



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000  
  
Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## AGENDA

**Pwyllgor** PWYLLGOR SAFONAU A MOESEG

**Dyddiad ac amser y cyfarfod** DYDD LLUN, 4 MEDI 2017, 4.30 PM

**Lleoliad** YSTAFELL BWYLLGORA 4 - NEUADD Y SIR

**Aelodaeth** Aelodau Annibynnol: Richard Tebboth (Cadeirydd)  
Hollie Edwards-Davies, James Downe, Lizz Roe a/ac Hugh Thomas

Cynghorwyr Cunnah, Sandrey and Williams

Cynghorydd Cymuned: Yn wag

### 1 Ymddiheuriadau am absenoldeb

Derbyn ymddiheuriadau am absenoldebau.

### 2 Aelodaeth a Chylch Gorchwyl (*Tudalennau 1 - 2*)

#### Aelodaeth

Penododd y Cyngor Blynyddol ar 25 Mai 2017 y Cynghorwyr Sir canlynol i'r Pwyllgor hwn: -

Y Cynghorwyr Stephen Cunnah, Emma Sandrey a Joel Williams

#### Cylch Gorchwyl

Cytunodd y Cyngor Blynyddol ar 25 Mai 2017 y cylch gorchwyl fel y'i atodwyd.

### 3 Croeso a Chyflwyniadau

### 4 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

**5 Cofnodion** *(Tudalennau 3 - 8)*

Cymeradwyo cofnodion y cyfarfod blaenorol fel rhai cywir.

**6 Disgrifiad Rôl a Manyleb Swydd Aelodau'r Pwyllgor Safonau a Moeseg**  
*(Tudalennau 9 - 14)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**7 Swyddi Gwag y Pwyllgor - Aelod o'r Cyngor Cymuned ac Un Aelod Annibynnol** *(Tudalennau 15 - 24)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**8 Cwynion Cod Ymddygiad Aelodau – Chwarter 4, 2016.17** *(Tudalennau 25 - 28)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**9 Sesiwn Sefydlu Cyngorwyr: - Hyfforddiant Hanfodol ar God Ymddygiad**  
*(Tudalennau 29 - 30)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**10 Adroddiad Blynyddol y Pwyllgor Safonau a Moeseg 2016/17** *(Tudalennau 31 - 52)*

Adroddiad Blynyddol Drafft wedi atodi

**11 Cynllun Gwaith 2017-18** *(Tudalennau 53 - 58)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**12 Briffio Aelodau – Medi 2017** *(Tudalennau 59 - 64)*

Adroddiad Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

**13 Dyddiad y Cyfarfodydd Nesaf**

22 Tachwedd 2017

28 Mawrth 2018

13 Mehefin 2018

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Mawrth, 29 Awst 2017

Cyswllt: Kate Rees, 029 2087 2427, [KRees@caerdydd.gov.uk](mailto:KRees@caerdydd.gov.uk)

Mae'r dudalen hon yn wag yn fwriadol

Committee	Terms of Reference
Standards & Ethics	<p>(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.</p> <p>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</p> <p>(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.</p> <p>(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.</p> <p>(e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</p> <p>(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.</p> <p>(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</p> <p>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</p> <p>(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.</p> <p>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</p> <p>(k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS & ETHICS COMMITTEE

22 MARCH 2017

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

Community Councillor John Hughes

23 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

It was noted that there was one Councillor vacancy on the Committee following the resignation of Councillor Margaret Jones.

The Chairperson wished to put on record the Committee's thanks for the important contributions Councillor Jones had made on the Committee and wish her well for the future.

Community Councillor John Hughes sought confirmation that it was his last year as a representative on the Committee. The Director of Governance and Legal Services confirmed that Community Councillor Hughes' term of office would expire after the May elections and could not be further extended. She advised that she would write to Community Councils at the end of the current administration seeking their nominations.

The Director of Governance and Legal Services was asked if a Clerk to a Community Council could sit on the Standards & Ethics Committee, to which she advised that this was not permitted under the Regulations.

The Chairperson thanked Community Councillor John Hughes for his contribution to the Committee adding that he had been a long serving, forthcoming, and effective voice for the Community Councils.

24 : DECLARATIONS OF INTEREST

No declarations of interest were received.

25 : MINUTES

The minutes of the meeting held on 30 November 2016 were agreed as a correct record and signed by the Chairperson.

Committee members noted that in relation to the Community Council Charter, the minutes had stated that the Monitoring Officer would consider this issue further with planning colleagues and seek to find a solution to the ongoing issues. The Director of Governance and Legal Services provided an update stating that she had been unable to take this forward so far. There had been further discussions with the Director of City Operations.

Committee members were asked if they would like the Community Council Charter to be brought back to a future Committee Meeting, noting that planning obligations under S106

were not a Standards and Ethics issue and no more could be done on that part of the Charter.

