

STANDARDS & ETHICS COMMITTEE:

25 OCTOBER 2022

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

MEMBER BRIEFING

Reason for this Report

1. To enable the Committee to consider the content of its next Member Briefing and approve arrangements for the Briefing to be finalised and issued.

Background

2. In line with recommendations made by the Wales Audit Office Corporate Assessment Follow-On Report (2016), the Standards and Ethics Committee has agreed to publish periodic Member Briefings on the work of the Committee. The aim of the Briefings is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour, and provide Members with relevant information and guidance as necessary.
3. The Committee issued its first Member Briefing in 2016 and has issued one or two briefings each year since then. In recognition of the fact that presentation of the Committee's Annual Report to Council may serve a similar purpose, the Committee has agreed that briefings shall be issued as and when appropriate, rather than at specified intervals.
4. The last Member Briefing was issued in April 2022 to all Councillors, including Community Councillors (through their Clerks), emphasising the importance of maintaining high standards of conduct in the highly pressurised period leading up to the local government elections; and was reissued to all newly elected Councillors following the local elections in May 2022.

Issues

5. The Committee is invited to consider and provide comments on its next Member Briefing, including the topics to be included and the timing for issuing it. Suggested contents include:

Chair's Foreword

- To welcome all Members, returning Members and newly elected Members, to the first Briefing for the new Council elected in May 2022.

Committee Membership

- To note the current membership and changes, including the election of a new Chair, new elected Member appointments and the Community Council representative and substitute.

The Cardiff Undertaking

- To note that all Members are requested to publicly affirm their commitment to the Cardiff Undertaking at the Annual Council meeting each year, however as two members have declined to sign this and it has no legal standing, to note the proposal that a review of the Undertaking is carried out as part of the Committee's work plan 2022/23.

Members' Social Media Code

- To note that social media comments continue to feature frequently in Member conduct complaints; and remind Members of the Codes developed by the Standards Committee and adopted by full Council in October 2021.

New duties for Group Leaders and Standards Committees

- To note the new duties of group leaders in relation to standards of conduct and the arrangements being made by the Committee with group leaders to support compliance.

Member Conduct Complaints

- To report on the number of complaints received during 2022, which included the pre-election period, and remains relatively low; and provide an overview of the outcomes.

Local Resolution Protocol

- To confirm that the local resolution protocol continues to provide a helpful process for resolving Member disputes in a timely and proportionate way. To encourage Members to raise any genuine complaints under the Local Resolution Protocol, but be mindful of the right to freedom of expression and the higher level of protection afforded to political expression.

Ombudsman's Decisions on Complaints

- To highlight key points taken from recent decisions of the Ombudsman on conduct complaints, which provides helpful guidance for Members on the application and interpretation of the duties in the Code of Conduct (as reported to Committee in June 2022).

Community Councils

- To note that the Monitoring Officer continues to hold quarterly meetings with Community Council Clerks to provide advice and support in relation to conduct issues.
- To encourage all Community Councillors to attend training on the Code of Conduct, which is available from One Voice Wales, and may also be arranged by the Monitoring Officer.

- To report that Committee members continue to observe Community Council meetings and have provided constructive feedback, which has been well received.
- To reiterate that Community Councillors are welcome to attend Standards and Ethics Committee meetings (and provide appropriate details).

Annual Report 2021/22

- To note that the Committee's annual report is being placed onto a statutory footing and provide a link to the Annual Report presented to Council.

Gifts and Hospitality

- To remind Members that the Committee routinely reviews the Register of Members' Gifts and Hospitality; and reiterate the importance of promptly (within 28 days of receipt) registering any gifts or hospitality with an estimated value over £25.

Training and Development

- To report on the training on the Code of Conduct, delivered as a mandatory session within the Member Induction Programme 2022, and the number / percentage of Members who have completed it.
- To invite Members to contact the Monitoring Officer if there are any specific conduct issues they would like further training or advice on.

Observation of Meetings

- To note that independent members of the Committee continue to attend meetings of Council, Cabinet, Committees and Community Councils, to observe standards of conduct and provide feedback.

Advice

- To confirm that advice on any conduct issue is available from the Monitoring Officer or her Deputy (with contact details)

Feedback or Further information

- To invite feedback.
- To inform Members that they can contact the Standards and Ethics Committee Chair or Vice-Chair directly (and provide contact details)

6. It is proposed that the Member Briefing should be issued to all Members of Cardiff Council and Cardiff's six Community Councils after the Committee's Annual Report 2021/22 has been presented to full Council.

Legal Implications

7. There are no direct legal implications arising from this report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents and timing of the Member Briefing, as set out in the report;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the Briefing, having regard to comments provided by Members of the Committee; and
- 3) Instruct the Monitoring Officer to issue the finalised Member Briefing to all Members of Cardiff Council and Cardiff's six Community Councils.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

10th October 2022

Background papers

Standards and Ethics Committee, 'Member Briefing', Edition 6, April 2022

Standards and Ethics Committee report, Members' Code of Conduct Complaints Update – Quarter 4 of 2021/22, 22 June 2022