

STANDARDS & ETHICS COMMITTEE

22 SEPTEMBER 2015

Present: Independent Members: Richard Tebboth (Chair), James Downe,
Hollie Edwards-Davies and Hugh Thomas

Councillors Cowan, Margaret Jones and Phillips

Community Councillor John Hughes

1 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete 'personal interest' forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote. The following declarations were made:

<i>Committee Member</i>	<i>Item</i>	<i>Nature of Interest</i>
Community Councillor John Hughes	Item 9 iv	Community Councillor Hughes is a member of St Fagans Community Council
Councillor Phillips	Item 9 iv	Councillor Phillips husband is a member of a community council

2 : MINUTES

The minutes of the meeting of the Standards & Ethics Committee held on 21 April 2015 were agreed as a correct record of the meeting and signed by the Chairperson subject to the following correction:

Minute No S33 – DECLARATIONS OF INTEREST - Page 1, - amend to record that Councillor Georgina Phillips declared an interest in relation to agenda item 8 – Community Councils Charter; namely that her husband is a member of a community council.

RESOLVED: That the minutes of the meeting of 21 April 2015 be agreed as a correct record and signed by the Chairperson.

3 : CODE OF CONDUCT COMPLAINTS - QUARTERS 1 AND 2

The Committee received an update report on complaints made against Members alleging breaches of the Code of Conduct, including the number of complaints made and trends that have been identified.

During discussion the following points were made:

- There are a significant number of Member-on-Member complaints and complaints from members of the public continue to be received. Elections to the Welsh Government are due to take place next year and the number of complaints may increase at that time.
- A breakdown of the nature of complaints received would be useful. Noted that some information in this regard is included in the Committee's Annual Report. Issues have been raised when the cut and thrust of political debate has veered into personal attack, comments made by Members in social media, and also some made during committee meetings. A number of complaints from members of the public relate to delays in correspondence. None relate to fraud or corruption. The Monitoring Officer is attempting to get comparative data on complaints from other local authorities.
- Elected Members should be made familiar with the Hearings Panel procedure, in particular the requirements for notice before documents can be introduced as evidence. It may be useful for the Chair to discuss this with the political group leaders or write to them about this. The Monitoring Officer and Chair to have further discussion on this.
- It was observed that there had been an improvement in the general conduct of Members at full Council meetings.

RESOLVED: That the report be noted.

4 : INQUIRY INTO POWERS OF PUBLIC SERVICES OMBUDSMAN FOR WALES

The purpose of this report was to inform the Committee of the recommendations made by the National Assembly for Wales Finance Committee's Inquiry into the Powers of the Ombudsman.

As part of the report the Committee received a copy of its response to the consultation carried out in relation to this inquiry.

During discussion the following points were made:

- As whenever possible councils are to deal with 'low level' Member-on-Member complaints, representations should be made to the PSOW or to the Welsh Government to secure funding to cover the costs of this.
- The recommendations of the report broadly reflected the comments made by the Committee during consultation, and as such, were generally supported by the Committee.

RESOLVED: That the recommendations of the NAW Inquiry into the Powers of the Ombudsman be noted.

5 : GIFTS AND HOSPITALITY

The purpose of this report was to provide the Committee with information on registrations of gifts and hospitality received by Members, to enable the Committee to review the information and to consider any comments or observations it considers appropriate in this regard.

During discussion the following points were made:

- Many of the declarations listed in the register relate to gifts and hospitality received by the Lord Mayor whilst undertaking his civic duties. Is this necessary? The Committee was advised that this is a requirement of the Code.
- One Member commented that the threshold (£25) is quite high. Perhaps there should be a zero threshold.
- It is important that the Council is transparent and accountable and that it safeguards its reputation.

RESOLVED: That the information supplied on Members' registrations of gifts and hospitality be noted.

6 : MEMBER PROTOCOL ON CHILD PROTECTION CASEWORK

The Chair welcomed to the meeting Tony Young, Director of Children's Services.

The Monitoring Officer's report explained that an Independent Review has been commissioned by the Chief Executive to look into the role of members in dealing with parent's complaints and acting as an advocate in child protection proceedings. This followed concerns raised by an elected member about safeguarding practice within Children's Services in relation to a small number of cases. The Review has made a number of recommendations which come within the remit of the Standards and Ethics Committee.

Councillor Margaret Jones declared that she was aware of the background that has led to this review and was advised by the Monitoring Officer that this did not necessarily constitute a personal interest in the draft Protocol requiring a formal declaration of interest.

