

STANDARDS & ETHICS COMMITTEE

27 JANUARY 2015

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

Councillors Lloyd, Phillips and Dianne Rees

Community Councillor John Hughes

Apologies:

23 : APOLOGIES

No apologies were received.

24 : 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>Councillor</i>	<i>Item</i>	<i>Interest</i>
Dianne Rees	Item 6 – Community Councils Charter	Personal: Councillor Rees is Chair of Old St Mellons Community Council
Georgina Phillips	Item 6 – Community Councils Charter	Councillor Phillips' husband is a member of a community council

25 : MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 21 October 2014 were approved as a correct record and signed by the Chairperson subject to the following corrections:

Minute No. S17 - COMMUNITY COUNCILS CHARTER – page 3, paragraph 2 – 'the then Executive' **to be replaced with** 'the Executive'.

Minute No. S17 - COMMUNITY COUNCILS CHARTER – page 3, paragraph 3 – 'the implementation of' **to be replaced with** 'the lack of implementation of'.

Minute No. S17 – COMMUNITY COUNCILS CHARTER – page 4, paragraph 2 - 'the implementation of **to be replaced with** 'the lack of implementation of'.

Minute No. S17 – COMMUNITY COUNCILS CHARTER – page 4, bullet point 2 - 'the implementation of **to be replaced with** 'the lack of implementation of'.

Minute No. S17 – COMMUNITY COUNCILS CHARTER – page 4, bullet point 3 – 'One Voice Wales has written on behalf of them to complain' **to be replaced with** 'One Voice Wales has written to complain'.

Minute No. S17 – COMMUNITY COUNCILS CHARTER – Page 4, bullet point 5 – 'An officer report, perhaps from the appropriate Corporate Director or from a Planning officer could be presented at the Committee's meeting in January 2015.' **to be replaced with** 'Elected Members and relevant officers, particularly from the Planning department, should be asked to provide information and advice to inform the Committee's consideration of this issue.'

26 : POLITICALLY RESTRICTED POSTS - REVIEW

The purpose of this report was to enable the Committee to review the Council's arrangements in respect of politically restricted posts.

Under the Employees Code of Conduct all employees are required to be politically neutral, and must not allow their own personal or political opinions to interfere with their work. By law, certain employees are additionally subject to statutory restrictions on their political activities, and such posts are referred to as 'politically restricted'. The posts which are politically restricted by law include all 'senior officers' – under Cardiff's management structure, this covers all officers at Operational Manager grade and above. Certain other posts where the post holder has particular delegated responsibilities or duties are also included.

The Council is legally required to maintain up to date lists of politically restricted posts and the Council's Constitution gives the Monitoring Officer responsibility for holding these lists.

The Committee was advised that the list has not been updated in recent years and that the report recommends to the Committee that the Monitoring Officer makes sure that Directorates have arrangements in place for keeping the lists up to date.

RESOLVED –

- 1) That the report be noted.
- 2) That the Monitoring Officer is to contact all Directors to confirm the political restrictions imposed by law, obtain updated lists of politically restricted posts below Operational Manager level within each Directorate, and ensure that such lists are regularly reviewed and kept up to date.
- 3) That the Monitoring Officer is to issue appropriate advice and guidance to all politically restricted post-holders in advance of the 2015 UK Parliamentary General Election.

27 : CODE OF CONDUCT COMPLAINTS - UPDATE

The purpose of this report was to provide Members of the Committee with a brief update on complaints made against Members alleging breaches of the Code of Conduct.

The Monitoring Officer informed the Committee that there was a decrease in the number of Member on Member complaints in the last quarter, although there may be an increase in the run-up to the general election in May 2015. The number of complaints made against Members by members of the public has also decreased. A Code of Conduct Seminar was held on the 8 December 2014 and it is proposed to repeat this seminar each year.

The Chairperson invited questions and comment and during discussion the following points were made:

- It may not be sufficient to hold only one seminar per year and it may be more effective to make attendance at seminars compulsory. Only about twenty out of seventy-five Members attended in December 2014. The Committee could recommend that all Members attend at least one seminar per year.
- Offering more seminars might be more effective than making attendance compulsory.
- December is a time when Members may be very busy. Seminars should not be held in the run-up to Christmas or in budget month.
- At present, every year all Members sign an undertaking to comply with the Code of Conduct. Problem areas are social media and robust debate that becomes personal.

