

STANDARDS & ETHICS COMMITTEE: 25 OCTOBER 2022

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

ANNUAL REPORT 2021/22

Reason for this Report

1. To enable the Committee to consider the content of its Annual Report 2021/22 and approve arrangements for the report to be finalised and presented to full Council.

Background

2. In order to maintain the profile of the Standards and Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee has a long-established practice of presenting an annual report to full Council on the work it has undertaken during the municipal year.
3. The Committee's Annual Report 2020/21 was presented to full Council by the Chair of the Committee in October 2021. The Chair confirmed that the number of conduct complaints remained low and standards of conduct were generally high, although a significant number of complaints continued to involve social media comments, and therefore the Committee had been pleased to lead on the development of Cardiff's Social Media Codes. The Committee's Annual Report 2020/21 was well received by Members and the Lord Mayor thanked the Committee for its report and thanked the Chair for his leadership of the Committee.

Issues

4. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), section 63, introduces a new statutory requirement for Standards Committees to produce an annual report on the exercise of their functions. The annual report is to relate to the financial year and must be presented to full Council as soon as reasonably practicable after the end of the financial year.

5. The new statutory requirements take effect from the financial year 2022/23, and must be reflected in the Committee's annual report for 2022/23. Nevertheless, it is recommended that the Committee take account of the new requirements in its Annual Report 2021/22 by way of preparation for compliance with the new requirements.
6. Under the new statutory requirements and draft statutory guidance issued by the Welsh Ministers ([Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)), the annual report from 2022/23 must:
 - (i) describe how the Committee's functions have been discharged during the financial year;
 - (ii) in particular, must include a summary of what has been done to discharge the Committee's statutory functions (under sections 54 and 56 of the Local Government Act 2000) namely:
 - (a) its general function to promote and maintain high standards of conduct by Members and Co-Opted Members of the Council and to assist them to observe the Code of Conduct;
 - (b) its specific functions to advise the authority on the adoption or revision of a code of conduct; monitor the operation of the code of conduct; and provide advice or provide or arrange training on the code of conduct for members of the authority;
 - (c) its new specific functions of monitoring compliance by political group leaders with their duties in relation to standards of conduct; and advising, training or arranging to train political group leaders about matters relating to those duties; and
 - (d) the exercise of the functions referred to in sub-paragraphs (a) and (b) above in relation to members of Community Councils in its area.
 - (iii) include a summary of reports and recommendations made or referred to the Committee by the Ombudsman (under Chapter 3 of Part 3 of the Local Government Act 2000), and any subsequent action taken by the Committee;
 - (iv) include a summary of notices given to the committee by the Adjudication Panel for Wales (under Chapter 4 of Part 3 of the Local Government Act 2000) in relation to the Panel's decisions on possible breaches of the member code of conduct;
 - (v) describe the advice it has provided on training for all members and how that has been implemented; and
 - (vi) include the Committee's assessment of how political group leaders have complied with their new duty to promote high standards of conduct, (under section 52A(1) of the 2000 Act, inserted by section 62 of the 2021 Act, taking effect from 5th May 2022), including the advice the standards committee has provided and the training it has suggested.

7. The annual report may also include:
 - (i) recommendations to the authority about any matter in respect of which the Committee has functions; and
 - (ii) a report on the number of cases considered under local resolution processes.

8. The Committee will be pleased to note that the information routinely included in the Committee's annual reports covers the new statutory requirements, although it may wish to give consideration to:
 - (i) whether the report should be restructured to address each of the Committee's statutory functions (general and specific, as set out in paragraph 6(ii) above); and or
 - (ii) whether the Committee wishes to make any specific recommendations to the Council and or Community Councils in relation to matters within its remit. For example, in recognition of the limited resources available to support the work of the Committee, and the provisions of the Committee's terms of reference paragraph (j) 'To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties', the Committee may wish to recognise that the Council has a challenging budget position, and note that the resources available for the work of the Committee are limited and that its work cannot always be prioritised over other work.

9. Members may wish to note that the draft statutory guidance states that:

'The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority's consideration of a report will be a matter of public record through the published minutes of the meeting.

It would be good practice for Standards Committees to share their Annual Reports with the Public Services Ombudsman for Wales.'

10. The annual report must be presented to full Council and also to the Community Councils in its area; and must be considered within 3 months from the date it is received.

