undertaken by the South Wales Police. The Monitoring Officer immediately sought advice from the Council's Assistant Director for Children's Services in respect of safeguarding concerns arising from the allegations. Enquiries were made to ensure that all appropriate safeguarding measures were in place. The Police subsequently confirmed that a thorough investigation had been undertaken but had not found any evidence to corroborate the allegations, and therefore the case had been closed.
7. The Committee will note that the single complaint received during Quarter 2 represents a significant decrease from the number of complaints received during previous quarters.

### Legal Implications

8. There are no legal implications arising from the recommendations of this report.

### Financial Implications

9. There are no direct financial implications arising from this report.



## **Recommendation**

The Committee is recommended to note the contents of the report.

**Davina Fiore**

**Director of Governance and Legal Services, and Monitoring Officer**

13<sup>th</sup> November 2017

### Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 4 of 2016/17' and 'Update on Complaints received during Quarter 1 of 2017/18', 4<sup>th</sup> September 2017.

Mae'r dudalen hon yn wag yn fwriadol

**CITY OF CARDIFF COUNCIL  
CYNGOR DINAS CAERDYDD**



**STANDARDS & ETHICS COMMITTEE: 22 NOVEMBER 2017**

**REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL  
SERVICES AND MONITORING OFFICER**

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**PERSONAL AND PREJUDICIAL INTEREST DISPENSATIONS**

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**Reason for this Report**

1. To enable the Committee to consider proposed changes to the arrangements for discharging its functions in relation to personal interest dispensation applications submitted under the Members' Code of Conduct, specifically:
  - (i) minor amendments to the Committee's Policy on Dispensations and the Dispensations Application Form; and
  - (ii) the establishment of a Standards and Ethics sub-committee to determine dispensation applications in accordance with the Committee's approved Policy on Dispensations.

**Background**

2. The Standards & Ethics Committee's terms of reference include authority for the Committee:
  - (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.
3. A member with a personal and prejudicial interest in a matter may apply to the Standards and Ethics Committee for a dispensation using the Dispensation Application Form.
4. The circumstances in which the Committee may grant a dispensation are prescribed by law – the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.
5. The Committee has adopted a Dispensations Policy, which sets out the factors to be taken into account when considering applications for dispensation. The Policy was last amended in June 2016 to reflect minor changes to the relevant statutory provisions (considered by the Committee in March 2016).

6. A dispensation granted by the Standards and Ethics Committee will allow a member with a prejudicial personal interest in a matter to participate in that Council business (pursuant to section 81(4) of the Local Government Act 2000). However, the Member must declare their personal interest and the fact that a dispensation has been granted, and must provide written notification giving details of their interest and the dispensation (pursuant to the Members' Code of Conduct, paragraphs 11 and 14).

## Issues

7. Guidance from the National Assembly for Wales regarding dispensations states that *"the dispensation regime is necessary to perform three functions: to deal with interests that Members share with a large proportion of the public, to allow the proper conduct of business, and to enable the participation rules to be applied to take account of individual circumstances"*.
8. The Committee's Policy on Dispensations is attached as **Appendix A**; and the Application Form is attached as **Appendix B**, with a number of recommended minor amendments shown.
9. The recommended amendments are intended to generally make the Policy and Application Form clearer and easier to understand, to clarify the relevant statutory provisions and elicit more information to better inform the Committee's consideration of applications.
10. The timescale for applications has also been amended as it will often not be practical for a member to submit an application at least 10 days before a Standards and Ethics Committee meeting, bearing in mind that the Committee usually only meets 4 or 5 times every year and that often members will not be aware that they have a personal and prejudicial interest in a matter until the agenda and reports for a meeting are published three clear working days ahead of a meeting. It is suggested that Members should submit any application as soon as they realise that they need a dispensation and that a subcommittee be set up to deal with any applications made so that it is possible to deal with them at short notice if necessary.
11. Although dispensation applications are not received frequently (the last application was received approximately 5 years ago), it is important that when applications are received, they are determined reasonably promptly. Any delay in determining applications may result in a Member being prevented from participating in Council business or delay the Council's decision making process. To address this issue, it is recommended that the Committee establish a sub-committee (pursuant to powers under section 54A of the Local Government Act 2000) with delegated authority to consider dispensation applications (as given the attendance requirements a sub-committee meeting may be convened more quickly at short notice than a full Committee meeting).
12. The sub-committee must comprise of at least 2 members including the Chair (or Vice-Chair) and one other Independent member, as the quorum for a Standards sub-committee requires at least 2 members, at least half of whom must be independent members, including the Chair (or Vice-Chair), pursuant to the Standards Committee Regs (SI 2001/2283, Reg 24(2)). It is recommended

that the sub-committee should comprise of 3 members – 2 Independent Members (to include the Chair / Vice-Chair) and one elected Member; to be convened as and when required.