The Community Council representative suggested that the issue of S106 was not present in the rest of Wales; and that Cardiff was different and unique with so many new homes being built. The discussion with the Director of City Operations had concluded that S106 discussions were part of a statutory planning process during which Community Councils are consulted and they express their views. If further consultation is required then the Local Authority has a process for consultation with Ward Councillors, some of whom sit on Community Councils and views can be fed in that way.

The Director of Governance and Legal Services advised that Community Councils should speak directly to the Planning Directorate or the new Chair of Planning of the new Administration to seek to resolve their concerns.

## 26 : ADJUDICATION PANEL FOR WALES - NOTICE OF DECISION

This report informed Members of the Committee of the recent decision of the Adjudication Panel for Wales (APW) in relation to a formal complaint to the Ombudsman for Wales against Councillor McEvoy. The hearing had been over two days. A report would be submitted to Full Council to notify Members of the Notice of Decision and the sanction imposed.

The Committee expressed its concern at the length of time taken to determine this matter (which related to an incident in July 2015); and noted that the Monitoring Officer had made this point to the Ombudsman's office.

It was noted that a press article indicated that the Councillor concerned intended to appeal against the decision, and that the Committee should take care not to publicly comment in a way that may prejudice any appeal.

A Member queried why the previous Notice of Decision relating to Councillor McEvoy had been taken down from the Website and was advised that the Council had followed the timescales applicable to the Ombudsman's decisions, and had published the notice for 21 days. The Director of Governance and Legal agreed to look into the timescales.

RESOLVED – That the findings of the Adjudication Panel for Wales in relation to this case be noted.

## 27 : MEMBERS' CODE OF CONDUCT COMPLAINTS - QUARTER 3, 2016/17

Members were advised that this report was for information purposes only. The Director of Governance and Legal services advised that there had been no real changes; there had been slightly more complaints received recently but this was to be expected due to it being the election period.

RESOLVED – That the contents of the report be noted.

## 28 : LOCAL RESOLUTION PROTOCOL

The Committee was provided with an overview of the report and noted that the Ombudsman had made representations advising Councils to establish local resolution procedures to reduce the number of complaints referred to the Ombudsman relating to



'low-level' behavioural issues between Members, which typically arise in what may be regarded as the "cut and thrust" of normal Council debates and local politics.

In the Ombudsman's latest guidance on the Members' Code of Conduct, the Ombudsman states that "In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation."

In May 2013, Cardiff Council adopted a Local Resolution Protocol, upon the recommendations of the Standards and Ethics Committee, to deal with relatively low-level 'member on member' complaints.

The Local Resolution Protocol adopted in May 2013 requires review to ensure it remains up to date and fit for purpose.

The report asked the Committee to consider whether the Protocol should be extended to low level complaints made by officers about the conduct of a Member. Such complaints are generally dealt with informally by the Monitoring Officer. However, the extension of the Local Resolution Protocol to officers would make Hearing Panel proceedings available where necessary, and may similarly help to avoid unnecessary escalation of the situation and damage to personal relationships within the Council and the Council's reputation. The Committee was advised that some other authorities do already extend their local resolution process to officers.

The Local Resolution Protocol requires the Monitoring Officer to meet with the complainant and complainer together, the Director advised that in some case this may not be appropriate, and they should meet separately. Small amendments would give the Monitoring Officer more discretion.

The Committee during discussion considered that these changes were overdue and was advised that any changes would need to be agreed by Full Council then articulated to Officers. The Committee was content to agree the extension of the Protocol to officers, provided that Senior Management Team had been consulted and were comfortable with it.

The Monitoring Officer also suggested that the Protocol could be made available to deal with low level complaints made by members of the public, if all were in agreement, and on the basis that the individual would always have the right to refer a matter to the Ombudsman if they wished.

RESOLVED – That

1. the recommended amendments to the Local Resolution Protocol shown in Appendix A to the report were agreed, subject to approval by full Council;
2. subject to approval by Council, the Protocol be made available to cover:
  - low level complaints made by officers or members of the public about the conduct of a Member; and
  - low level Member on Member complaints involving Community Councillors;

the proposed amendments to the Local Resolution Protocol be recommended to full Council for approval (with delegated authority for the Monitoring Officer, in consultation with the Standards and Ethics Committee Chairperson, to make any minor amendments to the Protocol as may be required from time to time).

## 29 : WHISTLEBLOWING UPDATE

The Chairperson asked if it was considered that the Policy was working effectively. The Director of Governance and Legal services stated that it was, but that there were some concerns that staff were using the policy whilst already in dispute with management.

Members noted that there had been a workshop on Whistleblowing at the Standards and Ethics Conference last year, after which a report had been produced and published. Dr Downe noted that when the policy had been relaunched, he had been impressed with how it had been communicated. The number of reporting's had initially increased as a result of the new policy, however the numbers have decreased again, so it could be an opportunity to look at how to improve the communication of the Policy further.

The Director of Governance and Legal Services advised that SMT and management briefings were planned and an information leaflet was being produced.

