



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Pwyllgor	PWYLLGOR SAFONAU A MOESEG
Dyddiad ac amser y cyfarfod	DYDD MERCHER, 7 GORFFENNAF 2021, 5.00 PM
Lleoliad	YSTAFELL BWYLLGOR 4 - NEUADD Y SIR
Aelodaeth	Aelodau Annibynnol: James Downe (Cadeirydd) Jason Bartleet, Hollie Edwards-Davies, Arthur Hallett a/ac Chrissie Nicholls Y Cyngorwyr Cunnah, Sandrey a/ac Williams Cyngorydd Cymuned Stuart Thomas

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

2 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

3 Aelodaeth y Pwyllgor a Chylch Gorchwyl (*Tudalennau 3 - 4*)

Gwenaeth y Cyngor, yn ei Gyfarfod Blynyddol, ar 27 Mai 2021 ail-benodi'r Cyngorwyr canlynol i'r Pwyllgor a chytuno ar y Cylch Gorchwyl sydd ynghlwm.

Aelodaeth:

Y Cyngorwyr Stephen Cunnah, Emma Sandrey a Joel Williams.

4 Cofnodion (*Tudalennau 5 - 8*)

Cadarnhau bod cofnodion y cyfarfod blaenorol ar 3 Mawrth 2021 yn gywir.

5 Codau Cyfryngau Cymdeithasol (*Tudalennau 9 - 12*)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

6 Cwynion Cod Ymddygiad yr Aelodau (Ch4 2020-21 a Ch1 2021-22)
(Tudalennau 13 - 16)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
a'r Swyddog Monitro

7 Datganiadau Buddiannau Personol Uwch Swyddogion
(Tudalennau 17 - 92)

Mae Atodiad B o'r adroddiad wedi'i eithrio o'i gyhoeddi gan ei fod yn cynnwys gwybodaeth wedi'i heithrio o'r disgrifiad sydd ym mharagraff 12 o Ran 4 o Atodlen 12A Deddf Llywodraeth Leol 1972. Gallai'r cyhoedd fod wedi'i wahardd o'r cyfarfod drwy benderfyniad y Pwyllgor yn unol ag Adran 100A(4) Deddf Llywodraeth Leol 1972 wrth i'r eitem hon gael ei thrafod.

Adroddiad y Dirprwy Swyddog Monitro

8 Arsylwi Cyfarfodydd *(Tudalennau 93 - 98)*

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
a'r Swyddog Monitro

9 Blaengynllun Gwaith *(Tudalennau 99 - 102)*

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
a'r Swyddog Monitro

10 Eitemau Brys (os oes rhai)

11 Dyddiad y cyfarfod nesaf.

I'w gadarnhau

Davina Fiore

Cyfarwyddwr, Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Iau, 1 Gorffennaf 2021

Cyswllt: Mandy Farnham,

02920 872618, Mandy.Farnham@caerdydd.gov.uk

STANDARDS & ETHICS COMMITTEE

TERMS OF REFERENCE

- (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.
- (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (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.
- (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
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.
- (k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS & ETHICS COMMITTEE

3 MARCH 2021

Present: Independent Members: James Downe (Chair)
Jason Bartlett, Hollie Edwards-Davies, Arthur Hallett and
Chrissie Nicholls.

Councillors Cunnah, Sandrey and Williams

Community Councillor Stuart Thomas

86 : APOLOGIES FOR ABSENCE

No apologies for absence have been received for this meeting, Councillor Williams was late in attending the meeting as a result of technical issues in joining the meeting.

87 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members Code of Conduct.

88 : MINUTES

The minutes of the meeting on 9 December 2020 were approved as a correct record, together with the minutes from the Hearing Panel on 13 January 2021.

89 : STATUTORY ETHICAL FRAMEWORK - NEW LEGISLATION

The Committee received a report informing of the changes to the statutory ethical framework, which are being introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.

The Committee was advised that the new legislation will:

- (i) Require leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups, and to cooperate with standards committees (due to take effect from May 2022);
- (ii) Require standards committees to produce annual reports on the exercise of their functions (due to take effect after, and in relation to, the financial year 2022/23); and
- (iii) Consolidate provision about investigations by the Public Services Ombudsman for Wales into the conduct of members of local government.

The Committee was informed that consideration will need to be given as to whether or not there is a need for specific training to be arranged for the leaders of political groups or whether their understanding of the Code of Conduct is enough for them to be able to challenge Members regarding their Conduct. Leaders also have access to advice from the Monitoring Officer and her Deputy. It may be other Councils will have other ideas; Wales Audit Office may also provide information; and further general guidance will be produced prior to May 2022.

The Committee noted that Cardiff is currently demonstrating best practice in relation to the production of an Annual Report.

The Committee discussed how best to monitor compliance, some examples being noting the involvement of Group Leaders in issues raised by Members; the possibility of the Committee meeting with Group Leaders more frequently; and the creation of specific training around certain topics, for example confliction resolution and mediation.

Discussion of the tools required to monitor compliance from May 2022 can be added to the 22021-22 Work Programme.

The Committee resolved to:

- Note the information set out in the report; and
- Recommend to Council that the Committee's terms of reference be amended as set out in paragraph 7, once the new legislation is brought into force.

90 : NEW DRAFT OMBUDSMAN'S GUIDANCE ON THE CODE OF CONDUCT - CONSULTATION

The Committee received a report providing details of a consultation on the new draft guidance on the Members' Code of Conduct. There is separate guidance for Members of Town and Community Councils which is tailored to the different nature of the role that community councillors undertake in their communities.

The Committee were advised that the guidance has not changed significantly but it has been updated. There is some updated Social Media Guidance and also recent case examples provided, two of which are from Cardiff; being used as learning points.

The Committee noted that the Members of Town and Community Councils draft guidance has been circulated by One Voice Wales, with comments to be returned to them by 21 March 2021.

The Committee discussed the guidance and in particular the use of the various examples which bring the issues to light and will help Members to understand what is and isn't a breach of the Code. The links to the guidance will be included in the Committee's next Members Briefing.

The Committee resolved to Note the revised draft guidance and provide any comments by 14 March 2021 to the Monitoring Officer to enable them to be collated and provided to the Ombudsman by 21 March 2021.