13. For urgent applications, where it is not possible to convene a sub-committee meeting in time, it is recommended that the Monitoring Officer be given delegated authority, in consultation with the Chair (or Vice-Chair) to determine such applications.

### **Legal Implications**

14. The relevant legal implications are set out in the body of this report.

### **Financial Implications**

15. There are no financial implications arising from this report.

## **RECOMMENDATION**

The Committee is recommended to:

- I. Consider and approve the proposed amendments to the Dispensations Policy (**Appendix A**) and Application Form (**Appendix B**), subject to any agreed further changes;
- II. Approve the establishment of a Dispensations Sub-Committee, comprised of 2 Independent Members (to include the Chair or Vice-Chair) and one elected Member;
- III. Delegate authority to the Dispensations Sub-Committee established under recommendation II above to consider and determine any dispensation applications received; and
- IV. For urgent dispensation applications, where it is not possible to convene a Dispensations Sub-Committee in time, authorise the Monitoring Officer, in consultation with the Chair (or Vice-Chair) to determine such applications.

**Davina Fiore**

**Director of Governance & Legal Services and Monitoring Officer**

15 November 2017

## **APPENDICES**

Appendix A	Standards & Ethics Committee, Policy on Dispensations (with proposed amendments)
Appendix B	Dispensations Application Form (with proposed amendments)

### Background papers

Report to Standards & Ethics Committee, 'Minor Amendments to Members' Code of Conduct and Ethical Framework, 22 March 2016; and minutes thereof

Mae'r dudalen hon yn wag yn fwriadol

**CITY OF CARDIFF COUNCIL**  
**STANDARDS AND ETHICS COMMITTEE**

**Policy on Dispensations**

**Policy Background and Objectives**

1. Guidance from the National Assembly for Wales regarding dispensations states that *“the dispensation regime is necessary to perform three functions: to deal with interests that Members share with a large proportion of the public, to allow the proper conduct of business, and to enable the participation rules to be applied to take account of individual circumstances”*.
2. The Standards & Ethics Committee wishes to secure maximum participation in democratic debate by its management of the dispensations process, while maintaining public confidence in the conduct of elected representatives.
3. The Committee has established a policy framework which it will take into account when considering applications for dispensations as follows:
  - a To safeguard the ability of councillors and co-opted members to properly represent their community;
  - b To enable councillors in particular to be able to participate in the workings of relevant outside bodies, including school governors, community associations, companies and trusts formed with the specific purpose of furthering council objectives;
  - c To distinguish between interests that are of a more technical nature and those which are likely to substantially influence the judgement and objectivity of individual councillors or co-opted members; and
  - d To recognise that, when Members have a personal, financial or other pecuniary interest in an issue, it will rarely be possible to grant dispensation when the matter under discussion impacts directly upon that interest.

## Statutory Framework

4. Part III of the Local Government Act 2000 covers the conduct of Members, and section 81(4) the Act states that – *“Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5)”*.
5. The Standards & Ethics Committee has power to grant dispensations to Members to participate in Council business, but these are limited by (among other provisions) the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. In these regulations, regulation 2 sets out the following circumstances in which the Standards & Ethics Committee, under section 81(4) of the Local Government Act 2000, may grant dispensations:
  - a. no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
  - b. no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
  - c. in the case of a county or county borough council; the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
  - d. the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
  - e. the interest is common to the member and a significant proportion of the general public;



- f. the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- g. the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- h. the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business;
- i. it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; or
- j. it appears to the committee to be otherwise appropriate to grant a dispensation<sup>1</sup>.

