

# AGENDA

Committee

## STANDARDS & ETHICS COMMITTEE

Date and Time  
of Meeting

TUESDAY, 27 JANUARY 2015, 4.30 PM

Venue

COMMITTEE ROOM 4 - COUNTY HALL

Membership

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

County Councillors Lloyd, Phillips and Rees

Community Councillor John Hughes

*Time  
approx.*

- |   |  |         |
|---|--|---------|
| 1 | Apologies  | 4.30 pm |
| 2 | Declarations of Interest   | 4.35 pm |
|   | To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct. |         |
| 3 | Minutes ( <i>Pages 1 - 6</i> )   | 4.40 pm |
|   | To approve as a correct record the minutes of the meeting held on 21 October 2014 - attached             |         |
| 4 | Politically Restricted Posts - Review - report attached ( <i>Pages 7 - 10</i> )                          | 4.45 pm |
| 5 | Code of Conduct Complaints - Update - report attached ( <i>Pages 11 - 12</i> )                           | 5.00 pm |
| 6 | Community Councils Charter - Update - report attached ( <i>Pages 13 - 32</i> )                           | 5.20 pm |
| 7 | Monitoring Officer's Verbal Update   | 5.40 pm |
|   | (i) The All-Wales Standards Conference 2015  |         |
|   | (ii) Officers' Personal Interests Policy   |         |
|   | (iii) Member Development Programme   |         |
|   | (iv) Whistleblowing Policy   |         |
| 8 | Forward Plan 2014/15 - report attached ( <i>Pages 33 - 42</i> )  | 5.50 pm |
| 9 | <b>Date of Next Meeting</b>  |         |

The next meeting is due to be held on Tuesday 21 April 2015.

**Marie Rosenthal**  
**County Clerk & Monitoring Officer**

Date: 21 January 2015  
Contact: Paul Burke  
02920872412  
PaBurke@cardiff.gov.uk

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Standards & Ethics Committee  
21 October 2014

## STANDARDS & ETHICS COMMITTEE

21 October 2014

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

Councillors: Kate Lloyd, Georgina Phillips and Dianne Rees

Community Councillor John Hughes

Apologies: Lizz Roe

### S12: ELECTION OF CHAIRPERSON AND VICE-CHAIR

It was necessary to elect a new Chairperson following the end of the previous Chair's term of office. The Monitoring Officer invited nominations for this position. Richard Tebboth, Vice-Chair, was nominated by Councillor Rees and Community Councillor Hughes and was duly elected as Chairperson of the Committee.

As the position of Vice-Chair was now vacant, the Monitoring Officer invited nominations for this position. James Downe was nominated by Hugh Thomas and Community Councillor Hughes and was duly elected as Vice-Chair of the Committee.

### S13: WELCOME TO NEW MEMBERS OF THE COMMITTEE

The Chairperson welcomed the newly-appointed Independent members of the Committee, Hollie-Edwards Davies, Hugh Thomas and Lizz Roe (in her absence).

### S14: 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>
Community Councillor Hughes	Item 8 – Community Councils Charter	Personal: Community Councillor Hughes is a member of a community

council.

Dianne Rees

Item 8 – Community  
Councils Charter

Personal: Councillor Rees is a member of a community council and was present at a meeting referred to in a letter sent to the Committee on 14 August 2014 by Councillor Adrian Robson.

Georgina Phillips

Item 8 – Community  
Councils Charter

Councillor Phillips' husband is a member of a community council and Councillor Phillips was present at a meeting referred to in a letter sent to the Committee on 14 August 2014 by Councillor Adrian Robson.

#### S15: MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 23 July 2014 were approved as a correct record and signed by the Chairperson.

#### S16: REPORT ON OFFICERS' PERSONAL INTERESTS AND SECONDARY EMPLOYMENT POLICY

The purpose of this report was to enable the Committee to consider and give its views on a draft policy on officers' personal interests and secondary employment.

The statutory Code of Conduct for Local Government Employees requires employees to ensure that their private interests do not conflict with their public duties and to comply with the Council's rules on the declaration of interests. It is important that the Council has clear rules on this so that conflicts of interest can be avoided and to ensure that staff do not use Council time or resources in any secondary employment and that an employee's secondary employment does not adversely affect performance in their main employment with the local authority.

The draft policy consists of a relatively simple set of rules that put the burden on employees to notify their employer of any secondary employment or potentially conflicting personal interests. Unions and managers have been

consulted. The advice to employees will be to always disclose if there is any uncertainty. There are specific requirements when it comes to the obligations of senior officers to disclose personal interests or secondary employment.

The Council's Senior Management Team (SMT) have been consulted on the draft policy and are content with it, subject to some minor amendments, for example, regarding its application to agency workers. Consultation has now been completed and, subject to any comments from this Committee, the draft policy will go to Cabinet for approval.

The Chairperson invited questions and comments and the following points were noted:

- The Introduction to the policy should say more on its objectives, specifically with regard to the Nolan principles of public life.
- It is important that staff know that before taking up any other employment, they should discuss this with their manager.
- Once the policy has been adopted the Committee would like an update report, to include a communications and training plan to ensure that all staff fully understand their obligations under the new policy.
- A number of drafting improvements to the draft policy were also suggested.

RESOLVED –

- 1) That, subject to the amendments suggested by the Committee and following staff and Trade Union consultation, the draft Officers' Personal Interests & Secondary Employment Policy attached as Appendix A to the report, be recommended to the Cabinet for adoption; and
- 2) That the Monitoring Officer be instructed to develop and implement a communications and training plan once the Officers' Personal Interests & Secondary Employment Policy is adopted.