91 : INDEPENDENT MEMBER APPOINTMENTS

The Committee received a report outlining the need for the Council to make two new Independent Member appointments to fill vacancies arising in November 2021 and June 2022.

The Committee discussed the length of the term of office of Independent Members and noted the recommendation that an appointment be made for 4 years with the potential for a second term of 4 years being served. The Committee were advised that the term of office could be canvassed with applicants at the time of the interview.

The Committee talked over their experience of the recruitment process and suggestions made as to where the vacancies could be advertised; social media, links forwarded to Councillors, Community Councils, Esyt and Wen Wales. The Vice Chair volunteered to take part in a short video interview outlining the role of an Independent Member to form part of the Application Pack.

The Committee discussed the process for the election of the Chair, which has to be an Independent Member, and that there is not a requirement for the Chair to be re-elected every year.

The Committee resolved to:

- Agree the draft Independent Member Vacancy advertisement (Appendix A), person specification (Appendix B) and the proposed arrangements for the appointments process;
- Agree the establishment of an Appointments Panel comprised of three members, as set out in paragraphs 14 to 16 of the report, with delegated authority to shortlist and interview candidates and make recommendations on appointment;
- Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the public appointments process, including advertisement of the vacancies and convening of the Appointments Panel; and
- Note that the recommendations of the Appointments Panel on the appointment of the two independent members to the Committee will be submitted to full Council for approval.

92 : COMPLAINTS UPDATE

The Committee were provided with an update on complaints made during Quarter 3 of 2020/21 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

The Committee were advised that 8 out of 9 complaints were made in relation to one perceived incident; the Ombudsman declined to investigate as there was insufficient evidence of a breach of the Code.

The Committee noted that with the upcoming Senedd and Police Commissioner Elections there have been discussions with the Group Whips about the importance of the Code of Conduct and the need to reinforce appropriate behaviour. The Committee were advised that concerns raised in relation to the Planning Committee and comments made on social media have also been raised with Group Whips. The Committee discussed the nature of the complaints to the Ombudsman in relation to the Planning Committee and the sensitive issues which are currently being dealt with by the Committee at the present time.

The Committee resolved to note the content of the report.

93 : FORWARD PLAN 2020-2021

The Committee received the revised Work Plan for 2020-21 and were invited to make comments and suggestions on the Work Plan.

The Committee discussed who conducts the various training provided; the compulsory Code of Conduct training is carried out by the Monitoring Officer for Elected Members and for Community Councils training is either conducted by the Monitoring Officer or One Voice Wales. Outside organisations will provide any training which outside the expertise of the Monitoring Officer, for example conflict resolution or mediation. There is also value of Independent Members attending and being involved in the training sessions. The Committee also discussed the benefits of a refresher session on the Code of Conduct leading up to the Senedd/PCC Elections in May and Local Elections next May to which Independent Members will be invited and a reminder for Community Councils to access One Voice Wales Code of Conduct training for new Members.

The Committee discussed items to be added to the Work Programme going forward which included:

- New legislation from May 2022 and the duty on Group Leaders
- Consideration of the format of the Annual Report
- Member recruitment and the election of a the new Chair of the Committee
- A Summary of the Code of Conduct Casebook from the Ombudsman as it relates to other Authorities

The Committee resolved to note the work Plan 2020-21

94 : URGENT ITEMS (IF ANY)

No urgent items were tabled.

95 : DATE OF NEXT MEETING.

The date of the next meeting of the Standards & Ethics Committee is on Wednesday 7 July 2021 at 5.00 pm.

The meeting terminated at 6.12 pm

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

SOCIAL MEDIA CODES

Reason for this Report

1. To enable the Committee to consider developing: (i) a social media code of principles for Members; and (ii) a code of practice on social media use for groups and organisations which work with the Council, in accordance with the Motion carried at the Council meeting in March 2021

Background

2. The growing use of social media presents varied opportunities and challenges for Councillors. In recognition of this, the Welsh Local Government Association (WLGA) has produced guidance, 'Social Media: A Guide for Councillors', issued in October 2018 ('the WLGA Guidance'), attached as **Appendix A**
3. In response to growing concerns about online abuse and bullying or 'trolling', the WLGA has also produced guidance, 'Councillors Guide to Handling Online Abuse' ('WLGA Handling Online Abuse Guidance') – attached as **Appendix B**.
4. At its meeting in December 2018, the Standards and Ethics Committee considered the WLGA Guidance and agreed that, as it was comprehensive and clear, it should be circulated to all Cardiff Councillors.
5. The Members' Learning and Development Programme includes mandatory refresher sessions on the Elected Member Code of Conduct which will include reference to social media use. These sessions which will be delivered by the Monitoring Officer are scheduled for 29th June (16:00-18:00) and repeated on 8th July 2021 (13:00 – 1500). The Independent Members of the Standards and Ethics Committee have been invited to attend these sessions.
6. The Committee will note, however, that social media comments continue to feature frequently in Member conduct complaints.

Issues

7. At the full Council meeting in March 2021, the following Motion was carried:

'This Council recognises:

- That Councillors have a duty to promote kind and honest discourse both on and off line.
- That discussion, debate and scrutiny are vital to a democracy but must be carried out without abuse.
- That robust debate is a crucial part of the scrutiny process and should not be discouraged.
- That social media is an increasingly aggressive space where abuse is common place.
- That misinformation is often the trigger for such abusive behaviour.
- That anonymous accounts with no trail of accountability are often the worst culprits.
- That public figures are often the target for abusive behaviour and that it inevitably has a significant detrimental impact on their wellbeing.