## Procedures

- 6. Applications for dispensation may be made to the Monitoring Officer by completing and submitting the **Application Form** attached. The request for a dispensation should be made as soon as you realise you need a dispensation for a particular matter. All applications must be accompanied by details of the member's interest, together with relevant details, including the matter in respect of which dispensation is sought. Joint applications may be made where more than one member of the authority seeks dispensation to speak or vote on the same matter. Dispensation may be given to either speak and vote or to speak only.
- 7. The Monitoring Officer is authorised to make any minor amendments to this Policy, as may be required from time to time.

Commented [AK1]: Insert link

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<sup>1</sup> Under the Regulations, a dispensation granted under this ground and which remains in effect, must be reviewed by the Committee once in every 12 month period from the date on which the dispensation is first granted, to determine whether the dispensation should continue to have effect.

8. Further advice may be obtained from the Monitoring Officer (Davina Fiore on x78360), Deputy Monitoring Officer (David Marr on x72497) or Governance Solicitor (Kumi Ariyadasa on x72498) Community Councillors should initially seek the advice of their Clerk.

# CARDIFF COUNCIL STANDARDS AND ETHICS COMMITTEE

## Form for Application for Dispensation

### Member Application for Dispensation in respect of a Personal and Prejudicial Interest under the Member Code of Conduct

#### Note

Under the Member Code of Conduct, a member who has a personal and prejudicial interest in any business of the Council will be prohibited from participating in that business, *unless* the Standards and Ethics Committee has given the Member a dispensation which allows him/her to participate in the matter.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer as soon as you realise you need a dispensation for a particular matter.

The Standards and Ethics Committee is responsible for determining applications in accordance with the Regulations<sup>1</sup> prescribing the circumstances in which the Committee may grant a dispensation (set out in Section 3 of this Form), and the Committee's [Policy on Dispensations](#).

Commented [AK1]: Insert link

1.	Member's name and Council:	
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<sup>1</sup> The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, as amended

2.	<p>What is the matter of business being considered by the Council?</p>   <p>Where will the above matter be considered? e.g. Cabinet, full Council, a particular Committee meeting or other (please specify)</p>   <p>What is the nature of your personal and prejudicial interest in that business (in respect of which you seek a dispensation)?</p>     <p>Please be as clear as possible in explaining your interest.</p>	
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3. The Standards Committee (Grant of Dispensations)(Wales) Regulations 2001 prescribe the circumstances in which the Standards & Ethics Committee may grant a dispensation. The grounds for granting a dispensation are set out below. Please tell us on which of the following grounds you believe that a dispensation should be granted in this case?

Please tick the appropriate box(es) and tell us why you believe it applies in your case.

	<u>Statutory grounds for dispensation:</u>	<u>Brief explanation:</u>
(a)	no fewer than half of the members of the Council or of a committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;	

	(b)	no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) below also applies;	
	(c)	in the case of a County or County Borough Council, where the inability of the member to participate would upset the political balance of the Council or of the committee of the Council by which the business is to be considered to such an extent that the outcome would be likely to be affected;	
	(d)	the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;	
	(e)	the interest is common to the member and a significant proportion of the general public;	
	(f)	the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;	

	(g)	the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;	
	(h)	the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business;	
	(i)	it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed;	
	(j)	it appears to the committee to be otherwise appropriate to grant a dispensation.	

Commented [AK2]: Deleted by SI 2016/85

Commented [AK3]: Additional ground inserted by SI 2016/85



7.	<p>Please note that the information you provide in this form may be published with the Committee's papers (pursuant to the Access to Information provisions set out in Part VA of the Local Government Act 1972). If you wish to ask for any of the information you have provided to be made exempt from publication, please use this space to tell us which information you would like us to exempt and the reasons to support this (We will consider your request and confirm whether or not we can exempt your information.)</p>
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**8. DECLARATION**

I request a dispensation in respect of the above matter.

**I confirm that the information provided on this form is true to the best of my knowledge.**

Signed: .....

Date: .....

Print Name: .....