#### S17: COMMUNITY COUNCILS CHARTER

The purpose of this report was to enable the Committee to consider the Community Councils Charter and concerns about its effectiveness.

On 8 March 2012, the then Executive adopted a Community Councils Charter following consultation with relevant stakeholders, including the six Community Councils within the Council's area and with the Standards and Ethics Committee. The aim of the Charter is to support structured, regular engagement and

communication between the County Council and the six Community Councils in Cardiff. The Charter provides that the Standards and Ethics Committee will review progress made in achieving the measures and actions set out in the Charter and Charter Action Plan.

At various previous meetings of the Standards and Ethics Committee, the Community Council member of the Committee has expressed concerns about the implementation of the Charter; and in August 2014 the Committee received a letter from a Planning Committee member, Councillor Robson, reiterating the view that the Charter is not working effectively.

The Committee discussed the Charter and the concerns raised. During discussion, the following points were made:

- It was noted that the Charter gives Community Councillors additional rights in relation to attending site visits of the Planning Committee.
- The six Community Councils are very critical about the implementation of the Charter.
- It was suggested that the County Council has very little understanding of the way Community Councils operate and there has been very little consultation. It does not carry out fair consultations with the Community Councils and One Voice Wales has written on behalf of them to complain about the lack of implementation of the Charter.
- It may be helpful to arrange a task and finish group to look at the issues and report back to the Committee at its meeting in January 2015.
- Relevant officers, in particular, from the Planning service should be asked to provide information and advice to inform the Committee's consideration of this issue.
- The Charter may need to be refreshed so that roles and responsibilities are clarified.
- If the Charter is to be revised it will have to be in consultation with the appropriate Cabinet Member.

RESOLVED – That a task and finish group, including the Community Councillor representative on the Committee, be formed to consider this matter further and report back to the Committee.

#### S18: REVIEW OF HEARINGS PANEL PROCEDURE

The purpose of this report was to notify the Committee of the Hearings Panel's decision on a complaint dealt with under the Local Resolution Protocol and to allow the Committee to consider whether its procedures require any amendment.

On 30 July, 8 September and 1 October 2014, the Hearings Panel met to consider a complaint referred to the Panel under the Local Resolution Protocol. The Hearings Panel's decision, dated 3 October 2014, was appended as Appendix A to this report, for the Committee's information.

During discussion, the following points were made:

- Holding the hearing in private, but publishing the decision of the Panel was felt to be the right general approach.
- It is important that the set process for hearings is adhered to. For example, when making complaints against another member, councillors should be asked to provide a succinct formulation of their complaint. The complainant should focus on where it is felt that the Code of Conduct has been broken.
- Hearings Panels will bring the Committee into more frequent contact with councillors, and it is important for Independent members of the Committee to attend other council meetings, such as meetings of the Planning Committee, so that they can become more familiar with the way the council works.

RESOLVED – That the Committee notes the decision of the Hearings Panel appended at Appendix A; and makes no changes to the Hearings Panel's procedures.

#### S19: STANDARDS AND ETHICS ALL-WALES CONFERENCE 2015

The Standards and Ethics All-Wales Conference 2015 is to be hosted by Cardiff Council. The Monitoring Officer requested the support of the Committee in planning for this event and suggested that the Committee form a task group to consider who might be invited to speak at the conference and that the Committee may wish to host sessions during the conference.

RESOLVED – That a conference planning task group be formed in January 2015.

#### S20: REPORT ON MEMBER CODE OF CONDUCT COMPLAINTS 2014/15

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 the figures on complaints have been affected by the high number of complaints (27 complaints) that were received following the Deputy Lord Mayor's speech at a rally in Newport. However, even if those 27 complaints are not counted, there is a rising trend of Member on Member complaints, although most of these have been resolved locally and quickly.

RESOLVED – That the report be noted.

S21: FORWARD PLAN 2014/15

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 informed the Committee that priorities for the plan include the Community Councils Charter and a piece of work to be done on politically restricted posts. The Monitoring officer also felt it would be helpful if Independent members could attend one or two meetings of the Planning Committee.

RESOLVED – That the Forward Plan 2014/15 be noted.

S22: DATE OF NEXT MEETING

The next meeting is to be held on 27 January 2015

The meeting closed at 6pm.

Signed \_\_\_\_\_  
Chairperson

Date \_\_\_\_\_

## **CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD**

**STANDARDS AND ETHICS COMMITTEE:**

**27<sup>th</sup> January 2015**

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**REPORT OF THE MONITORING OFFICER      AGENDA ITEM: 4**

**POLITICALLY RESTRICTED POSTS - REVIEW**

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### **Reason for this Report**

1. To enable the Committee to review the Council's arrangements in respect of politically restricted posts.

### **Background**

2. The Standards and Ethics Committee has responsibility 'to advise the Council on the effective implementation of [its Ethical] Code' (Terms of Reference, paragraph (c)) in relation to Members and employees.
3. Under the Employees Code of Conduct, paragraph 3, all employees are required to be politically neutral, and must not allow their own personal or political opinions to interfere with their work.
4. By law, certain employees are additionally subject to statutory restrictions on their political activities, and such posts are referred to as 'politically restricted'.
5. The Standards and Ethics Committee has noted the need to review the Council's arrangements for politically restricted posts, as part of its Work Programme 2014/15.