RESOLVED – That the information provided be noted.

## 30 : MEMBER EXIT SURVEY 2017

This report asked the Committee to receive and consider the findings of the Member Exit Survey undertaken in February 2017 that fall within the remit of the Committee and agree an action plan.

The Committee was reminded that the Member Exit Survey had been available electronically and in hard copy from 15 to 24 February 2017, and an opportunity was provided to those who needed support to complete the survey with the assistance of one of the Committee and Members Services team.

The Exit Survey was open to all Members who have held the Office of Councillor since May 2012. A total 46 responses were received by the closing date.

Appendix A to the report provided the overview data for generic questions 1 – 4 and provided details on the responses to Questions 14 – 21 which specifically related to the remit of the Committee. The free text data was provided in themes in order to anonymise responses. The Committee were invited to consider potential actions arising from the data.

The Chairperson had been keen to see adequate questions in relation to bullying and discriminatory behaviour as those are the issues that generally come before Standards and Ethics Committee; and was pleased to see there had been a good number of responses to those questions. In addition the Chairperson had offered to meet any Member who wanted to talk about bullying or discriminatory behaviour, but had only had 1 response to date.

The Director of Governance and Legal Services explained that the Democratic Services Committee had suggested a re-run of the survey at the end of the calendar year to capture

the perceptions of the newly elected Councillors and note any changes; and that the Standards and Ethics Committee would also have the opportunity to review this.

The Committee considered that the responses to questions 14-16 showed a reasonable problem with a third of respondents feeling that they had experienced bullying. The Committee was pleased to note that the confidential counselling service offered to employees had been extended to Elected Members; this would be communicated clearly as part of the Induction Programme.

The Monitoring Officer advised that these issues had been discussed with group leaders and whips, reiterating the responsibilities of groups in this regard. Discussions had been constructive and the Monitoring Officer considered that the situation had improved.

The Committee discussed penalties and sanctions and it was considered that these needed to be fully explained as part of the induction process; Members needed to be aware of media coverage and sensitive or individual personal information not being discussed in public meetings. The Chairperson noted that Members are not employees, they are answerable to the electors and have a code of conduct to follow, but they are deprived of some of the protection that employees have; making it essential that when unacceptable behaviour comes to light, it is dealt with formally and in a timely manner.

In relation to increasing the involvement of the back benchers in decision making, Committee members asked how this could be done within the Council structure. Officers advised that there were opportunities available, such as the vacancies on scrutiny and regulatory Committees. There had been a recommendation from Constitution Committee that Scrutiny Task and Finish Groups be opened up to all Members.

In conclusion, the Committee discussed what else Standards and Ethics Committee could do when they receive allegations of bullying and raising the profile of the Committee. It was noted that Group Leaders are periodically invited to Committee, a regular Member Briefings and Annual Reports are produced, Standards and Ethics Committee members attend Full Council meetings and complete a formal feedback form and any incidents witnessed at meetings are followed up. The Chairperson reiterated that the Committee should remain proactive whilst keeping its independence and distance.

RESOLVED - That:

- i. in collaboration with Democratic Services Committee the Member Survey be re-issued around the end of the calendar year;

the extension of the confidential Counselling service to Elected Members was welcomed.

31 : MEMBER INDUCTION 2017

The Committee received the Member Induction Programme 2017. The programme had been planned to ensure Essential Training sessions were completed early in the new administration and that the service-based sessions followed. The Induction day would involve a welcome from the Chief Executive, Chair of Standards & Ethics Committee and a 'Market hall' with Service information; Welsh Language; All Wales Academy; ICT and Scrutiny.

Members would be issued with starter packs and a Members Handbook and Members IT would be offered on Induction day with an improved process to get newly elected members up and running as quickly as possible.

Committee members considered it appropriate that the Chair of Standards and Ethics provide an introduction to new Members following the Chief Executive's address at the induction sessions.

Committee Members sought and received assurance from the Monitoring Officer that there would be clear references to bullying and discriminatory behaviour in the Code of Conduct training sessions.

The Committee was advised that a report was going to Full Council in March, from the Constitution Committee, on an important change to the Cardiff Undertaking, to include the requirement for all Members to attend Essential Training sessions. Acceptance of Office forms would be signed with the Monitoring Officer on the Monday after the election, the Code of Conduct would be referenced then too.

With reference to Standards and Ethics Hearing Panels, it was suggested that training was required for new Members and that refresher training could be provided in advance of any hearing panel dates.

RESOLVED – That the Member Induction Programme for new and returning Members from May 2017 was endorsed.

## 32 : OBSERVATIONS OF COUNCIL AND COMMITTEE MEETINGS

Community Councillor John Hughes provided his observations from attending a planning site visit.

Members were advised that they were able to attend part of Full Council meetings if they could not attend the full meeting; it was considered important to have a presence from Standards and Ethics Committee members.

