

STANDARDS & ETHICS COMMITTEE

22 MARCH 2016

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

Councillors Cowan and Margaret Jones

Community Councillor John Hughes

22 : APOLOGIES FOR ABSENCE

There were no apologies received.

23 : DECLARATIONS OF INTEREST

Noted

24 : MINUTES

The minutes of the meeting held on 15 December 2015 were approved and signed by the Chairperson subject to the following amendments: -

- Members Protocol on Safeguarding Vulnerable Children & Adults
(The Committee acknowledged the work that had gone into this process)
- Draft Local Government (Wales) Bill – Welsh Government Consultation.
(Noted the Committee was not in favour of the proposed changes, particularly with regard to the Committee's role)

25 : WALES AUDIT OFFICE CORPORATE ASSESSMENT FOLLOW ON REPORT.

The Committee considered the Wales Audit Office Corporate Assessment Follow on report of the City of Cardiff Council and considered the proposals made within it.

The Committee was advised that Paragraph's 23, 49 and 50 of the report specifically related to the work of the Standards and Ethics Committee and were outlined as follows:

- The Council's Standards and Ethics Committee had a clear remit to monitor the conduct of members. The Committee, in liaison with the Council's Monitoring Officer, had also organised various training events for Members, including sessions on the appropriate use of Social Media and Data Protection. The Committee's members had started to attend various Council committee meetings to observe.
- The Council's Standards and Ethics Committee was not sufficiently proactive in taking action relating to concerns the Wales Audit Office identified regarding the conduct of a small number of Members. The Council had in place the 'Cardiff Undertaking' for Members setting out expectations in relation to their conduct. The Standards Committee had also set out in its Annual Report the 10 general principles of public life and its commitment to play a positive and proactive role. However, the Committee could do more to visibly enforce the principles and the

Cardiff Undertaking, as it appears that Member engagement was not consistently positive, professional and constructive. Some Members have openly disengaged in Council business and feel the need to engage with the media and social media to get their points across.

- The Standards and Ethics Committee in liaison with the Monitoring Officer, organises various training for Members. However, it should give further consideration to how it can increase the number of members attending the training sessions and what training should be considered essential for Members to discharge their role effectively for example the use of social media and data protection.

The Corporate Assessment Follow on report contained one statutory recommendation and 14 proposals for improvement. One of the proposals – Number P5 – specifically referred to the Standards and Ethics Committee as follows:

P5: Enhance Member accountability by:

- Ensuring that the Standards and Ethics Committee plays a more proactive role in promoting and enforcing the Cardiff Undertaking for Councillors and supporting policies in relation to Member conduct and behaviour; and
- Strengthening member development and learning programmes based on competency assessments to improve skills and understanding to enable them to undertake their roles more effectively;
- Determining what training should be considered essential for Members to discharge their role effectively.

The Committee discussed P5: Proposal for Improvement put to Cabinet and noted that this stated that the Chair of Standards and Ethics Committee was committed to taking steps to raising proactively the profile of the Cardiff Undertaking for Councillors and to highlighting the importance of appropriate Members conduct and behaviour'

The Monitoring Officer drew attention to the Statement of Action for P5a approved by Cabinet the previous day noting the following:

- Standards & Ethics Committee to publish biannual Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and Member conduct and behaviour. The timescale for this Action was August 2016.

The Committee discussed what more could be done to deal with Members' conduct issues and how the Committee could be more visible in its field and remind Members of their duties under the Cardiff Undertaking.

The Committee suggested that training sessions be established alongside the Democratic Services Committee to address Members Code of Conduct. More work was needed to address the issues experienced by Members, with the Standards and Ethics Committee having a more robust role in the procedure. A Working-Party was suggested to support training and development of these roles.

The Interim Monitoring Officer advised that another of the actions approved by Cabinet was the development of a programme of training for Members.

It was suggested that the content of the Wales Audit Office Follow on report did not truly reflect the views put forward and Members were frustrated that the recommendations made were in relation to the responsibilities of the Committee, rather than those of Members and Whips; and that the Committee had no opportunity to challenge this.

The Committee drew attention to clauses in the Cardiff Undertaking and asked who had the authority to discipline a Councillor. Frustration was expressed about the limited sanctions available to the Committee.

The Interim Monitoring Officer explained that feedback on these issues could be outlined in the Annual Report. He advised that little could be done as an individual Councillor and the matter of concern should be brought to the attention of the Interim Monitoring Officer or the Chairperson of the Standards and Ethics Committee.