### **Issues**

6. The Local Government and Housing Act 1989 (Part 1), list those posts which are 'politically restricted', and incorporates into those officers' terms and conditions of employment various specified political restrictions.
7. The posts which are politically restricted by law include:
  - i. All 'senior officers' – under Cardiff's management structure, this covers all officers at Operational Manager grade and above (by virtue of the level and or the delegated powers of those posts);

- ii. Any other officer who has delegated authority to exercise any power of the Council (except where the delegation is made for a specified period of 6 months or less); and
  - iii. Any other post where the duties of the post involve:
    - (a) giving advice on a regular basis to the Council, any committee or sub-committee of the Council, any joint committee on which the Council is represented, or to the Cabinet or any committee of the Cabinet, or to any member of the Cabinet; or
    - (b) speaking on behalf of the Council on a regular basis to journalists or broadcasters.
8. The Council is legally required to maintain up to date lists of politically restricted posts (specifically, those falling within paragraphs 7(ii) and (iii) above), and the Council's Constitution gives the Monitoring Officer responsibility for holding these lists.
9. The restrictions imposed by law on politically restricted posts prevent such officers from:
- (a) Becoming, or remaining, a Member of a Local Authority, the House of Commons, the National Assembly for Wales or the European Parliament;
  - (b) Acting as an election agent or sub agent for a candidate;
  - (c) Participating in the general management of a political party or acting on its behalf in dealings with third parties;
  - (d) Canvassing on behalf of a political party or a candidate; and
  - (e) Speaking in public or publishing a work with the apparent intention of affecting public support for a political party.

[However, there is also provision for officers to apply for exemption from political restriction in certain cases.]

10. Under the Council's current arrangements, political restrictions are confirmed to relevant post-holders upon appointment and the list of politically restricted posts at Operational Manager level and above is kept up to date. However, the supplementary list of politically restricted posts below Operational Manager level does not appear to have been updated in recent years. The recommendation of this report is therefore that the Monitoring Officer should be instructed to contact all Directors to confirm the political restrictions imposed by law and obtain updated lists of politically restricted posts below Operational Manager level within each Directorate.
11. The Committee will be aware of the forthcoming UK Parliamentary General Election, and it is suggested that advice should be provided to all politically restricted post holders on their restrictions in respect of political activity in advance of the elections.

## **ADVICE**

This report has been prepared by the Monitoring Officer. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

### Legal Implications

There legal implications are set out in the body of the report.

### Financial Implications

There are no direct financial implications arising from the recommendations of this report.

## **RECOMMENDATION**

The Committee is recommended to:

1. Note the information set out in the report; and
2. Instruct the Monitoring Officer 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. Instruct the Monitoring Officer to issue appropriate advice and guidance to all politically restricted post-holders in advance of the 2015 UK Parliamentary General Election.

**Marie Rosenthal**  
**County Clerk and Monitoring Officer**  
21<sup>st</sup> January 2015

### **Background Papers**

Employees' Code of Conduct

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**STANDARDS AND ETHICS COMMITTEE  
27 January 2015**

**REPORT OF COUNTY CLERK AND MONITORING OFFICER**

**AGENDA ITEM: 5**

**MEMBER CODE OF CONDUCT COMPLAINTS 2014/15**

**Reason for this Report**

To provide Members of the Committee with a brief update on complaints made against Members alleging breaches of the Code of Conduct.

**Background**

Since January 2014, the Monitoring Officer has dealt with a total of 92 formal code of conduct complaints. July to September saw a significant increase in complaints by members of the public. The table below shows an analysis of the Complaints on a quarterly basis and their current status.

	<b>1 Jan – 31 March 2014</b>	<b>1 April – 30 June 2014</b>	<b>1 July – 31 September</b>	<b>1 October – 31 December</b>
Total Number of Complaints	16	14	55	7
<b>Type/Source of Complaints</b>				
Member on Member	9	3	15	6
Public on Member	7	11	37	1
Officer on Member	0	0	3	0
<b>Status/Resolution of Complaint</b>				
Informally resolved	6	5	50	5
Referred to PSOW 1	5	7	2	
Referred to PSOW 2	1	0	0	
Referred to S&E	1 (in process)	1	3	1
Active	3	1	5	1

### **Key**

- *Referred to PSOW 1* = Referred to Public Services Ombudsman for Wales as their office is the appropriate body to investigate and report on the subject matter of the complaint due to the complainant being a member of the public. Informal resolution may be attempted prior to such reference being made.
- *Referred to PSOW 2* = Referred to the Public Services Ombudsman for Wales as the matter is not considered to be a “minor” Member on Member complaint and therefore not suitable for informal or local resolution.
- *Active* = not yet resolved, complaint is under investigation or informal resolution is being attempted.

### **Trends/Monitoring Officers Comments**

1. It is the Monitoring Officer’s intention that these figures be reported to the Committee on a regular basis.
2. There has been a noticeable decrease in the last quarter in the number of complaints especially in relation to member on member complaints.
3. A well-attended Member Seminar was held on the 8 December 2015 updating Members on the Member Code of Conduct. It is proposed to repeat this session each year.

### **Legal Implications**

1. There are no legal implications arising from the content of this report.

### **Financial Implications**

2. There are no direct financial implications arising from the content of this report.

### **Recommendation**

The Committee is recommended to note the contents of the report.