Proposes to:

- Introduce a code of principles for social media use, that has an emphasis on promoting accurate discourse and encourages councillors to not write or share posts that contain obvious inaccuracies or aggression against colleagues.
 - Develop a Code of Practice for groups and organisations which the Council works with, which sets similar high expectations of respectful and honest engagements, and which asks them to conduct themselves in a transparent manner rather than operating anonymous account.'
8. Members are invited to consider the proposals set out above and provide views on potential points to be included in (a) the Members' Code of Principles; and (b) the Partner Organisations' Code of Practice (collectively referred to in this report as 'the Social Media Codes').
9. Suggested points for inclusion in the Members' Code of Principles include commitments in respect of the following:
- i. **Standards of conduct** – to note that the duties set out in the Members' Code of Conduct continue to apply to Members' use of social media
 - ii. **Respect and consideration** – that Members should treat everyone with respect and consideration, and that whilst legitimate criticism is part of democratic accountability, criticism should be constructive and courteous, and Members should not post comments which may be regarded as aggressive, rude or bullying.
 - iii. **Equality** – that Members' comments should treat everyone equally, without discrimination.
 - iv. **Professionalism** – to participate in robust political debate, but refrain from making, or acting in any way which encourages, unfair or inaccurate public criticisms of the authority or its councillors or officers doing their jobs. Policies may be criticised, without making personal comments.
 - v. **Honesty** - views should be honestly held and Members should refrain from making misleading comments.
 - vi. **Accuracy** – information given should be factually correct, and Members should make all reasonable efforts to verify factual accuracy.
 - vii. **Accountability** – Members should be accountable for their comments, including 'liking' or sharing comments made by others, and are also

- responsible for monitoring and editing any third party comments made via their platforms.
- viii. **Informed** – Members should try to make sure they have sufficient information about a subject before commenting on it and should not share anything they have not fully read.
 - ix. **Transparency** – Members should openly identify themselves and refrain from anonymous comments.
 - x. **Confidentiality** – Members must take care to avoid disclosing any confidential exempt or personal information, without clear authority or consent.
10. With regard to the Partner Organisations' Social Media Code of Practice, in recognition of the fact that many organisations may have their own guidance and policies on social media, it is suggested that the Code should focus on what is expected from the organisation in respect of engagement with the Council / matters relating to the Council, such as:
 - i. **Respectful and professional engagement** with the Council and its officers.
 - ii. **Accuracy** - information published about the Council should be factually correct, and organisations should make all reasonable efforts to verify factual accuracy.
 - iii. **Openness and transparency** – any comments about the Council should be published openly, without concealing the identity of the person / organisation responsible for them.
 - iv. **Unacceptable comments** – to note that abusive, discriminatory, offensive or defamatory comments are unacceptable and may lead to the Council taking action against them.
 11. The Committee is invited to give its views on the points set out in paragraphs 9 and 10 above and suggest any additional points for inclusion. The Monitoring Officer will then prepare draft Social Media Codes, taking account of the views of this Committee, which will be brought back to a future meeting for further consideration.
 12. The Committee may wish to subsequently consult with group leaders, whips and all councillors on the draft Social Media Codes, before recommending them to full Council for approval.

Legal Implications

13. The proposed Social Media Codes are intended to clarify the Council's expectations in relation to the use of social media by Members and outside groups and organisations which work with the Council, and promote constructive debate and engagement. It should be noted, however, that while the Members' Social Media Code of Principles will be able to be taken into account in making decisions on potential breaches of the Code of Conduct, and could be made part of the Code of Conduct, the Partner Organisations Code of Practice will not be legally enforceable, although organisations we deal with frequently will be asked to sign up to it.
14. Unless the Members' Social Media Code of Principles is made part of the Members' Code of Conduct, if a Member's use of social media contravenes the proposed Members' Social Media Code of Principles, there will be no sanction

available, unless the Member's behaviour also breaches the Member's Code of Conduct or any other rule of law.

15. Similarly, if a partner organisation does not comply with the proposed Partner Organisations Social Media Code of Practice, this will not, in itself, give the Council the right to refuse to engage with them. Legal advice should be sought in respect of any remedy or action available to the Council in any particular case.
16. There are no direct legal implications arising from the recommendations of the report.

Financial Implications

17. There are no financial implications arising from the recommendations of the report.

RECOMMENDATION

The Committee is recommended to:

1. Consider the information set out in the report and provide views on points to be included in: (i) a draft Members' Code of Principles on Social Media Use; and (ii) a draft Partner Organisations' Code of Practice on Social Media; and
2. Instruct the Monitoring Officer to bring draft Social Media Codes (referred to in recommendation 1 above) back to a future meeting of this Committee for further consideration.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

1st July 2021

APPENDICES

Appendix A	WLGA 'Social Media: A Guide for Councillors' , October 2018
Appendix B	WLGA 'Councillors Guide to Handling Online Abuse' , March 2018

Background papers

Standards and Ethics Committee report 'Social Media Guidance for Councillors', December 2018
Council, March 2021, Notice of Motion 2, and minutes of the meeting

**STANDARDS AND ETHICS
COMMITTEE****7th JULY 2021**

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2020/21 and QUARTER 1 OF 2021/22****Reason for Report**

1. To provide the Committee with an update on complaints made during Quarter 4 of 2020/21 and Quarter 1 of 2021/22 (the period running from 1st January 2021 to 30th June 2021) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

Background

2. The Committee receives quarterly reports from the Monitoring Officer on complaints, made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) 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;
 - 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; and
 - iii. 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',

(paragraphs (a), (c) and (g) respectively, of the Committee’s terms of reference).

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 3 of 2020/21 were reported to the Committee meeting on 3rd March 2021.

Issues

5. During Quarter 4 of 2020/21 and Quarter 1 of 2021/22, covering the period running from 1st January 2021 to 30th June 2021, a total of seven complaints alleging a breach of the Members’ Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the figures for this period alongside comparative figures for the previous four quarters.

	Q4 Jan - Mar 2020	Q1 Apr - Jun 2020	Q2 Jul - Sept 2020	Q3 Oct - Dec 2020	Q4 Jan – Mar 2021	Q1 Apr – Jun 2021
Member on Member	0	1	0	0	1	1
Public on Member	1	1	0	9	1	4
Officer on Member	0	0	0	0	0	0
Community Councillors	0	0	0	0	0	0
Total	1	2	0	9	2	5

Quarter 4 of 2020/21

7. One of the two complaints made during Quarter 4 of 2020/21 was submitted by a member of the public, alleging that a Member had wrongly participated in a planning committee decision whilst having a personal prejudicial interest in the matter arising from involvement with a campaign group. Eight earlier complaints had been made about this same matter during Quarter 3 of 2020/21, which were reported to the Committee’s last meeting. In line with the Ombudsman’s decisions on the eight earlier complaints, the Ombudsman found there was insufficient evidence that the Member had a prejudicial personal interest in the matter or had predetermined the decision. The Ombudsman

decided not to investigate, because there was insufficient evidence of a breach of the Code and the public interest test was not met.