The Chairperson noted that it was essential for members of the Standards and Ethics Committee to try to strengthen their roles. Members should make observations of the webcast at Council meetings to pick up on unnecessary behaviour and actions.

The Committee was concerned with the WAO reference to the weakness in governance arrangements, in relation to the Standards and Ethics Committee not being sufficiently proactive in taking action relating to concerns identified regarding the conduct of a small number of Members.

Members of the Committee drew attention to training sessions being held for Councillors. It was suggested that it was quite common for Councillors not to attend these sessions, especially sessions on Code of Conduct training.

The Chairperson explained that all new Councillors should have attended the mandatory training events.

The Committee was keen to publicise Councillors' attendance at training events and were of the view that further engagement was required in this area.

The Committee discussed possible mechanisms to support and encourage participation in training events to ensure there was buy in from Members, including Members using the online training programmes available.

The Chairperson suggested that maybe a less formal approach was required to monitor behaviour. This was an opportunity to extend links into the Council process including strengthening networking opportunities to develop and understand areas of concern.

A Member drew attention to the current number of vacancies on Scrutiny Committees. It was noted there were currently 15 vacancies across all Committees. The Committee discussed the implication of the vacancies on Council Committees and how this could affect standards in the decision making process.

The Committee was of the view that the following supplementary actions should support the improvement proposal P5:

- Training – working alongside the Democratic Services Committee to enhance and support training.
- Standards and Ethics Committee Members to attend more Council and Committee meetings to become better acquainted with the work of the Council and its committees. (Members agreed to formalise and co-ordinate their attendance at Committee meetings and provide regular updates on progress to the Standards and Ethics Committee.)

RESOLVED - That the Committee

<u>Action</u>	<u>By</u>
(1) received and noted the Wales Audit Office Corporate Assessment Follow-on Report;	
(2) noted the Statement of Action approved by Cabinet;	
(3) agreed that the Chairperson write to the Chair of the Democratic Services Committee to: -	Chair
<ul style="list-style-type: none"> • seek closer working with the Committee on actions arising from the Wales Audit Office Follow-on Report; • seek collaborative working on enhancing and support for Members' training; 	
(4) attendance of individual Members of the Standards and Ethics Committee to observe other Committee meetings of the Council be formalised once the draft calendar of future meetings is agreed; and the Standards & Ethics Committee to provide feedback to those Committees on any issues relating to standards and ethics that arose.	Int MO

26 : HEARINGS PANEL PROCEDURE

On 2 May 2013, the Committee appointed a Sub-Committee, known as the Hearings Panel to hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer.

The purpose of this report was to allow the Committee to consider proposed amendments to the Hearings Panel Procedure.

The Committee discussed the proposed revised Hearings Panel Procedure set out at Appendix B of the report and suggested further amendments to it.

RESOLVED – That the revised Hearings Panel Procedure set out at Appendix B of the report be adopted with the following amendments:

- In Paragraph 2.1 the insertion of the words “in writing” after the words “should send their complaint”
- In Paragraph 2.2 the insertion of the words “the Complainant” after the words “The Monitoring Officer will advise”

- In Paragraph 2.3 the insertion of the words “will advise the Respondent of the complaint and” after the words “If the Monitoring Officer determines that the complaint falls within the Protocol he/she”
- In Paragraph 3 the insertion of the preliminary words “The steps required in paragraphs 3.1 and 3.2 are compulsory”
- In Paragraph 4.2 the deletion of the word “will” after the words “he/she” and its replacement with the word “may”
- In Paragraph 6.1 the insertion of the word “Alternatively” in front of the words “The Standards and Ethics Committee may also resolve”.

27 : MONITORING OFFICER CODE OF CONDUCT COMPLAINTS UPDATE

The Committee received a report which provided a brief update on complaints made during 2015/16 against Members alleging breaches of the Code of Conduct with a focus on the last 3 months.

The Committee noted that several of the complaints related to planning applications and conduct at Planning Committee or site visits. These had been reviewed with the Committee Chairperson and officers to ensure that clear guidance was provided to planning applicants and objectors about the process to be followed. Others related to timeliness in dealing with Members’ correspondence. Additional resources to support Members with their casework had been agreed as part of the coming year’s budget.