Committee members provided their observations of a full Council meeting, stating that the duration of meetings was very lengthy which made it difficult for Members to stay focussed for the whole meeting – particularly Members who may have specific health conditions. There was also a concern that political parties retired to separate group's rooms in the break.

The Director of Governance and Legal Services advised that new Members would be surveyed before setting meeting dates and times.

Members discussed the Standards and Ethics Committee meeting schedule recognising that in view of the local elections there may not be an opportunity for a meeting until September 2017. The Annual report would be drafted and circulated to all Members so that it could be signed off at the September meeting. Members confirmed their preferred meeting day was Wednesdays.

The Chairperson thanked the elected Members for their contribution to the Standards and Ethics Committee over the last Municipal year and wished them all the very best in the future.

# CYNGOR CAERDYDD CARDIFF COUNCIL



**STANDARDS & ETHICS COMMITTEE:**

**4 SEPTEMBER 2017**

## REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

### MEMBERS OF STANDARDS & ETHICS ROLE DESCRIPTION

#### Reason for this Report

1. To enable the Committee to receive the generic role descriptions for the Members of Standards & Ethics Committee as contained within the Welsh Local Government Association (WLGA) Framework Member Role Descriptions and Person Specifications 2015 (<http://wlga.wales/member-role-descriptions>).

#### Background

2. In December 2015, Cardiff Council adopted the Member role descriptions as set out in the WLGA Framework Member Role Descriptions and Person Specifications for the following roles:
  - Elected Member
  - Leader
  - Cabinet Member
  - Chair of the Council
  - Chair of Democratic Services Committee
  - Member of Democratic Services Committee
  - Chair of a Regulatory Committee
  - Member of a Regulatory Committee
  - **Chair of Standards Committee**
  - **Member of Standards Committee**
  - Chair of Audit Committee
  - Member of Audit Committee
  - Chair of an Overview and Scrutiny Committee
  - Member of an Overview and Scrutiny Committee
  - Leader of the Opposition
  - Member Champion

## **Issues**

3. The Constitution Committee at its meeting 31 August, 2017 will consider whether the Member Role Descriptions should be incorporated into the Cardiff Constitution.
4. The Committee is invited to consider the generic Role Descriptions for Members of the Standards and Ethics Committee as attached at **Appendix A**

## **Legal Implications**

5. There are no legal implications arising from this report.

## **Financial Implications**

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

## **Recommendations**

The Committee is recommended to:

1. consider the Role Descriptions as set out at **Appendix A**;
2. note the recommendation of the Constitution Committee 31 August 2017, which will be reported to the meeting.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

18 August 2017

## **Appendices**

Appendix A Members of Standards & Ethics Committee Role Description and Person Specification

## **Background papers**

Constitution Committee Report 31 August 2017 – [Members' Role Descriptions](#)

## Chair of Standards Committee Role Description

### 1 Accountabilities

- To Full Council

### 2 Role Purpose and Activity

#### ▪ Providing leadership and direction

- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct
- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To lead the committee in its role in:
  - promoting and maintaining high standards of conduct by Councillors and co-opted members
  - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
  - advising the Council on the adoption or revision of the Members' Code of Conduct;
  - monitoring the operation of the Members' Code of Conduct;
  - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
  - granting dispensations to Councillors and co-opted members
  - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
  - the exercise of these functions in relation to community councils and the members of those community councils.

### 3 Values

- To be committed to the values of the council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect

- Equality and fairness
- Appreciation of cultural differences
- Sustainability

1	Accountabilities	<ul style="list-style-type: none"> <li>• To set within technical, legal and procedural requirements to oversee the functions of the committee fairly and honestly</li> </ul>
2	Role Purpose and Activity	<ul style="list-style-type: none"> <li>• To ensure transparency and objectivity in the committee, including and responding to professional advice on the Code of Conduct</li> <li>• To demonstrate independent, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements</li> <li>• To provide consistent and effective management of meetings to facilitate inclusivity, participation and clear decision making</li> <li>• To lead the committee in its work</li> </ul>

3	Values	<ul style="list-style-type: none"> <li>• To be committed to the values of the council and the following values in public office:             <ul style="list-style-type: none"> <li>• Openness and transparency</li> <li>• Integrity and honesty</li> <li>• Respect and respect</li> </ul> </li> </ul>
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4	Monitoring and Reporting	<ul style="list-style-type: none"> <li>• Monitoring and maintaining high standards of conduct by Councilors and elected members</li> <li>• Assisting the Councilors and elected members to observe the Member Code of Conduct</li> <li>• Advising the Council on the adoption or revision of the Member Code of Conduct</li> <li>• Monitoring the conduct of the Member Code of Conduct</li> <li>• Advising, training or arranging to train Councilors, elected members or other persons referred to the Member Code of Conduct</li> <li>• Granting dispensations to Councilors and elected members</li> <li>• Dealing with any reports from a case officer or other case officer, and any report from the Monitoring Officer on any matter referred to their office by the Public Services Ombudsman for Wales</li> <li>• The exercise of their functions in relation to community councils and the members of those community councils</li> </ul>
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5	Other	<ul style="list-style-type: none"> <li>• To be committed to the values of the council and the following values in public office:             <ul style="list-style-type: none"> <li>• Openness and transparency</li> <li>• Integrity and honesty</li> <li>• Respect and respect</li> </ul> </li> </ul>
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## **Member of a Standards Committee Role Description**