8. The other complaint made during Quarter 4 of 2020/21 was submitted by a Member on behalf of all members of their political group, alleging that another Member had delivered election leaflets in breach of Covid restrictions in effect at that time. The complainants were referred to the Ombudsman. The Ombudsman's decision is awaited.

Quarter 1 of 2021/22

9. Brief details of the five complaints submitted during Quarter 1 of 2021/22 are as follows:
 - (i) A Member complained about the responses given by another Member to their questions within email correspondence seeking information in relation to a resident's concerns. It was alleged that the Member had made personal attacks on them, which failed to show respect and consideration and constituted bullying behaviour. The Monitoring Officer's attempt to resolve the complaint informally was unsuccessful. At the complainant's request, this complaint has been referred to the Hearings Panel for determination under the Local Resolution Protocol.
 - (ii) A member of the public complained that a Member's support of objections to his planning application had supported harassment of the complainant. The complainant also submitted that the Member had not fairly represented him. The complaint was considered by the Ombudsman who found there was no evidence of a breach of the Code and decided not to investigate further.
 - (iii) A member of the public complained about statements made by a Member during the Senedd election campaign, which were alleged to be outdated and disrespectful; and about false statements made about the election results. The complainant was advised on the application of the Code of Conduct to a Councillor's activities and advised to refer their complaint to the Ombudsman and or the Standards Commissioner, as appropriate.
 - (iv) A member of the public complained about a comment made by a Member on social media, which was alleged to be threatening. The Ombudsman decided not to investigate the complaint.
 - (v) A member of the public complained about the conduct of a Member in relation to an application being determined by a Committee. The Member was alleged to have made disrespectful comments, discriminated against an individual, misused their position and disclosed confidential information. The Ombudsman's decision is awaited.

Legal Implications

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

Financial Implications

11. 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

1st July 2021

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2020/21, March 2021

CYNGOR CAERDYDD CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

7th JULY 2021

REPORT OF THE DEPUTY MONITORING OFFICER

SENIOR OFFICERS' PERSONAL INTERESTS DECLARATIONS

APPENDIX B TO THIS REPORT IS EXEMPT FROM PUBLICATION PURSUANT TO THE LOCAL GOVERNMENT ACT 1972, SCHEDULE 12A, PART 4, PARAGRAPH 12

Reason for this Report

1. To enable the Committee to review the personal interests declarations made by Senior Officers of the Council, in line with the requirements of the Council's Policy on Officers' Personal Interests and Secondary Employment.

Background

2. All Council employees are obliged, under the Employees' Code of Conduct, to ensure that their private interests do not conflict with their public duties, and to comply with the Council's rules on the registration and declaration of financial and non-financial interests (paragraph 8(1) of the Code).
3. The Standards and Ethics Committee has responsibility to advise the Council on this issue, pursuant to paragraph (c) of its approved terms of reference:

“(c) To advise the Council on the effective implementation of [its Ethical] Code including such matters as the training of Members and employees on the Code's application.”
4. The Council's policy on Officers' Personal Interests and Secondary Employment (“the Policy”), **Appendix A**, adopted in February 2015, says the Monitoring Officer is responsible for reviewing the policy, in consultation with the Standards and Ethics Committee, to ensure it is effective.
5. At its meeting in March 2019, the Committee reviewed the Council's rules and resolved to recommend publication of a Register of Senior Officers' Outside Business Interests with effect from April 2019. This recommendation has been implemented. The information can be found on the Council's Register page of its Website: <https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/registers/Pages/default.aspx>

6. Members also decided to give further consideration to the disclosure requirements for Senior Officers. A further report was considered by the Committee on 11th December 2019. The Committee decided to make no changes to the current disclosure requirements for Senior Officers' Personal Interests, on employment law and data protection grounds. However, it requested that the information contained in the Senior Officers' Personal Interests Declaration Forms (save for information relating to a Senior Officer's Trade Union membership status and home address) should be brought to the Committee annually for them to review, and agreed that the Deputy Monitoring Officer should consult on this proposal with the staff concerned.
7. In September 2020, following consultation with the Senior Management Team, the Committee received a further report on this issue and agreed to annually review Senior Officers' Personal Interests Declaration Forms (save for information relating to a Senior Officer's Trade Union membership status and home address, which would be redacted).

Issues

8. The Council should not interfere unnecessarily with the private lives of its staff, but it needs to have effective arrangements in place to ensure Council staff carry out their duties in a fair and unbiased way, without being influenced by their own personal interests.
9. The Council's Policy on Officers' Personal Interests and Secondary Employment ('the Policy', **Appendix A**) aims to provide rules and guidance to help protect the Council and its staff from criticism, misunderstanding and allegations of impropriety; and to ensure that any conflicts of interest are managed effectively and transparently.
10. Under the Policy, Senior Officers (defined as Chief Officers, Assistant Directors and above, in keeping with the definition of Chief Officers under the Localism Act 2011 and reflected in the Council's Pay Policy) are subject to additional disclosure requirements in the interests of transparency and accountability. They are required to disclose any:
 - a) Outside business interests – this requirement is imposed in employment contracts and, in accordance with the Information Commissioner's Office model Publication Scheme and the recommendations of the Standards and Ethics Committee (please see paragraph 5 above), a register of such interests is published on the Council's website;
 - b) Conflicts of interest between their personal interests and duties to the Council – this duty is imposed in the statutory Employees Code of Conduct (paragraph 8);
 - c) Financial interests in a Council contract (existing or proposed) – this is a statutory requirement imposed by section 117 of the Local Government Act 1972; and
 - d) Details of any company or body owned or controlled by the Senior Officer or their spouse or partner or any of their children or dependents (this is an audit requirement) in relation to 'related party' disclosures for the Council's

Statement of Accounts, imposed by the CIPFA Code of Practice and section 21(2) of the Local Government Act 2003.