During discussion the following points were made:

- It is important that councillors are able to exercise proper scrutiny of Children's Services but difficulties can arise if they develop an interest in particular cases. It is a matter of finding the right balance, so that councillors can do their job without preventing officers from doing theirs.
- The Director has worked to ensure that everything is transparent but found that there was no protocol to cover the situation that led to the review. He and his officers were being challenged. The review has provided a wide range of stakeholders with reassurance. The Director feels that the review has been strong and has achieved the right balance. A Corporate Safeguarding Board has been established and the intention is to run a program of training on corporate parenting for all Members.

- It is important that councillors know what they should do if they believe that a child is in need or at risk. The draft protocol has been created to clarify this, and all of the political groups have been invited to sign up to it. The intention is to incorporate the protocol into the Cardiff Undertaking and to have the protocol approved by Full Council, so that it becomes part of the Constitution.
- Members should be consulted about the protocol before it becomes part of the Constitution.
- When involved in child protection processes parents may well need advocates but advocacy is a semi-professional occupation. If councillors act as advocates there could be a conflict of interest. Best practice is that councillors do not take on that role in child protection processes. If advocates are needed it is better if they are from accredited advocacy organisations.
- Point 4.5 of the protocol contains a lot of important information and should be clearer. The term 'undue influence' is a little ambiguous. Also, paragraph 4.5 refers to situations where there might be 'exceptional circumstances', but would not any case where a councillor felt compelled to get involved be a case where the Member would consider there to be exceptional circumstances?
- At point 7.3 the protocol states that 'any general queries or concerns will be carefully considered and a response will be given to the Councillor within 10 working days.' What happens if a response is not given within 10 working days? This should be clarified.

The Chairperson thanked the Director for attending.

RESOLVED:

- 1) To recommend to Council for approval the Member Protocol in relation to social services case work set out at Appendix A to the report, subject to the amendments noted above.
- 2) To delegate authority to the Monitoring Officer, in consultation with the Standards and Ethics Committee Chair, to make minor amendments to the Protocol set out at Appendix A to the report.
- 3) To agree to recommend to Council that the Cardiff Undertaking for Councillors include a new obligation to recognise the collective responsibility councillors have to safeguard and promote the life chances of looked after children.

7 : STANDARDS CONFERENCE 2015

The purpose of this report was to provide the Committee with information on arrangements for the forthcoming All Wales Standards Conference 2015, which is being hosted by the City of Cardiff Council.

The title of the Conference is 'Standards and Ethics in a Changing World'. Conference workshops will be facilitated by Monitoring Officers from a number of other local authorities. The PSOW will be the keynote speaker and there will be a panel session to be chaired by the Chair of the S&E Committee. There are over seventy delegates so far and

there will be representatives from all local authorities in Wales. Delegates are paying £75 each to attend.

8 : MONITORING OFFICER'S VERBAL UPDATE

(i) Independent Member Re-appointment

At the Full Council meeting on 23 July 2015 Richard Tebboth was re-appointed as an independent member of the Standards and Ethics Committee with effect from 23 September 2015 for a further four year term.

(ii) Committee's Annual Report 2014/15

Richard Tebboth presented the Standards & Ethics Committee's Annual Report to the meeting of the Full Council that was held on 23 July 2015.

(iii) Whistleblowing Policy

The revised policy on Whistleblowing has been adopted and is now formal Council policy. Various measures are being undertaken with assistance from officers in the Communications team to make all staff aware of it, including providing information with payslips.

(iv) Officers' Interests Policy

The new policy on Officers' Personal Interests and Secondary Employment has been adopted, setting out clear rules requiring all staff to disclose any personal interest which actually or potentially conflicts with their duties to the Council (and all secondary employment). Various measures are being undertaken with assistance from officers in the Communications team to make all staff aware of the new policy, including providing information with payslips.

(v) Community Councils Charter

The Charter is being amended to reflect points discussed during the meeting with the Community Council Clerks in the summer, and will then be circulated to all Community Councils for approval. The Committee will be provided with a report on the revised Charter at its December 2015 meeting.

RESOLVED: That the Monitoring Officer's update be noted.

9 : FORWARD PLAN

The reason for this report was to allow the Committee to consider the updated Forward Plan of matters for consideration by the Committee in 2015/16.

During discussion the following points were made:

- Planning processes is now a Red item and a report on it may be brought to the next meeting. Reviewing social media and the safeguarding protocol are also priorities.

- It might be useful for the Committee to see the results of the Employee Consultation. A brief report on it may be brought to the next meeting. It might be useful for the Committee to know if any particular themes within the remit of this Committee emerged from the results of the Employee Consultation.

RESOLVED: That the report be noted.

10 : DATE OF NEXT MEETING

The next meeting is to be held on 15 December 2015

The meeting terminated at 6.30 pm