**MARIE ROSENTHAL**  
**COUNTY CLERK AND MONITORING OFFICER**

15 January 2015

## CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 27 January 2015

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REPORT OF THE MONITORING OFFICER AGENDA ITEM: 6

### COMMUNITY COUNCIL CHARTER

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#### Reason for this Report

1. To report back on the work of the Task and Finish Group set up at the Committee last meeting to carry out the annual review of the Community Council Charter ("the Charter").

#### Background

2. The Standards and Ethics Committee has statutory responsibility for the promotion and maintenance of high standards of conduct within the Community Councils in its area (paragraph (g) of the Committee's terms of reference); and also to consider ethical issues arising from complaints (Terms of Reference, paragraph (e)); and to recommend to Council and the Cabinet any additional guidance on issues of probity (Terms of Reference, paragraph h).

#### Issues

3. At its last meeting, the Committee reviewed concerns about the effectiveness of the Charter and resolved to set up a Task and Finish Group to review the matter. The notes of the Group are set out at **Appendix A**.
4. The Charter was adopted by Cardiff Council on the 8 March 2012 and is attached as **Appendix B**. The original Charter reflects the model Charter issued by the Welsh Government under section 130-133 of the Local Government (Wales) Measure 2011.
5. The aim of the Charter is to support structured, regular engagement and communication between the County Council and the six Community Councils in Cardiff, based on the key principle of equality of partnership between the two tiers of local government.
6. The Charter provides that it is to 'be fully reviewed every four years or more often if there is a need to do so'; and that the 'Standards and Ethics Committee will also review progress towards achieving the measures and actions set out in the Charter and Charter Action Plan respectively on an annual basis'.

## Proposals to update the Charter

7. The findings of the Task and Finish group and subsequent discussions with the Cabinet Member (Democracy) Cllr Dan De' Ath and relevant Directors suggest that most of the Charter is still relevant and an important recognition of the role of Community councils in representing their local areas.
8. However a few sections do need to be updated in the light of the reduced resources available to provide regular liaison meetings, develop an annual action plan and changes to reflect the current Cardiff Partnership arrangements.
9. The Charter currently comprises 16 sections as follows with suggested revisions to 5 of them :
  - **Recognition**
  - **Local Governance** – Review obligation to hold regular quarterly liaison meetings , nominate a Community Liaison Officer and delete reference to “Proud capital leadership group”
  - **Consultation**
  - **Information and Communication-** Review obligation to provide list of contact persons
  - **Joint Working and Engagement**
  - **Land use Planning**
  - **Financial Support**
  - **Expertise**
  - **Ethics**
  - **Financial Arrangements**
  - **Delegating Responsibility for Service Provision**
  - **Sustainability**
  - **Community Strategy** – Update section to reflect Neighbourhood Partnership arrangements
  - **Community Council Elections**
  - **Action Plan-** review obligation to develop and monitor an annual Charter Action Plan
  - **Monitoring and Review** –review obligations to review charter every 4 years and develop an annual action plan

This report has been prepared by the Monitoring Officer. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

### Legal Implications

There are no direct legal implications arising from the recommendations of this report.

### Financial Implications

There are no direct financial implications arising from the recommendations of this report.

## **RECOMMENDATION**

The Committee is recommended to consider the proposed amendments to update the Charter with a view to referring the matter to cabinet for consideration

**Marie Rosenthal**  
**County Clerk and Monitoring Officer**  
15 January 2015

## **Appendices**

- Appendix A            Notes of the Task and Finish Group meeting held on the 21 October 2014
- Appendix B            A Shared Community – Charter between Cardiff Council and Community Councils in Cardiff

## **Background Papers**

Standards & Ethics Committee report 'A Shared Community – Charter Between Cardiff Council and Community Councils in Cardiff', 31<sup>st</sup> January 2012; and minutes thereof;

Executive report 'A Shared Community – Charter Between Cardiff Council and Community Councils in Cardiff', 8<sup>th</sup> March 2012; and minutes thereof;

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## Appendix A

### STANDARDS & ETHICS COMMITTEE – TASK AND FINISH MEETING – COMMUNITY COUNCILS CHARTER

21 October 2014

Present: Independent Members: Lizz Roe, Richard Tebboth  
(Chairperson) and Hugh Thomas

Councillors: Georgina Phillips

Community Councillor John Hughes

Apologies: James Downe and Councillors Lloyd and Dianne Rees

#### 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>
Community Councillor Hughes	Community Councils Charter	Personal: Community Councillor Hughes is a member of a community council.
Phillips	Community Councils Charter	Councillor Phillips husband is a member of a community council.

#### COMMUNITY COUNCILS CHARTER

The Chairperson welcomed Phil Williams, Operational Manager, Strategic Planning and Development Management.

On 8 March 2012, the then Executive adopted a Community Councils Charter following consultation with relevant stakeholders, including the six Community Councils within the Council's area and with the Standards and Ethics Committee. The aim of the Charter is to support structured, regular engagement and communication between the County Council and the six Community Councils in Cardiff. The Charter states that the Standards and Ethics Committee is to carry out regular reviews of the Charter and review progress made in achieving the

measures and actions set out in the Charter and Charter Action Plan. However, it was noted that this is not reflected in the S&E Committee's Terms of Reference.

As there have been concerns about the implementation and effectiveness of the Charter it was decided at the Standards and Ethics Committee's meeting on 21 October 2014 that a task and finish meeting should be arranged to consider these issues and arrive at way forward. A number of concerns relate to Community Councils and planning applications.