11. Senior Officers' Personal Interests Declaration Forms are held by the Monitoring Officer and officers are asked to update their declarations annually. The Senior Officers' Personal Interests Declarations for 2021 are attached as **Appendix B (Exempt from publication)**.
12. Members may wish to note that a new online system is being developed for recording officers' personal interests and secondary employment, in keeping with the Council's principle of digitalisation of processes, and recommendations made by Internal Audit following a review of this area. This digitalisation of the current paper based process will improve the efficiency and effectiveness of the existing administrative arrangements for recording declarations of interests and make compliance information available for managers. The new system will apply to all Council officers, including Senior Officers, although the declaration form and process for Senior Officers will reflect the additional disclosure requirements which apply to those officers under the Council's Policy. The digital system requires no change to the current Policy. The trade unions have been consulted and have raised no concerns. The new digital system is intended to be rolled out across the Council in the Autumn.

Legal Implications

13. As the Monitoring Officer is one of the Council's Senior Officers, she has a conflict of interest in this matter, so this report and the legal advice have been provided by the Deputy Monitoring Officer.
14. The information contained within Senior Officers' Personal Interests Declaration Forms is 'exempt information' as defined by Paragraph 12 of Schedule 12A, Part 4 of the Local Government Act 1972, ie. 'information relating to a particular individual.' Information relating to individuals is exempt from publication, if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Statute requires a register of Members' personal interests to be published online (the Local Government Act 2000, section 81), but there is no similar requirement for officers. Given that the Council's Policy already provides for the oversight of Senior Officer's interests by the Monitoring Officer, who has a statutory duty to uphold high standards of conduct, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Deputy Monitoring Officer therefore advises that the public should be excluded when this information is brought to Committee.
15. Data Protection laws (the General Data Protection Regulation 2016, 'GDPR', and Data Protection Act 2018) control the use of personal information (any information about living identifiable individuals). Information about officers' home addresses and membership of other organisations is 'personal data' – meaning it may only be processed for specified purposes, if there is a lawful basis for the Council to do so. Trade union membership is classed as 'special category'

personal data under Data Protection laws, meaning that there are more stringent restrictions on processing such information.

16. Where there is a statutory requirement for officers to disclose certain personal interests (eg. interests in Council contracts and 'related party disclosures' required under audit rules), the legal obligation provides the GDPR lawful basis for the Council's processing of this information. GDPR also allows the Council to process certain personal information about its staff (home address, next of kin, bank details etc) in order to discharge its employment rights and duties under its contracts of employment. However, this information may not be used for other purposes unless the Council can demonstrate it has a lawful basis to do so.
17. The information set out in the Senior Officers' Personal Interests Declarations (**Appendix B**) is being reported to the Committee, with the consent of Senior Officers, for the Committee to satisfy itself in relation to the effectiveness of the Council's rules on the registration and declaration of financial and non-financial interests (paragraph 8(1) of the Employees' Code of Conduct) and to discharge the Committee's responsibilities under its approved terms of reference. This information must not be disclosed to third parties or used for any other purpose.
18. Other relevant legal provisions are set out in the body of the report.

Financial Implications

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

RECOMMENDATIONS

The Committee is recommended to note the information contained within the Senior Officers' Personal Interests Declarations attached as **Appendix B** and make any comments, as appropriate.

James Williams

Operational Manager, Litigation & Deputy Monitoring Officer

1st July 2021

Appendices

Appendix A Officers' Personal Interests and Secondary Employment Policy

Appendix B Senior Officers Personal Interests Declaration Forms 2021 (this Appendix is exempt from publication pursuant to the Local Government Act 1972m schedule 12A, Part 4, Paragraph 12)

Background Papers

Standards and Ethics Committee report 'Officers' Personal Interests and Secondary Employment Policy', March 2019

Standards and Ethics Committee reports 'Senior Officers' Personal Interests, December 2019 and September 2020

Mae'r dudalen hon yn wag yn fwriadol



OFFICERS' PERSONAL INTERESTS & SECONDARY EMPLOYMENT POLICY

APPROVED BY	Cabinet
APPROVAL DATE	19/02/2015
DOCUMENT OWNER	Monitoring Officer

Contents

SECTION	CONTENT	PAGE NUMBER
Introduction	Aims and Scope of Policy	3
Rules and Requirements	Key Requirements and the Law	4
	Conflicts of Interest	5
	Private or Other Work, Business or Employment	7
Roles and Responsibilities	Staff Responsibilities	8
	Management Responsibilities	9
	Monitoring Officer Responsibilities	9
	HR People Services Responsibilities	10
Procedure	What do I need to do?	10
Appeals	Appeals procedure	11
Other General Provisions	Data Protection	12
Related Documents		12

INTRODUCTION

1. The public is entitled to expect the highest standards of conduct from all Council staff. In performing their duties, staff must act with integrity, honesty, impartiality and objectivity, as set out in the Nolan principles of public life.
2. The Council is committed to undertaking its work in a fair and professional way. Whilst the Council does not wish to interfere unnecessarily with its staff's private lives or activities outside of their contracted hours, it is essential that staff do not allow any private or personal interests, including interests arising from any other employment or business outside of the Council, to conflict with their duties to the Council.

Aim of this Policy

3. The aim of this Policy is to provide rules and guidance that will help to protect the Council and its staff from criticism, misunderstanding and any allegations of impropriety.
4. The Policy aims to ensure that all conflicts of interest are managed transparently, and that an officer's secondary employment does not undermine the performance of their Council duties in any way.

Scope - Who is covered by this Policy?

5. This Policy applies to all Council staff (including interim staff and school based employees other than teachers), irrespective of their employment status or grade.
6. Agency workers must comply with the requirements for disclosing conflicts of interests (paragraphs 16 to 24 of this Policy), but do not need to disclose any other work, unless that work also presents a conflict of interest.
7. The Policy is also commended to School Governing Bodies.

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Tudalen 25	Authoriser: Cabinet	Page 3 of 13
------	----------	----------------	--	------------------------	--------------

RULES and REQUIREMENTS

Key Requirements

8. All Council staff are required under this Policy to disclose:
- i) any personal interest which conflicts, or may conflict, with their duties to the Council;
 - ii) any secondary employment; and
 - iii) any financial interest in a contract with the Council.

Guidance on these requirements is set out below.