The Committee noted that several complaints related to an ongoing dispute at a particular Community Council, which was under consideration by the Ombudsman. The Interim Monitoring Officer advised that the Local Resolution Protocol could be extended to Community Councils if they requested it.

It was noted that comparative data on the number of complaints received in other local authorities was still awaited.

Members of the Committee suggested that they attend a future Planning Committee meeting to observe proceedings.

RESOLVED – That the Committee note the contents of the report.

28 : WHISTLEBLOWING

The Committee was provided with information to enable it to oversee and monitor the Council’s Whistleblowing Procedures and to consider any ethical issues.

The Committee was advised the Whistleblowing Policy was revised and approved by Cabinet in October 2014 on the recommendations of this Committee, to reflect legislative changes, clarify certain provisions and adopt best practice. The revised Policy had been publicised through posters in all core Council buildings, and articles in the Core Brief, Your Inbox and Our News disseminated to all staff.

Under the Policy, the Monitoring Officer was required to keep a record of all reports made and their outcomes and to report periodically to the Standards Committee. At its meeting in January 2014, the Committee considered information on reports made during 2012 and 2013 and the number of reports made since 2007.

The report provided information on reports made under the Whistleblowing Policy during 2014 and 2015.

EXCLUSION OF THE PUBLIC:

Exempt from publication – Further information was provided to the Committee on each of the cases reported during 2014 and 2015. The information was not for publication as it contained exempt information of the description in paragraph 13 (information likely to reveal the identity of an individual) and paragraph 14 (information relating to financial or business affairs) of Part 4 of Schedule 12A of the Local Government Act 1972. It was considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, having regard to the duty of confidence owed by the Council to its employees and the protection of personal data under the Data Protection Act 1998, and the potential prejudice to the Council of disclosing financial control information which may be fraudulently exploited.

RESOLVED – That the Committee noted the information provided.

29 : AMENDMENT TO MEMBERS CODE & ETHICAL FRAMEWORK

The Committee was informed of minor amendments to the Model Code of Conduct and various other aspects of the statutory ethical framework, which had been introduced by new subordinate legislation made by the Welsh Government.

RESOLVED – That the Committee:

	<u>Action</u>	<u>By</u>
(1)	noted the amendments made to the Model Code of Conduct and certain aspects of the statutory ethical framework as set out in the report;	Int MO
(2)	recommend to Council the adoption of a revised Code of Conduct for Members, reflecting the amendments to the Model Code;	Int MO
(3)	delegate authority to the Interim Monitoring Officer in consultation with the Chairperson make the necessary amendments to: a) Article 9 of the Constitution (Standards and Ethics Committee) subject to the approval of Council, and b) the Committee's Policy on Dispensations.	Int MO

30 : MONITORING OFFICER VERBAL UPDATE

Community Council's Charter

The Committee was advised that, following consultation, a revised Charter had been circulated to Community Councils for approval. Not all of the amendments requested by the Community Councils had been agreed, but where this was the case, the reasons for this had been given.

The Community Council Member explained that the Community Councils were not happy with the planning provisions, in particular the absence of a commitment to involve Community Councils in negotiations on s.106 / community infrastructure levy funds. The Committee was informed that the Council's response on this issue was based on the professional advice of the Head of Planning. It was agreed that the Council would need to wait for formal responses from the Community Councils, and could then consider further discussions with planning officers if appropriate. It was also suggested that Community Council's should be offered the Members' training on S106 contributions and CIL, which was currently being developed

Local Government Wales Bill – Consultation response

The Committee was advised that as yet there was no further information to discuss. The Council had sent a formal response to Welsh Government. The outcome depended on the Welsh Assembly Elections.

31 : FORWARD PLAN 2016/17

The Committee discussed the Forward Plan and noted that the Annual Report would be brought to the next meeting.

The Forward Plan would be updated to reflect the programme of Committee Member visits to Committees.

The Forward Plan would be updated to reflect the Actions agreed in response to the Wales Audit Office Follow on report.

- Standards & Ethics Committee to publish biannual Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and member conduct and behaviour (P5a).
- Training – to work alongside the Democratic Services Committee to enhance and support training, in line with a new programme to commence in May 2017 (P5b and P5c).
- Standards and Ethics Committee Members to attend Committee meetings to become more acquainted with the work of different committees.

32 : DATE OF NEXT MEETING - Wednesday 18 May 2016 at 4.30pm

Chair: _____

Date: _____