The Monitoring Officer advised the Committee of the following:

- At the time of its creation the intention was that the Charter would be reviewed every four years or when necessary. As the Charter was created under the previous administration a review should now take place, especially as complaints are being received from the Community Council clerks.
- There are particular concerns regarding planning issues, as the Charter gives the Councils additional rights in relation to attending site visits of the Planning Committee.

During discussion, the following points were made:

- The Charter has not been reviewed since its creation.
- There was to have been a Council liaison officer for the Community Councils but this has not happened. On this point, the Monitoring Officer advised the meeting that the post that was meant for this was transferred to another part of the Council.
- The Councils have not even been given a list of contact numbers. There have not been any quarterly meetings between the Councils and the local authority.
- This administration has developed a partnership strategy and the Councils have a seat on the area management committee, although these places have not been taken up.
- It seems as though the Standards and Ethics Committee is limited in terms of the action it can take regarding the Charter.
- There is no action plan in relation to the Charter.
- The Councils feel that they are a low priority for the local authority.
- The Committee should provide a report to the Cabinet and the Charter needs to be supported. The refreshed Charter needs to reflect where the local authority now is in relation to partnership working.
- The Council may not now have the resources to implement the Charter in the way it was originally envisaged. In the three years since the Charter

Standards & Ethics Committee – Task and Finish Meeting  
16 December 2014

was created the financial situation for the Council has changed a great deal and resources are stretched.

- The Monitoring Officer has tried to engage with the Community Council clerks and has offered training sessions. This was met with little response.
- That part of the Charter that relates to Land Use Planning is about 95% effective.
- Community Councillors should be kept as well informed about planning issues as ward councillors are.
- The numbers at partnership meetings are falling off dramatically.

The Chairperson invited Phil Williams to speak and he advised the meeting of the following:

- The relationship between the local authority and the Councils is important.
- Planning is under pressure. Staff numbers have been reduced by 40%. The number of planning applications has increased.
- There is a need to look at the interface between Planning and the Councils.
- When on site visits the Planning Committee is not in sub-committee mode. Visits are a fact gathering exercise and do not have to be advertised. Community Councils may attend but may not make representations.
- Case officers do sometimes change and even Elected Members do not always know when this has happened. It may be difficult to keep the Councils informed of these changes. Planning applications can be tracked online and information about planning meetings can also be found in this way.
- Phil Williams has had discussions with the Council's IT department regarding the creation of a specific part of the Council's website for use by Community Councils.
- There are approximately 60 or 70 site visits per year. If the online system were to be altered the Community Councils would not be so reliant on the Council to inform them of site visits etc.

When considering the way forward the following points were made:

- The Charter should go back to the appropriate Cabinet Members, Councillors Bradbury and De'Ath. The Charter should be reviewed and taken back to the Community Councils. The Charter should be implemented as is or be reduced in its scope.

- The Chairperson of the Committee and the Monitoring Officer could have annual meetings with the Councils but providing a liaison officer or holding quarterly meetings would be more problematic.
- It may be that the Charter should be something that is more specific but less ambitious.
- Community Councillor Hughes will speak to the six clerks and see what they think, ask them what would help them most.
- The Charter should go to the Senior Management Team (SMT) in order to determine what can and what can't be done, so that the clerks are not promised things that are undeliverable.
- In the Charter, the role of the ward councillor should be recognised.

The meeting noted the comments that had been received by Councillor Dianne Rees, who was unable to attend the meeting.

RESOLVED –

- 1) That the Monitoring Officer should take the issue of the Charter to SMT in January to see what can be implemented and what can't.
- 2) That Community Councillor Hughes consults the Community Council clerks about what improvements they would like to see.
- 3) That the aim is to reach agreement on a refreshed Charter by February so that it can be signed off by the Cabinet.
- 4) That the Standards and Ethics Committee should receive an update on this issue at its meeting on 27 January 2015.

## **'A Shared Community'**

### **Charter between Cardiff Council and Community Councils in Cardiff**

#### **Introduction**

The six Community Councils of Lisvane; Old St Mellons; Pentyrch; Radyr & Morganstown; St Fagans and Tongwynlais and the County Council of the City & County of Cardiff (hereby referred to as 'Cardiff Council') have agreed to publish a Charter which sets out how we aim to work together for the benefit of local communities whilst recognising our respective responsibilities as autonomous, democratically elected statutory bodies.

The Charter is designed to build on existing good practice and embrace the shared principles of openness, respect for each other's opinions, honesty and our common priority of putting citizens at the centre. The Charter is based on equality of partnership and is not a top-down arrangement.

#### **Partners to the Charter**

##### Unitary Authority

- Cardiff Council

##### Community Councils

- Lisvane Community Council
- Old St Mellons Community Council
- Pentyrch Community Council
- Radyr & Morganstown Community Council
- St Fagans Community Council
- Tongwynlais Community Council

## Recognition

We accept the legitimacy and benefits of partnership working whilst at the same time recognising and respecting each other's roles. We aim to work together as a partnership of equals rather than tiers.

<b>Cardiff Council</b>	<b>Community Councils</b>
Acknowledges and recognises that community councils are the grass roots level of local government. In their role as democratically accountable bodies, community councils offer a means of engaging with local people, of decentralising the provision of certain services, and of revitalising local communities.	Recognise the strategic importance of Cardiff Council and the economy of scale and appropriate distribution of certain services they are able to achieve.
Recognise and respect the diversity of community councils and that their needs vary according to size, and the extent to which they participate varies.	Recognise that community councils come within the common umbrella of Cardiff Council.