The Law

9. All Council employees are required to comply with the statutory Code of Conduct for Local Government Employees, which is embedded within the Council's Constitution and published on the Council's website (except teachers, who have their own Code of Conduct).
10. Under paragraph 8 of the Employees Code of Conduct, employees are under a duty not to allow private interests to conflict with their public duties and to comply with the Council rules on declarations and registration of interests.
11. The Code of Conduct is incorporated by law into the employment contracts of all Council employees, and failure to comply with the Code may result in disciplinary action.
12. Employees' contracts of employment also impose legal obligations in respect of any other employment (see paragraph 26 (i) and paragraph 27 below.
13. Council officers have a statutory duty (under the Local Government Act 1972, section 117) to give written notice of

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Tudalen 26	Authoriser: Cabinet	Page 4 of 13
------	----------	----------------	--	------------------------	--------------

any financial interest they may have in a Council contract (any contract which has been, or is to be, entered into by the Council). Failure to do so is a criminal offence.

14. The Council has a duty of care under the Working Time Regulations to monitor the number of hours worked by its staff.
15. Senior Officers (Chief Officers and above) are subject to additional disclosure obligations in respect of their outside business interests, to meet the legal requirements of the Council's annual Statement of Accounts (see paragraph 28 below).

Conflicts of Interest

16. You must not:
 - i) allow your private interests or beliefs to conflict with your professional duty; or
 - ii) misuse your position within the Council or information acquired in the course of your job to advance your personal interests or the interests of others.
17. In order to protect the reputation of the Council and its employees, you are required to formally disclose all potential conflicts of interest (as well as actual conflicts) – this means you must disclose any interest which may, or may be seen to, conflict with your Council duties, using **Form 1** (or for Senior Officers, Form 2). If you are unsure about a possible conflict of interest, you should seek advice from your line manager.
18. Private and personal interests include those of your close family and friends (that is, anyone with whom you have a close personal association), as well as those arising through business and financial interests and membership of clubs, societies or other organisations.
19. It is impossible to list every situation in which a conflict of interest may arise, as this will depend on the particular circumstances of each case, but guidance is given below.

20. You must formally disclose any links you may have (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner, contractor or employee) with an outside organisation which may:
- i) receive (or be applying for) grants or other benefits from the Council, IF you are involved in the grant allocation process
 - ii) work for the Council, or supply goods and services to it (or tendering for such work or preparing to do so)
 - iii) campaign, lobby or seek to influence the Council's policies
21. You must formally disclose:
- i) any regulatory applications made to the Council by yourself or any person or body with which you are associated, IF you have any connection or personal relationship with a member of staff within the relevant section dealing with the application
 - ii) any personal interest you may have in a matter being dealt with at the Council by yourself or a member of staff with whom you have any connection or personal relationship.
22. You must ensure that if you enter into a personal relationship with an Officer or a Councillor, who is able to apply influence to your benefit, you declare this to your line manager, to avoid accusations of favouritism and bias.
23. You must avoid:
- i) Involvement in any appointment decision or other decision relating to discipline, promotion, pay and conditions for any other employee (or prospective employee) to whom you are related or with whom you have a close personal relationship outside work. This includes appointments to, and employees of, Cardiff

Ref:	Issue: 1	Date: May 2017	Process Owner: Monitoring Officer Tudalen 28	Authoriser: Cabinet	Page 6 of 13
-------------	-----------------	-----------------------	--	-------------------------------	------------------------

Works. If you have any such relationship, you must disclose it to your manager and HR.

- ii) Acting as a professional representative on behalf of a friend, partner or relative in their dealings with the Council, except in relation to disciplinary or grievance proceedings so long as this does not conflict with your normal duties to the Council.

- 24. It is a fundamental principle that no related people should be employed in Council jobs where one is involved in the ordering of goods and services and the other passes the invoices for payment.

Private or Other Work, Business or Employment

- 25. You must not engage in any other work if there is a conflict of interest with the Council. Before you take up any other work, whether it is paid or unpaid, for yourself, other organisations or other parts of the Council, there are some rules which you must follow to ensure that this does not conflict with the interests of the Council or affect your ability and credibility to do your job.

- 26. You must:

- i) Formally disclose any other employment (whether inside or outside the Council) – this is a requirement of your contract of employment with the Council. You should note that the Council reserves the right to advise you that you may not carry out any additional employment, IF this may create a conflict of interest or health and safety / duty of care implications.
- ii) Ensure that any other work is done in your own time and not:
 - a) During Council time (or the contracted hours for that job)
 - b) Use Council property (including information which belongs to the Council), premises or equipment (other than for the job for which it has been supplied)

- c) When you are on sick leave (unless your manager has given written consent or you can demonstrate to the Council's satisfaction that this is reasonable)
 - d) When it may adversely affect performance of your Council duties (or your main job within the Council)
 - e) When it may be seen to be against the interests of the Council or reduce public confidence in the Council
- iii) Ensure there is no conflict of interest (please see paragraphs 16 to 24 above).
 - iv) Get formal written permission from your manager before you take up any (paid or unpaid) private work for any person or organisation that supplies, or is tendering to supply, goods or services to or from the Council or its contractors and suppliers.
 - v) Declare in writing to your manager any fees paid to you from outside bodies for any work you do in the course of your job and on behalf of the Council (for example, fees for a lecture). You should be entitled to retain any fees paid for work done during your own time.
27. Senior officers (Chief Officers, Assistant Directors and above), must obtain consent from the Council before engaging in any other business or taking up any other appointment – This requirement is imposed in their contracts of employment.
28. Senior officers (Chief Officers, Assistant Directors and above) must also disclose any companies or other bodies in which they, or a close member of their family, have control or ownership – This is an audit requirement for the Council's annual Statement of Accounts (and further advice on these audit requirements is available from the Technical Accountancy Team in Financial Services).

ROLES and RESPONSIBILITIES

29. It is important that everyone clearly understands their roles and responsibilities within this process.

Staff Responsibilities

30. All staff must:
- i) Consider whether their private and personal interests conflict, or have the potential to conflict, with their official duties; and avoid such conflicts wherever possible
 - ii) Formally disclose all actual or potential conflicts of interest
 - iii) Formally disclose all secondary employment
 - iv) Disclose any relevant changes as and when they occur.

Management Responsibilities

31. Managers must:
- i) Comply with the policy in respect of your own conflicts and potential conflicts of interest and any secondary employment.
 - ii) Facilitate compliance by your staff by being aware of the risks inherent in the type of work they do and monitoring the work of staff and the risks to which they are exposed.
 - iii) Forward any Form 1 completed by staff to your Operational Manager
 - iv) Report breaches of this Policy to your Operational Manager or next level of management (if appropriate), HR People Services and external agencies where appropriate.