### **1 Accountabilities**

- To Full Council
- To the Chair of the Standards Committee

### **2 Role purpose and activity**

- **Understanding the nature of the Standards committee and effectively fulfilling its functions by:**
  - promoting and maintaining high standards of conduct by Councillors and co-opted members
  - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
  - advising the Council on the adoption or revision of the Members' Code of Conduct;
  - monitoring the operation of the Members' Code of Conduct;
  - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
  - granting dispensations to Councillors and co-opted members
  - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
  - To participate effectively in meetings of the Standards committee,
  - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
  - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
  - To promote and support good governance by the Council

- To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility

### 3 Values

- To be committed to the values of the Council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability



**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**STANDARDS & ETHICS COMMITTEE: 4 SEPTEMBER 2017**

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

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**COMMITTEE VACANCIES – COMMUNITY COUNCIL MEMBER & ONE  
INDEPENDENT MEMBER**

**Reason for this Report**

1. To inform the Committee about 2 vacancies on the Committee and seek approval of the arrangements to fill those vacancies.

**Background**

2. The Constitution provides that the Standards & Ethics Committee shall have five independent members, three county councillors and one community councillor – Constitution Article 9.2(a).
3. The term of office of Community Councillor John Hughes expired following the May 2017 local government elections, and cannot be further extended.
4. One currently serving Independent Member, Hollie Edwards-Davies, has indicated her intention to resign from the Committee due to personal and work commitments.

**Issues**

5. The Council needs to recruit and make appointments to fill the 2 vacancies on the Committee. The appointment of members of the Standards and Ethics Committee is governed by the Standards Committees (Wales) Regulations 2001 (as amended) (“the Regulations”) and the Council’s Constitution.

Community Council Member

6. Under the Regulations and the Council’s Constitution, the Standards and Ethics Committee must have one community council member, who can be appointed for up to 2 consecutive terms. Community Councillor John Hughes served for the maximum permissible time on the Committee, from his appointment in 2008 until the local government elections in May 2017.

His term of office cannot be further extended. The Council therefore needs to make a new appointment.

7. Members should note that a Cardiff County Councillor who is also a Community Councillor in Cardiff may not be appointed as the Standards and Ethics Committee's community council member (under Regulation 11).
8. Before appointing a Community Council member to the Standards and Ethics Committee, the Regulations require the Council to consult with the community councils situated within its area and any community council association operating within the area (Regulation 10).
9. Accordingly, the Monitoring Officer has written to the Clerks of the six Cardiff community councils to inform them of the vacancy and inviting nominations to be received by no later than 29th September 2017. All nominees have been asked to complete an expression of interest to provide information about their experience and skills. One Voice Wales has also been consulted on the appointment, and has responded to confirm that it will do all it can to encourage Cardiff's community councils to nominate suitable applicants from among their membership.
10. If more than one nomination is received, the Council will need to adopt a selection process; and the Monitoring Officer's recommendations in this respect are as follows:
  - (i) the Committee should appoint a sub-committee (an Appointments Panel) with delegated authority to shortlist and interview candidates and make a recommendation on appointment;
  - (ii) the Appointments Panel should comprise 3 Committee members, 2 independent members to include the Chair and or Vice-Chair, and one elected member. In order to avoid a conflict of interests, the elected Member representative on the Panel should not be a serving Community Councillor;
  - (iii) the Panel should assess candidates' suitability having regard to their experience and skills; and be supported by advice from the Monitoring Officer and the Council's Human Resources department, as necessary;
  - (iv) shortlisting should be scheduled to take place during the weeks commencing 2<sup>nd</sup> or 9<sup>th</sup> October, and interviews during the weeks commencing 16<sup>th</sup> or 23<sup>rd</sup> October; and
  - (v) the Panel's recommendation on appointment could then be submitted to full Council for approval in November (Council meeting scheduled for 30/11/17).
11. The timescale set out in the paragraph above would allow the Community Councillor recommended for appointment to the Committee to discharge the role of the Community Councillor representative required for the Independent Member Appointments Panel (as set out in paragraph 14(iii) below); and for both appointments to be submitted to full Council for approval in November 2017. It is recommended that the appointment of both the Community Council member and the Independent Member should be made at the same time in order to avoid potential problems with quorum

(if the elected Members outnumber the Independent Members the Committee becomes inquorate).

12. The Community Council member's term of office, as set by the Regulations, will run until the next ordinary local government elections; and may be extended for one consecutive term only.