## Local Governance

We will be clear about the expectations that we have of each other in order to facilitate a smooth working relationship. In this regard, we will define the way in which we interact with each other. We will be clear about the role of councillors at all levels in the relationship and in community leadership.

<b>Cardiff Council</b>	<b>Community Councils</b>
<p>Will hold liaison meetings with nominated representatives of community councils that wish to take part. Such meetings will be held in the first instance on a quarterly basis at a location to be mutually agreed and which is convenient for all councils. These meetings will be known as Community Liaison Meetings.</p>	<p>Will contribute towards the agenda of liaison meetings and contribute proactively to the attendance and discussion.</p>
<p>Will nominate an appropriate officer(s) to act as a liaison between Cardiff Council and community councils.</p>	<p>Will contact the nominated liaison officer(s) on the agreed issues and make them aware of any difficulties being encountered.</p>
<p>Will ensure that community councils are formally represented on the Council's Standards and Ethics Committee and the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy. Cardiff Council will seek to ensure that these arrangements are regarded as suitable and sufficient.</p>	<p>Will invite local county councillors/officers (as appropriate) from Cardiff Council to community council meetings and will provide a space on their meeting agendas for presentations.</p>
<p>Will administer the holding of community council elections.</p>	<p>Will notify the need for community council elections in a timely manner.</p>
	<p>Will facilitate public participation at all relevant meetings of the community council and its committees to encourage community involvement.</p>

## Consultation

We appreciate the importance of meaningful consultation and set out a genuine commitment among all parties to consult on matters of mutual concern. We will agree clear, specific and time limited procedures and processes for consultation.

Cardiff Council	Community Councils
Will aim to give community councils the opportunity to comment before making a decision that affects the local community (particularly on matters relating to planning and other environmental proposals).	Will respond to consultation opportunities in a timely manner, addressing the key issues in the consultation document, where applicable.
Will publish dates of public meetings and agendas & reports for Executive, Council and other Committee meetings on the Council's website as soon as possible.	Will make full use of the papers available to them to inform local decision-making.
Will, in accordance with existing protocols and subject to available resources, allow appropriate officers to attend meetings with community councils (or groups of community councils) at a mutually agreed time to discuss matters of common interest when requested to do so and given sufficient notice.	Will provide an opportunity for local county councillors/officers (as appropriate) from Cardiff Council to speak at community council meetings on matters of mutual interest.
Will encourage scrutiny committees to consult with community councils on relevant local issues.	Will respond to requests to input views to scrutiny committees.

## Information and Communication

We appreciate the need for timely, clear and relevant information and communication in fostering good relationships and better joint working for the benefit of local people.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will provide community councils with a list of appropriate contact persons, telephone numbers and e-mail addresses.	Will utilise the agreed contact points and respond in the most appropriate and timely method.
Will communicate by providing appropriate consultation documents and other information electronically to community council clerks for distribution to community councillors.	Will ensure that all community councillors have access to the appropriate documents.

## Joint Working and Engagement

The Charter defines 'partnership' as working together towards a common set of goals, based on equality in terms of ownership, decision-making and recognition of each party's distinctive contribution. It is recognised that an equal and effective partnership brings benefits and responsibilities to all those involved. Local government at both tiers must work together to promote the economic, social and environmental well being of our area. If doing things differently achieves a better service, we will seriously examine these methods.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will provide the opportunity for community council clerks to meet with the Monitoring Officer or an officer representative from Cardiff Council to discuss common concerns and resolve issues, at the specific request of the clerks.	Will encourage participation by community council clerks in opportunities to network and share common concerns.

## Land Use Planning

Community councils know and understand their local area and must be able to comment effectively on planning matters. Cardiff Council is able to take an overview of the needs of the whole local area and make decisions, taking local views into account.

Cardiff Council	Community Councils
Will reaffirm its statutory duty to consult community councils on all planning applications in, or directly affecting, their communities.	Will make appropriate responses to Cardiff Council recognising the parameters imposed by planning law and agreed planning policy.
Will inform a community council of any site visit by Planning Committee members relating to a planning application in its area.	Will offer community councillors training on planning issues to ensure that they have a sound understanding of how planning law works.
Will provide a community council with a copy of the final report relating to a planning decision in its area within seven days of the decision being made, if the community council has submitted written representations in relation to the planning application.	Will maintain an objective and professional approach to planning matters at all times.
Will provide community councils with details of relevant Planning Committee meetings so that community councillors may attend as observers.	Will encourage community councillors to take up the opportunity to attend meetings of Cardiff Council's Planning Committee as observers.
Will provide timely information to a community council about any planning appeals in its area.	

## Practical Support

In order to be effective, elected members and officers must be well-trained and have the support they need to carry out their roles.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will, where practical, offer community councils access to support services, to enable them to take advantage of facilities such as printing, IT and purchasing at the Council's agreed rate to recover costs.	Will follow established procedures to access support services from Cardiff Council, but will also have the opportunity to make their own arrangements.

## Expertise

We will encourage continuous development of officers and members in both Cardiff Council and the community councils, either in their individual groupings or together. Improved expertise leads to professionalism and more effective joint working.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will offer member induction training to community councillors to enable them to understand the role and function of the unitary authority.	Will provide an induction to newly elected community councillors to enable them to undertake their role effectively.