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Tudalen 31	Authoriser: Cabinet	Page 9 of 13
------	----------	----------------	--	------------------------	--------------

32. Operational Managers and above – You must:
- a) Consider, determine and manage conflicts of interest and secondary employment of your staff
 - b) Ensure that records of disclosures under this Policy are kept, regularly reviewed and kept up to date.

Monitoring Officer Responsibilities

33. The Monitoring Officer will:
- i) Establish a system for managing conflicts of interest in the form of a clear policy for all staff to follow
 - ii) Review the Policy, in consultation with the Standards and Ethics Committee, and have authority to make any minor amendments, to ensure that it is effective
 - iii) Advise on any specific queries regarding the implementation of the Policy, as necessary
 - iv) Maintain a register of personal interests disclosed by Senior Officers.

HR People Services Responsibilities

34. HR People Services will advise on any employment or staffing issues arising from the operation of this Policy, for example, disciplinary action in the event of a breach.

Ref:	Issue: 1	Date: May 2017	Process Owner: Monitoring Officer	Authoriser: Cabinet	Page 10 of 13
-------------	-----------------	-----------------------	--	----------------------------	-----------------------------

PROCEDURE

What do I need to do?

35. You must complete Form 1* to disclose:
- (i) Any actual or potential conflict of interest – please note, you only need to disclose a personal interest if it conflicts, or may conflict, with your duties to the Council;
 - (ii) any secondary employment – all secondary employment must be disclosed, inside or outside of the Council; and
 - (iii) any changes in the above information, which must be notified within 28 days of the change.

You do not need to complete Form 1 in any other case.

[*Senior Officers, that is, Assistant Directors and above, must complete Form 2.]

36. The Operational Manager (or next level of management, where appropriate), in consultation with the staff member, will determine whether:
- i) a personal interest exists; and
 - ii) the personal interest (if one exists) is such that there is a conflict with the staff member's duties,

And will notify the staff member of their decision within 10 working days from receipt of the Form (“the Decision Notification”).

37. If it is determined that a conflict does exist, the Operational Manager (or next level of management, where appropriate) will need to assess whether there can be an adjustment of duties, or any other action should be taken, to avoid the conflict.
38. If it is not possible for management to readjust work duties or take other precautions to avoid the conflict, the staff member

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Tudalen 33	Authoriser: Cabinet	Page 11 of 13
------	----------	----------------	--	------------------------	---------------

will be notified within 10 working days from the Decision Notification (“the Conflict Notification”) and given the opportunity to appeal against this decision – see paragraphs 40 to 46, ‘Appeal Rights’ below.

39. Where a staff member declines to cease the activity pending the appeal, the Manager shall consider whether it is possible to agree a temporary reallocation of tasks to remove the conflict, failing which, the Manager may instigate a disciplinary investigation in accordance with the Council’s Disciplinary Policy, and will consider whether the staff member should be suspended from duty.

APPEALS

40. Where the Operational Manager (or next level of management, where appropriate) has confirmed that there is a conflict, the staff member shall have a right of appeal.
41. The staff member must indicate the grounds for their appeal e.g. that there is no personal interest or there is no conflict, and explain the reasons for their view.
42. The appeal must be submitted within 10 working days from the Conflict Notification (see paragraph 38 above).
43. The appeal will be considered by the next level of management within the Directorate, or by another Director, as appropriate.
44. The staff member will be contacted with the outcome of the appeal within 10 working days from submission.
45. If the appeal is not upheld and the conflict is still considered to exist, then the staff member will have the option of immediate cessation of the activity or resignation from their post within the Council.
46. If the staff member chooses to remain employed by the Council and it is found that the activity has not ceased then a Disciplinary Investigation will be instigated in accordance with the Council’s Disciplinary procedure.

OTHER GENERAL PROVISIONS

Data Protection

47. Information held in relation to this Policy will be managed in accordance with data protection law.

RELATED DOCUMENTS

Form 1 Declaration of Personal Interests and Secondary Employment
Form 2 Senior Officers' Personal Interests Declaration Form

Employee Code of Conduct

Code of Guidance Working Time Regulations

Disciplinary Policy

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Tudalen 35	Authoriser: Cabinet	Page 13 of 13
------	----------	----------------	--	------------------------	---------------

Mae'r dudalen hon yn wag yn fwriadol

Yn rhinwedd paragraff (au) 12 Rhan (nau) 4 a 5 o Atodlen 12A
o Ddeddf Llywodraeth Leol 1972.

Mynediad Cyfyngedig i'r Ddogfen

Mae'r dudalen hon yn wag yn fwriadol

CYNGOR CAERDYDD
CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

7th JULY 2021

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

OBSERVATION OF MEETINGS

Reason for this Report

1. To allow the Committee to consider the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

Background

2. The Committee has agreed that observation of Council, Committee and Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Committee of any issues relating to standards and conduct.
3. The Committee has approved a feedback profroma for use by the Members of the Committee when observing meetings. Members have been asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.

Issues

4. Meeting observation feedback has been received in respect of the St. Fagans Community Council AGM and Ordinary Meeting held on 10th May 2021 (one feedback form completed in relation to both meetings); and the Planning Committee meeting held on 6th June 2021. The completed observation forms are appended as **Appendix A**.
5. Members will note that all three meetings observed were held virtually (remotely) using video conferencing facilities, in line with the legislative requirements of the Local Government and Elections (Wales) Act 2021, which requires all authorities (including principal authorities and community councils) to make arrangements to allow remote attendance at their meetings.