#### Independent Member

13. The Constitution requires the Standards and Ethics Committee to have five Independent Members. The Council therefore needs to make a new appointment to fill the vacancy arising from the resignation of Hollie Edwards-Davies.
14. The Regulations require a public recruitment process to be followed for an Independent Member vacancy, specifically, the Council must:
  - (i) advertise the vacancy in at least 2 newspapers circulating in its area, and may additionally advertise the vacancy in its own newspaper;
  - (ii) set selection criteria and publish those criteria in the advertisement of the vacancy;
  - (iii) establish an Appointments Panel, comprised of up to five panel members, and including one lay panel member (the lay panel member must be a person who is not, and has not been, a member, co-opted member or officer of a county or community council; and is not the spouse or civil partner of a member or officer of a county or community council) and one Cardiff community councillor; and
  - (iv) arrange for the Appointments Panel to assess all applications against the published criteria and make a recommendation on the appointment to Council for approval.
15. The Regulations provide that an Independent Member's term of office must be set at between four and six years. Having regard to the costs involved in carrying out the required public recruitment exercise, it is recommended that the full 6 year term should be agreed.
16. A draft advertisement for the vacancy and person specification, based on the documentation used previously (for the recruitment of Independent Members in 2014) are attached as **Appendices A and B** respectively. Members are invited to approve these documents, subject to any amendments; and to instruct the Monitoring Officer to make the necessary arrangements for publication of the advertisement as required by the Regulations.
17. Members are invited to agree the establishment of an Appointments Panel for the Independent Member vacancy, to be comprised as follows:
  - (i) One lay person;
  - (ii) One Cardiff Community Councillor – it is suggested that the recommended new Community Council member of the Committee could be asked to fulfil this role (pending approval of their appointment to the Committee by full Council, as there is no

- requirement for the Community Council representative to be a member of the Committee);
- (iii) One or two Independent Members of the Committee, to include the Chair and or Vice-Chair; and
- (iv) One elected Member of the Committee.

18. The proposed timescale is as follows:

Advertisements published	- by week commencing 11 <sup>th</sup> September
Closing date for applications	- 6 <sup>th</sup> October
Shortlisting	- week commencing 16 <sup>th</sup> or 23 <sup>rd</sup> October
Interview	- week commencing 6 <sup>th</sup> November

The timescale set out above would allow the recommendations on appointment for both the Independent Member and the Community Council member to be submitted to the November meeting of full Council (scheduled for 30/11/17). Members will note, however, that the new appointees will not be in post before the next Committee meeting, which is currently scheduled for 22<sup>nd</sup> November 2017.

### **Legal Implications**

19. The legal implications are contained within the body of the report.

### **Financial Implications**

20. The cost of the recruitment advert will be met from the Directorate budget.

## **RECOMMENDATIONS**

The Committee is recommended to:

- (i) note the information set out in the report;
- (ii) provide any comments on the proposed process to fill the vacancies;
- (iii) establish two Appointments Panels: (i) for the Community Council member; and (ii) for the Independent Member vacancy, with delegated authority to shortlist and interview candidates and make recommendations on appointments to full Council;
- (iv) agree the size and composition of the Appointments Panels established under recommendation (iii) as set out in the report, and make nominations to them;
- (v) approve the advertisement and person specification for the Independent Member vacancy, as set out in **Appendices A and B**, subject to any agreed amendments;
- (vi) authorise the Monitoring Officer, in consultation with the Chair, to make all necessary arrangements to fill both vacancies as set out in the report; and

- (vii) note that the recommendations of each of the Appointments Panels with regard to the appointments to fill the two vacancies are to be submitted to full Council for approval.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
29 August 2017

Appendices

Appendix A	Independent Member Vacancy - Advertisement
Appendix B	Independent Member Person Specification

Mae'r dudalen hon yn wag yn fwriadol



**CARDIFF COUNCIL  
VACANCY FOR AN INDEPENDENT MEMBER OF THE STANDARDS & ETHICS COMMITTEE**

Cardiff Council is seeking to appoint a new independent member to its Standards & Ethics Committee.

If you value local democracy, have a commitment to public service and have the capacity to be independent, objective and strong minded, then you may be the right person for this role.

The Standards & Ethics Committee performs an important role in promoting and maintaining high standards of conduct of elected members of Cardiff Council and the six Community Councils within its area. The Committee is comprised of 5 Independent members, 1 community councillor and 3 county councillors. There is a vacancy for one Independent Member due to one member stepping down. Appointments are made for a term of 4 to 6 years, and may be extended for a further 4 year term.

For this role you will need to:

- Have a general interest in ethical issues
- Be of good character, and respected for your contribution to community life
- Demonstrate a commitment to the Seven Principles of Public Life (the Nolan principles)
- Have an understanding of how local government functions
- Have the capacity to be independent, objective and strong minded
- Have no business connection with the Council
- Be able to analyse evidence, issues and problems
- Be able to communicate and contribute effectively in a committee environment
- Be politically independent
- Be able to commit on average 1 to 2 hours each month to the work of the Committee

The Committee usually meets on a quarterly basis. Appropriate training will be provided. An allowance of £198 per day / £99 for half a day is paid, and expenses may be claimed for care, travel and subsistence.