RESOLVED –

- 1) That the report be noted.
- 2) That the Monitoring Officer provides the Committee with a further report.

28 : COMMUNITY COUNCILS CHARTER - UPDATE

The Committee held a task and finish meeting on 16 December 2014 and the conclusion reached was that the Charter is largely fit for purpose but there is a need for renewed enthusiasm and energy behind it. Also, Members' awareness of the Charter needs to be raised. There are a few sections of the Charter that need to be updated in the light of the reduced resources available to provide regular liaison meetings and to develop an annual action plan and changes are also needed to reflect the current Cardiff Partnership arrangements.

The Chairperson invited questions and comment and during discussion the following points were made:

- Although it may not now be possible for them to have a designated liaison officer, Community Councils are recognised bodies and should have access to a contact officer.
- The Neighbourhood Partnerships are not working for Community Councils. They have nothing in common and the Councils would not enter into an agreement in which the Partnerships were involved.

- Elected Members have very little knowledge of what the Community Councils do and of the valuable contribution they make to Members' wards.
- There is a need to review the governance and monitoring and review arrangements. Resources to provide the monitoring and review element of the Charter are very limited. The matter of the Charter has been discussed by the Senior Management Team and it was felt that it would be very difficult to allocate additional resources for the Charter
- It is important to secure political leadership and officer resources to refresh the Charter.
- Effective communication and easy access to information are key to the success of the Charter.

RESOLVED –

- 1) That the report be noted.
- 2) That the undertaking to hold quarterly meetings with the Community Councils, and for there to be a liaison officer, be reviewed.
- 3) That a formal recommendation that the Charter should be updated be made.
- 4) That governance and monitoring and review arrangements be reviewed.
- 5) That the matter be formally referred to the Cabinet and that a meeting should be held between the Chair of S&E Committee, the Committee's Community Council representative and the appropriate Cabinet Member.
- 6) That the Monitoring Officer arranges consultation with the Vale of Glamorgan local authority on the arrangements that that authority has with its community councils.

29 : MONITORING OFFICER'S VERBAL UPDATE

(i) All Wales Standards Conference 2015

The All-Wales Standards Conference 2015 is to be hosted by Cardiff Council and it is thought that the Conference may attract up to one hundred delegates. A pre-meeting on the Conference has been held and the main outcomes of it were as follows:

The working title to capture the theme of the Conference will be; *Are the Nolan Principles fit for purpose in the current climate and for the next 20 years?*

The following speakers are to be invited;

Nick Bennett – Public Services Ombudsman for Wales

Hugh Vaughn-Thomas - Auditor General

Jan Williams - Chair of the Independent Police Complaints Commission for Wales

Lyn Cadwallader – CEO of One Voice Wales

Peter Davies - President of the Adjudication Panel (Wales)

The Monitoring Officer is to liaise with monitoring officers from other local authorities regarding the Conference and bring a report to the Committee on 21 April 2015. Another pre-meeting will be held on 21 April.

(ii) Officers' Personal Interests Policy

A report on the Personal Interests Policy will go to Cabinet in February 2015

(iii) Member Development Programme

A report on Code of Conduct training will be brought to the Committee.

(iv) Whistleblowing Policy

The Whistleblowing Policy is to be launched at an event in February

(v) Annual Report

A draft of the Committee's Annual Report for 2014/15 will be brought to the Committee in April. The Annual Report will be presented to the full Council meeting in June.

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

30 : FORWARD PLAN 2014/15 - REPORT ATTACHED

The purpose of this report was to allow Members to consider the Forward Plan of matters for consideration by the Standards and Ethics Committee in 2014/15.

The Monitoring Officer advised the Committee that a report on Planning Committee process is to be brought to the Committee in April. A meeting with Group Leaders and Whips would be scheduled for after the May elections; and planning for the Standards Conference 2015 should be added to the Forward Plan.

The Monitoring Officer informed the Committee that a Hearings Panel is due to be held in February and that ideally Hollie Edwards-Davies or Lizz Roe, as new independent members, should sit on the Panel.

RESOLVED –

- 1) That the Forward Plan 2014/15 be noted.
- 2) That planning for the Standards Conference 2015 is added to the Forward Plan.
- 3) That independent members of the Committee who have attended full Council and scrutiny committee meetings as observers give their feedback to the Committee at its meeting on April 21.

31 : DATE OF NEXT MEETING

The next meeting is to be held on Tuesday 21 April 2015 at 4.30pm
The meeting closed at 6.00pm.