6. Members will also note that the feedback on all three meetings is positive in relation to standards of conduct as well as the management of the meeting.
7. The feedback in relation to their meetings has also been shared with the Clerk to St. Fagans Community Council and the Planning Committee Chair respectively, for their information.
8. In relation to the Community Council meeting, Members will note the feedback indicating that the agendas were published on the website and made available at the meeting, but the minutes of the previous meetings and the documents being considered at the meeting were not available on the website. The Clerk to the Community Council has responded to this feedback to say that the minutes were in fact published on the website and he supplied a website link to confirm this.
9. Community Councils are required to publish electronically the agenda and minutes of the proceedings of the council's meetings and, in so far as reasonably practicable, any documents relating to the business to be transacted at the meeting (sections 55 and 57 of the Local Government and Democracy (Wales) Act 2013).
10. Members may recall considering this issue previously, at its meeting in December 2020, in relation to feedback on another community council meeting. At its meeting in December 2020, the Committee made a recommendation to that community council that, as a matter of best practice, to facilitate transparency and public engagement, the community council should consider also publishing:
 - i. draft minutes, clearly marked as 'draft', rather than waiting for minutes to be approved before publishing them (as well as approved minutes which were published); and
 - ii. any reports relating to business items to be discussed at the meeting.
11. It was also agreed that the Monitoring Officer would be asked to raise the general issue of publishing meeting documents with Clerks at the next quarterly meeting to make the same recommendation to other Community Councils; and this issue was duly discussed at the Monitoring Officer's meeting with Clerks in January 2021.
12. Members may also wish to note that new legislation, which comes into effect in May 2022, will place a duty on community councils to give members of the public reasonable opportunities to make representations about any item of business due to be discussed at the meeting (section 48 of the Local Government and Elections (Wales) Act 2021). Community Councils will have discretion on what opportunities to provide, but must have regard to any statutory guidance on this matter.
13. All forthcoming Cardiff Council and Committee meetings are to be held remotely until further notice, due to Covid-19 restrictions. Details of all meetings are listed in the calendar of meetings, which is regularly circulated to Standards and Ethics Committee members and is published on the Council's website, here: <http://cardiff.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1&LLL=0> Independent members, and in particular, newly appointed members, are encouraged to observe a full Council meeting and a Committee meeting.

14. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. Members are advised to contact the Clerk to confirm the meeting is going ahead and to check arrangements for attending. Community Council website links and Clerks contact details are accessible here:

<https://www.cardiff.gov.uk/ENG/Your-Council/Voting-and-elections/Community-councils/Pages/Community-councils.aspx>

Legal Implications

15. There are no direct legal implications arising from the content of this report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- (1) Note the meeting observation feedback received, as set out in **Appendix A** to the report;
- (2) Consider whether to make any recommendations or further comments in relation to the feedback, having regard to the information set out in the report; and
- (3) Continue to observe appropriate meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

1st July 2021

Appendix

Appendix A Meeting Observation Feedback Forms for St Fagans Community Council AGM and Ordinary Meeting on 10th May 2021; and Planning Committee meeting on 6th June 2021

Background papers

Standards & Ethics Committee report, 'Observation of Council, Committee and Community Council Meetings, December 2020

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	ST FAGANS COMMUNITY COUNCIL AGM and MEETING
Date:	10 TH MAY 2021 at 7.00 pm

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting held virtually (Zoom)
Name plates/ identification of Committee; Witnesses and Officers:	All participants names were displayed on the link
Ability to hear proceedings:	The sound quality was very good
Agenda and reports availability:	The agenda for the meetings was on the Council's website. The agenda was also made available to me by the Clerk on the day of the meeting. The minutes of the previous meetings in March and April were not available on the website. The documents being considered by members of the council at the meeting were not on the website so not available to the public.
Management of meeting:	Both Chairs handled the meetings very well
Clarity of decision making:	Decisions were clearly outlined and agreed

Possible Code of Conduct/ Standards and Ethics Issues:

There were no Code of Conduct/Standards and Ethics issues that need to be considered in relation to this meeting. All members behaved professionally.

There was strong level of agreement between the members on matters under consideration.

I agree that my feedback can be shared with the Council and/ or the Community Council (if applicable).

Name:	ARTHUR HALLETT
Date:	11/5/21

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Planning Committee
Date:	16.06.21

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	On-line
Name plates/ identification of Committee; Witnesses and Officers:	Cllrs all had video on and names visible and clear at the start and throughout proceedings.
Ability to hear proceedings:	No problem
Agenda and reports availability:	All available online
Management of meeting:	Efficient
Clarity of decision making:	Very clear.

Possible Code of Conduct/ Standards and Ethics Issues:
None

I agree that my feedback can be shared with the Council and/ or the Community Council (if applicable).

Name:	C.Nicholls
Date:	16.06.21

STANDARDS AND ETHICS COMMITTEE:

7 JULY 2021

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

WORK PROGRAMME 2021 - 20

Reason for this Report

1. To consider the Committee's Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2020/21.

Background

2. The Standards and Ethics Committee's Terms of Reference set 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 the essential Code of Conduct session.
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 Work Plan for 2021/22 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and 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. There are no direct financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to consider the 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
25 June 2021

Appendix

Appendix A Work Programme 2021 - 22

Background Papers
Standards & Ethics Committee Annual Report 2018/19.

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2021/22

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Gifts and Hospitality <i>Frequency of reporting – annual</i>	To monitor and review the acceptance of gifts and hospitality by Members.	Monitoring Officer	Medium	Scheduled	December 2021
(2) 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	Ongoing	ON AGENDA
(3) Member Briefings	To publish Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Scheduled	Early 2022
(4) Training	To consider induction training on the Members' Code of Conduct; and training for group leaders in relation to new duties for Members' conduct	Monitoring Officer	High	Ongoing	Early 2022
(5) Feedback from Observation of Council & Committee meetings	Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee	Independent Members of the Committee	Medium	Ongoing	ON AGENDA
(6) Whistleblowing Policy	To monitor and review the operation of the Council's	Monitoring Officer	Medium	Scheduled	Autumn 2021

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
	whistleblowing arrangements; and consider any ethical issues arising.				
(7) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	ON AGENDA
(8) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups; and consider new duties in relation to Members' conduct (coming into effect in May 2022)	Elected Members	Medium	Scheduled	September 2021
(9) Annual Report 2020/21	Prepare Annual Report 2020/21	Committee Chair/ Monitoring Officer	Medium	Scheduled	Autumn 2021
(10) Independent Member Appointments	To recruit 2 new independent members to fill vacancies arising in November 2021 and June 2022	Monitoring Officer / Committee	High	Scheduled	Autumn 2021
(11) Social Media Codes	To consider developing (i) a Members' Code of Principles on Social Media Use; and (ii) a Partner Organisations' Code of Practice on Social Media	Monitoring Officer / Committee	Medium	Scheduled	ON AGENDA