If you believe you meet the above requirements and are interested in this role, please email [democraticservices@cardiff.gov.uk](mailto:democraticservices@cardiff.gov.uk) for an application pack.

Members of ethnic minority communities and disabled people are currently under-represented on the Committee, so applications from members of these groups are particularly welcome, although all applications will be judged on merit.

**The closing date for applications is xx.** Interviews will be held in xxx.

Mae'r dudalen hon yn wag yn fwriadol

## Person Specification

**Designation of Post: Independent Member of Standards & Ethics Committee**

**THE PERSON APPOINTED MUST FULFIL THE FOLLOWING REQUIREMENTS:**

	<i><b>Essential</b></i>	<i><b>Desirable</b></i>
<b>Knowledge and Experience</b>	<p>Experience or understanding of governance in a corporate body</p>	<p>Knowledge of local government principles or experience of public accountability</p> <p>Understanding of legislation (or ability to learn)</p> <p>A record of achievement in the public, commercial, voluntary or academic sectors</p>
<b>Skills and Abilities</b>	<p>Able to analyse issues and problems, weigh evidence and put forward persuasive arguments to support your view</p> <p>Able to contribute effectively in a committee environment, and work constructively with others to achieve consensus</p> <p>Able to communicate effectively</p> <p>Capacity to be independent, objective and strong minded</p> <p>Able to commit an average of <b>1-2 hours each month</b> to the work of the Committee</p>	
<b>Personal Attributes</b>	<p>Of good character, showing integrity and financial stability</p> <p>Respected for a contribution made to community life</p> <p>Value local democracy</p> <p>A commitment to public service</p> <p>A general interest in ethical issues</p> <p>A commitment to the Seven Principles of Public Life (the Nolan Principles)</p> <p>Personal and political sensitivity</p>	

<p><b>Personal Attributes</b></p> <p>(contd)</p>	<p>Must <u>not</u> have any business or other interests (including membership or affiliation of any political or other organisation) which would cause real or perceived conflict with the independence and impartiality of the role</p> <p>Must <u>not</u> be:</p> <ul style="list-style-type: none"> <li>• a current councillor or officer (or the spouse or partner of a councillor or officer) of Cardiff Council or any other local authority, National Park authority, fire authority, or community council;</li> <li>• a former councillor or officer of Cardiff Council; or</li> <li>• a former councillor or officer of any other local authority, National Park authority, fire authority, or community council, <i>unless</i> you ceased to hold that position more than 12 months ago</li> </ul> <p>A commitment to the Council's Equal Opportunities Policy and an awareness of, and sensitivity to, the diversity of modern society</p>	
<p><b>Other</b></p>		<p>A resident and local government elector in Cardiff</p>

**STANDARDS AND ETHICS  
COMMITTEE****4 SEPTEMBER 2017**

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

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**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4,  
2016/17****Reason for Report**

1. To provide the Committee with a brief update on complaints made during Quarter 4 against Members of the Council alleging breaches of the Code of Conduct.

**Background**

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of the Council alleging a breach of the Members' Code of Conduct. These reports provide information to assist the Committee to discharge its functions, in particular:
  - i. 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; and
  - ii. 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,  
  
(paragraphs (a) and (c) respectively, of the Committee's terms of reference).
3. Complaints received during Quarter 3 of the financial year 2016/17 were considered at the Committee's last meeting, in March 2017.

**Issues**

4. A total of 7 complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 4 of the financial year 2016/2017.

5. The table below shows the type of complaints received in Quarter 4 and provides comparative figures for the previous 3 quarters.

	<b>Q1 April, May, June 2016</b>	<b>Q2 July, August, Sept 2016</b>	<b>Q3 Oct, Nov, Dec 2016</b>	<b>Q4 Jan, Feb, Mar 2017</b>
Total	4	3	4	7
Member on Member	1	0	2	2
Public on Member	3	3	2	5
Officer on Member	0	0	0	0
Community Councillors	0	0	0	0

6. The Committee will note that the number of complaints received during Quarter 4 (7 in total) is higher than in previous quarters this year. However, Members may wish to note that there was also an increase in the number of complaints during the same quarter period last year. In 2015/16 there were 18 complaints received during Quarter 4 (although 8 of these related to one particular community council). The number of complaints during Quarter 4 of the current year is lower than the number received during the same quarter last year.
7. Brief details of the complaints and outcomes are as follows:
- i. Complaint alleging that a Member had breached the duty to have regard to equal opportunities – the Ombudsman is considering whether to investigate this complaint.
  - ii. Complaint from a member of the public alleging that a Member made misleading statements during a full Council meeting. The Monitoring Officer sought clarification of the alleged breach of the Code from the complainant and confirmation that the complainant was content for the Monitoring Officer to contact the Member concerned to seek informal resolution. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
  - iii. Complaint alleging unfair treatment by a Member, which was submitted to the Ombudsman. The Ombudsman decided not to investigate the complaint as there was no evidence of a breach of the Code.
  - iv. A Member on Member complaint alleging slander. The Monitoring Officer sought confirmation on whether the complainant wished to seek resolution under the Local Resolution Protocol or wished to refer the

matter to the Ombudsman. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.