11. During the financial year 2021/22, the Committee met on three occasions, on the following dates: 7th July 2021; 6th October 2021; and 9th February 2022. Based on the standard format of previous annual reports, the new statutory requirements and draft guidance on the contents of the annual report and the work undertaken by the Committee during the last year, suggested contents include:
 - a) Chair's Foreword – the Chair is invited to introduce himself as the new Chair of the Committee, set the context for the report, noting that the

Committee's long established practice of presenting its annual report to full Council is being placed onto a statutory footing under the Local Government and Elections (Wales) Act 2021. The Chair may wish to note that the reporting period includes the run up to the local government elections 2022 and that the Committee has been pleased to observe that standards of conduct generally have remained high. The Chair may wish to refer to changes in the Committee's membership and thank the outgoing Chair and Committee members for their valued contribution to the work of the Committee.

- b) Principles of public life – to remind Members of the ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995.
- c) Role of the Committee – to set out the Committee's terms of reference, including new statutory duties introduced under the 2021 Act, and how the Committee approaches its role.
- d) Work undertaken by the Committee during 2021/22:
 - i. Social Media Codes – to report on the Social Media Codes developed by the Committee in response to a Council Motion, following full Member consultation and support from party groups, and subsequently adopted by full Council.
 - ii. Senior Officers' Personal Interests – to report on the Committee's review of the declarations of senior officers' personal interests and observations made.
 - iii. Whistleblowing reports 2020 – to report on the Committee's review of whistleblowing reports made during 2020 and observations made.
 - iv. Ombudsman's Annual letter, Annual report and Casebook 2020/21 – to report on the Committee's consideration of the Ombudsman's Annual letter, Annual report and Casebook 2020/21
 - v. Gifts and Hospitality received by Members – to report on the Committee's routine review of the Members Hospitality Register
 - vi. Member Briefing – to note the Briefing issued by the Committee to update Members on the work of the Committee and provide advice and guidance on various relevant issues.
 - vii. Review of the Ethical framework – the Committee considered a report produced following the independent review of the statutory ethical framework, and to note observations made in this regard
 - viii. Preparation for Local Elections 2022 – to note the arrangements approved by the Committee, including a letter sent to all election candidates reminding them about the importance of maintaining high standards of conduct, and training on the Code of Conduct within the Member Induction Programme.

- ix. Observation of meetings - to report on the Committee's feedback following observation of meetings of full Council and Community Council meetings.
 - x. Independent Member vacancies – to note that the Committee carried out a public appointments process to recruit and select 2 new Independent Members to fill vacancies which arose.
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- e) Complaints about Member conduct – to give an overview of complaints reported during the year, including those considered under the Local Resolution Protocol, and note that no referrals were received from the Ombudsman nor were any notices received from the Adjudication Panel for Wales
 - f) Meeting with Group Leaders and Whips - To report on the Committee's annual meeting with group leaders and whips held in October 2021 and discussions about the new duty being introduced for leaders in relation to standards of conduct and arrangements for monitoring compliance with that duty.
 - g) Future work priorities, to reflect the Committee's Forward Work Plan 2022/23 and note that work will be progressed as resources permit.
 - h) Recommendations – whilst recognising that the Council has a challenging budget position, to note that the resources available for the work of the Committee are limited and therefore the Committee's work cannot always be prioritised over that of other Council priorities.
 - i) Committee members biographies and Committee meeting attendance figures.
 - j) Contact details for the Chair, the Monitoring Officer and the Ombudsman.

12. The Committee is invited to consider its Annual Report 2021/22, having regard to the suggestions above, and provide any appropriate comments.

Legal Implications

13. Relevant legal provisions are referred to in the body of the report. There are no other direct legal implications arising from this report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents and structure of the Committee's Annual Report 2021/22;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee;
- 3) Ask the Chair to present the Committee's Annual Report 2021/22 to the next suitable meeting of full Council; and
- 4) Instruct the Monitoring Officer to send the Committee's Annual Report 2021/22 to each of the Community Councils in Cardiff, and a copy to the Public Services Ombudsman for Wales.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

10th October 2022

Background papers

Standards & Ethics Committee Annual Report 2020/21; and minutes of Council meeting October 2021

Standards and Ethics Committee minutes July 2021; October 2021; and February 2022