## Ethics

We will provide an ethical service to local people, following the appropriate standards and Codes of Conduct. We will encourage links between community council clerks and Cardiff Council's Standards & Ethics Committee.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will, through the appointed Monitoring Officer, support community councils in the timely consideration and provision of advice & training in relation to the application of the Member Code of Conduct.	Community councillors shall not make vexatious complaints under the Member Code of Conduct and will provide all such information as required by the Monitoring Officer to enable him/her to carry out his/her function effectively.

## Financial Arrangements

Both Cardiff Council and the community councils recognise the need for clarity and transparency in financial arrangements. In developing and implementing financial arrangements, relevant national and local priorities will be taken into account.

Cardiff Council	Community Councils
Will, in setting the level of council tax for the area, have regard to services being delivered by the Council as a whole.	Will, in setting the annual precept, have regard to local priorities and the services provided within the community by Cardiff Council.

## Delegating Responsibility for Service Provision

Services should be delivered in the most appropriate manner, with regard to value for money and added value for local people.

Cardiff Council	Community Councils
Will, on a case-by-case basis and in line with any related policy or guidelines that may be developed by the Council, give due consideration to all reasonably argued formal requests for the delegation of responsibility for local service delivery to community councils, basing its consideration primarily on the improvement of service delivery for citizens whilst ensuring value for money is retained or enhanced.	Will recognise that there are certain instances where it is not appropriate or desirable for Cardiff Council to delegate service delivery.
Will, in the absence of formal delegation, seek ways in which local information from communities might be used to enhance service delivery to better meet the needs of citizens.	Will engage with citizens in the communities they serve to better understand their needs and convey these needs in a coherent and constructive manner to Cardiff Council, such that they can be taken account of in service design and delivery.

## Sustainability

We will work in ways that are sustainable, reconciling the long-term needs with those of the present; and protecting and improving the quality of life of current generations without compromising the quality of life of future generations.

Cardiff Council	Community Councils
Will assist community councils by providing information on sustainability and related good practice.	Will proactively assess the sustainability of current practices and processes.
Will outline how Cardiff Council is actively pursuing sustainable development.	Will investigate projects which contribute to sustainability where beneficial to the community.

## Community Strategy

We recognise the strategic importance of the Community Strategy which establishes the overarching strategic vision and sets out the priorities for the local area. In Cardiff, these are set out within the 10 year Integrated Partnership Strategy – ‘*What Matters*’ – which incorporates the Community Strategy; the Children & Young People’s Plan; the Health, Social Care & Wellbeing Strategy and the Community Safety Strategic Assessment. Furthermore, we recognise that this will only be fully effective if it is informed by the grass roots experiences from within our communities.

Cardiff Council	Community Councils
Will, in recognition of their local knowledge and experience, invite a representative of community councils to sit on the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy.	Will together nominate a community councillor to be their representative on the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy. This individual shall proactively represent the sector, raising matters of general concern appropriate to the agenda.
Will involve community councils in the development of the Integrated Partnership Strategy.	Will contribute to the development of the Integrated Partnership Strategy in its development stage.
Will involve community councils in the implementation of the Integrated Partnership Strategy.	Will respond actively and fully to consultation on the draft Integrated Partnership Strategy and support the monitoring and implementation of the strategy.

## Community Council Elections

Fair and open elections are the bedrock of local democracy. We will ensure that community council elections are freely and fairly contested, and encourage local people to become involved in local democracy.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will involve community councils in the planning process for community council elections.	Will encourage participation by members of the local community in the community council election process
Will involve community councils in any awareness raising/publicity to encourage nominations for candidacy at community council elections.	Will ensure wide publicity of vacancies on community councils to maximise community representation.
Will help to publicise forthcoming community council elections on behalf of community councils.	Will publicly display statutory notices for forthcoming community council elections.
Will brief community council clerks on the nomination process so that they are equipped to assist any potential candidates who come forward for community council elections.	
Will provide help and assistance with the legal and administrative processes and procedures for community council elections.	

## Action Plan

The Charter will be supported by the development of an annual Action Plan (the first Charter Action Plan will be developed for 2012/13) addressing each of the individual topics contained herein. The Charter Action Plan will be developed on a joint basis and shall attribute responsibilities to each partner. Actions will be accompanied by a timescale and will be reported on a quarterly basis during the year concerned at Community Liaison Meetings.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will nominate a lead officer from Legal & Democratic Services with responsibility for the development and monitoring of the Charter Action Plan.	Will collectively agree priorities for inclusion in the Charter Action Plan.
Responsible officers will have due regard to the Charter Action Plan and include relevant actions in their work plans for the year.	Will have due regard to the Charter Action Plan and all actions relevant to them during the course of the year.

## Monitoring and Review

The Charter will be fully reviewed every four years or more often if there is a need to do so. Cardiff Council's Standards & Ethics Committee will also review progress towards achieving the measures and actions set out in the Charter and Charter Action Plan respectively on an annual basis.

<b>Cardiff Council</b>	<b>Community Councils</b>
Will arrange for the Charter to be reviewed every four years.	Will actively contribute to the review of the Charter.
Will arrange for the development of an action plan linked to the Charter (the Charter Action Plan) and will actively contribute to achieving the Charter Action Plan.	Will actively contribute to the development and delivery of the Charter Action Plan.

## **Conclusion**

Cardiff Council and the undersigned community councils and are committed to the principles and statements with the Charter, for the benefit of local people.