**CYNGOR CAERDYDD  
CARDIFF COUNCIL**



**STANDARDS AND ETHICS COMMITTEE:**

**22 NOVEMBER 2017**

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**REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES  
AND MONITORING OFFICER**

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**WORK PLAN**

**Reason for this Report**

1. To consider the Committee's Draft Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2017/18.

**Background**

2. The Standards and Ethics Committee's Terms of Reference, as detailed on the agenda for this meeting, sets out the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct; matters of governance and probity; and compliance of Members in completing Essential training
3. To enable the Committee to fulfil its role an annual work plan is developed to reflect the Council's Annual Governance Statement; give consideration to standard monitoring reports; and any issues arising from the Committee's work in promoting high standards of conduct and managing complaints. The views of this Committee assist in the development of an ongoing work plan.

**Issues**

4. Attached as Appendix A is the outline Draft Work Plan for 2017/18 that reflects the Future Priorities that are detailed in the Committee's Annual Report, and includes standard items and frequency of reporting. The Committee is invited to consider the plan and, taking into account available resources, to add or remove items and agree the frequency of reporting.

**Legal Implications**

5. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Forward Plan:

## 54 Functions of standards committees

- (1) *The general functions of a standards committee of a relevant authority are--*
- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
  - (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*
- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*
- (a) advising the authority on the adoption or revision of a code of conduct,*
  - (b) monitoring the operation of the authority's code of conduct, and*
  - (c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).

### **Financial Implications**

7. Consideration needs to be given as to whether or not the work plan can be delivered within existing financial resources. If not, then either the work plan needs to be refined or the budget allocated to the service is reprioritised in order for the plan to be delivered.

### **RECOMMENDATION**

The Committee is recommended to consider the Draft Work Plan as set out in Appendix A, and, taking into account its terms of reference and available resources, to agree with the Director of Governance and Legal Services and Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
**14 November 2017**

Appendix  
Appendix A                      Draft Work Plan 2017/18

Background Papers  
Standards & Ethics Committee Annual Report 2016/17.

## STANDARDS AND ETHICS COMMITTEE –WORK PLAN 2017/18

## APPENDIX A

The following topics have been prioritised on a Red / Amber/ Green (RAG) basis with Red being the highest priority and include indicative timescales as applicable:

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	REVIEW DATE
(1) Annual Report	Prepare Annual Report	Committee Chair/ Monitoring Officer	Low	13 June 2018
(2) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	Medium	February 2018
(3) Gifts and Hospitality <i>Frequency of reporting – annual</i>	(1) To monitor and review the acceptance of gifts and hospitality by Members; and  (2) To consider standards and ethics issues relating to the provision by the Council of gifts and hospitality to third parties (to include issues such as a policy in relation to when the provision of hospitality is appropriate and the monitoring of such provision).	Monitoring Officer	Medium	(1) 22 November 2017  (2) 28 March 2018
(4) Code of Conduct Complaints <i>Frequency of reporting – quarterly</i>	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct.	Monitoring Officer	Medium	22 November 2017 28 March 2018 13 June 2018
(5) Promoting high standards of conduct in Community Councils	For Committee to consider how best to discharge its functions in respect of Community Councils	Chair/ Monitoring Officer	Medium	22 November 2017

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>REVIEW DATE</b>
(6) Member Briefings <i>Frequency of briefing - twice a year</i>	To publish biannual Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	<b>Low</b>	<b>28 March 2018</b>
(7) Training <i>Frequency of monitoring - twice a year</i>	To monitor Members' compliance and attendance at Essential Code of Conduct sessions including Induction and refresher sessions	Monitoring Officer	<b>Low</b>	<b>28 March 2018</b>
(8) Member Survey <i>Frequency of monitoring - annually</i>	To receive feedback from Members in relation to issues within the remit of the Committee	Monitoring Officer	<b>Low</b>	<b>February 2018</b>
(9) Observation of Committee meetings	Independent Members to attend other Committee meetings to become more acquainted with the work of different committees.	Independent Members of the Committee	<b>Medium</b>	<b>Ongoing</b>
(10) Whistleblowing Policy <i>Frequency of monitoring – annual (Last reviewed March 2017)</i>	To monitor and review the operation of the Council's whistleblowing arrangements; and consider any ethical issues arising.	Monitoring Officer	<b>Low</b>	<b>28 March 2018</b>
(11) Code of Corporate Governance	To note the new Code of Corporate Governance being developed by the Audit Committee and provide views on issues within the remit of Standards & Ethics.	Monitoring Officer / Section 151 Officer	<b>Low</b>	<b>February 2018</b>