**Leader of Cardiff Council**

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**Chair, Lisvane Community Council**

**Chair, Old St Mellons Community Council**

**Chair, Pentyrch Community Council**

**Chair, Radyr & Morganstown Community Council**

**Chair, St Fagans Community Council**

**Chair, Tongwynlais Community Council**



## **CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD**

### **STANDARDS AND ETHICS COMMITTEE:**

**27 January 2015**

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### **REPORT OF THE MONITORING OFFICER**

#### **AGENDA ITEM: 8**

#### **FORWARD PLAN 2014/15**

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##### **Reason for this Report**

1. To consider the Forward Plan of matters for consideration by the Standards and Ethics Committee in 2014/15.

##### **Background**

2. The Standards and Ethics Committee's Terms of Reference provide the Committee with responsibility in the following areas:
  - (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services and to report to the Council on any matters of concern.
  - (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
  - (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
  - (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
  - (e) To oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.

- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members' Code of Conduct in accordance with the relevant statutory provisions.
- (g) To undertake those functions in relation to Community Councils situated in the area of the Council and members of those Community Councils which are required by law.
- (h) To recommend to Council and the Executive any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.

### **Issues**

- 3. The work plan for the Committee needs to reflect the Council's Annual Governance Statement, and any issues arising from the Committee's work in promoting high standards and managing complaints. The views of this Committee assist in the development of an ongoing work programme designed to promote and maintain high standards of conduct across the Council.

The Committee agreed the Forward Plan for 2014/15 at its meeting on 23 July 2014.

### **Legal Implications**

- 3. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Forward Plan:

#### *54 Functions of standards committees*

*(1) The general functions of a standards committee of a relevant authority are--*

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*

*(2) Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*

*(a) advising the authority on the adoption or revision of a code of conduct,*

*(b) monitoring the operation of the authority's code of conduct, and*

*(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

### **Financial Implications**

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

### **RECOMMENDATION**

The Committee is recommended to consider the Forward Plan 2014/15, as set out in **Appendix A**, and advise officers how it wishes to progress the various items or topics contained therein.

**Marie Rosenthal**  
**County Clerk and Monitoring Officer**  
21 January 2014

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## APPENDIX A

### STANDARDS AND ETHICS COMMITTEE – FORWARD PLAN 2014/15

The following topics have been prioritised on a Red / Amber/ Green (RAG) basis with Red being the highest priority and include indicative timescales as applicable:

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY/ STATUS
(1) Annual Report to Council	To report on the work of the Committee in promoting high standards of conduct	Committee Chair/Monitoring Officer	<b>AMBER</b> April 2015
(2) Social Media	To consider standards and ethics matters relating to the use of social media by Members, including issues such as criteria for use; etiquette and safeguards.	Monitoring Officer	<b>Completed July 2014</b> <b>(To be reviewed again in April 2015)</b>
(3) Provision of Gifts and Hospitality	To consider standards and ethics matters relating to the provision by the Council of gifts and hospitality to third parties. To include issues such as a policy in relation to when the provision of hospitality is appropriate and the monitoring of such provision.  Committee has resolved to review Members Hospitality Registers every six months.	Monitoring Officer	<b>Completed July 2014</b> <b>(To be reviewed again in April 2015)</b>
(4) Officer Personal Interests Policy	To review and oversee the update of the policy – Considered in October 2014; awaiting updates.	Monitoring Officer and Chief HR Officer	<b>GREEN</b> January 2015
(5) Politically Restricted Posts	To review the Council's arrangements	Monitoring Officer	<b>January 2015</b>

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY/ STATUS
		and Chief HR Officer	<b>ON AGENDA</b>
(6) Role Descriptions for Standards and Ethics Committee Members	To review roles and responsibilities of all Members of the Standards and Ethics Committees.	Monitoring Officer	<b>AMBER</b>
(7) Review of Members' Code of Conduct and Guidance	To consider updates and guidance from the Ombudsman on the Members' Code of Conduct.	Monitoring Officer	<b>GREEN</b>
(8) Review of Member/Officer Protocol	To review the Member/Officer Protocol. This is expected to form part of a wider review of the Council's Constitution by the Constitution Committee.	Monitoring Officer and Chief HR Officer	<b>GREEN</b>
(9) Planning processes and procedures (Members Planning Code of Good Practice)	To improve public perceptions relating to openness and transparency  To review procedure rules for continuous improvement	Monitoring Officer and Director of Strategic Planning, Highways Traffic and transportation	<b>RED</b>  Review April 2015
(10) Charter between Cardiff Council and the Community Councils	To review and monitor progress of the Charter on an annual basis.	Monitoring Officer	<b>ON AGENDA</b>
(11) Joint Standards Committees	To consider legislation on the establishment of Joint Standards Committees as set out in the Local Government (Democracy)(Wales) Act 2013.	Monitoring Officer	<b>Completed</b>
(12) Annual Meeting with Group Leaders and Whips	To provide ongoing engagement with representatives from all political groups.	Elected Members	<b>RED</b>
(13) Review of Officer/Employee Code of Conduct and	To review and improve the Officer Code of Conduct. To support the dissemination of	Monitoring Officer/Chief HR	<b>AMBER</b>

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY/ STATUS
Guidance	information and training to officers.	Officer	
(14) Review Whistleblowing Policy	<p>To review and improve the Whistleblowing Policy</p> <p>To be completed in January 2016</p> <p>To advise the Audit Committee of the outcome of the review.</p> <p>To review the operation of the Whistleblowing Policy</p>	Monitoring Officer	<p><b>GREEN</b></p> <p><b>ON AGENDA</b></p> <p><b>Review December 2015/January 2016</b></p>

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