- v. Complaint alleging a Member had breached the duty to show respect and consideration for others. The Monitoring Officer is attempting to resolve this complaint by informal resolution.
- vi. Complaint alleging that a Member's conduct amounts to bullying and bringing the Council into disrepute. The Ombudsman decided not to investigate the complaint as there was insufficient evidence to show a breach of the Code.
- vii. Complaint from a member of the public about a Member's response to certain concerns raised by them. The Ombudsman decided not to investigate the complaint as there was insufficient evidence of any breach of the Code.

### **Legal Implications**

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

### **Financial Implications**

- 9. There are no direct financial implications arising from this report.

### **Recommendation**

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

**Davina Fiore**

**Director of Governance and Legal Services, and Monitoring Officer**

17 August 2017

### Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3, 2016/17' dated 22 March 2017

Mae'r dudalen hon yn wag yn fwriadol



**CYNGOR CAERDYDD  
CARDIFF COUNCIL**



**STANDARDS & ETHICS COMMITTEE:**

**4 SEPTEMBER 2017**

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

**COUNCILLOR INDUCTION 2017 - CODE OF CONDUCT ESSENTIAL  
TRAINING**

**Reason for this Report**

1. To report to Committee on the Councillor Induction 2017 and completion of the Essential Code of Conduct sessions run by the Director of Governance & Legal Services and Monitoring Officer.

**Background**

2. The Local Government (Wales) Measure 2011 sets out a number of requirements in relation to Member learning and development. In particular, it requires authorities to “secure the provision of reasonable training and development opportunities for its Member within budgetary constraints”.
3. The Standards and Ethics Committee has a role in ensuring that all Members receive appropriate Induction on the Code of Conduct and standards required of Councillors in public life, and that updates are provided as necessary.
4. The Democratic Services Committee at its meeting on 7 December 2016 agreed those sessions identified as essential learning for all new Members which included Induction sessions on the Code of Conduct as an essential module.
5. The Constitution Committee 2 March, 2017 approved a recommendation to Council 23 March, 2017 to update the terms of reference of Committees to include the need for Members to have completed essential training before they can sit on the Committee; and to include a requirement in the Cardiff Undertaking that Members sign up to completing essential training identified in the programme.

## Issues

6. Since May 2017, four sessions Essential Code of Conduct sessions have been held and attendance has been as follows: -

Session Date	Number of Attendees
16 May 2017 Session 1	28
16 May 2017 Session 2	21
26 June 2017 Session 3	14
28 August 2017	(3) - to be reported at the meeting
E. Learning All Wales Academy Module	(2) - to be reported at the meeting

7. Group Whips were advised at their meeting on 10 July 2017 of attendances by their party of Councillors at Essential Training Sessions.

## Legal Implications

8. The relevant requirements of the Local Government (Wales) Measure 2011 are referred to in the body of this report.
9. The Cardiff Undertaking requires Councillors to commit to appropriate training, to include all training which has been identified as essential in the Member Induction Programme / Member Training and Development Plan, or equivalent, to equip them to carry out their duties as Councillor.
10. The Councils Constitution has been amended to include essential training in the terms of reference of quasi- judicial committees to ensure that Councillors who are Members of these Committees receive training on their decision making role, to ensure that they are aware of the legislative requirements and only take relevant considerations into account.

## Financial Implications

11. There are no direct financial implications arising from this report with the costs associated with development and support being met from existing resources.

## Recommendation

The Committee is requested to receive and note the report.

**Davina Fiore**  
**Director of Governance & Legal Services**  
29 August 2017

**Cardiff Council**

**DRAFT**  
**Standards and Ethics**  
**Committee**  
**Annual Report**  
**2016/17**



# The Ten General Principles of Public Life

<p><b>Selflessness</b> – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p><b>Personal judgement</b> – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.</p>
<p><b>Honesty and integrity</b> – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.</p>	<p><b>Respect for others</b> – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.</p>
<p><b>Objectivity</b> – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p><b>Duty to uphold the law</b> – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.</p>
<p><b>Accountability</b> – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.</p>	<p><b>Stewardship</b> – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.</p>
<p><b>Openness</b> – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p>	<p><b>Leadership</b> – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p>
<p><b><i>“Nolan Committee on Standards in Public Life”</i></b></p>	

# Contents

	<b>Page</b>
Chair's Foreword	4
The Role of the Standards and Ethics Committee	5
The Committee's Work in 2016/17	6 - 13
Taking Action on Complaints	14 - 16
Future Priorities	17
Committee Membership	18- 21
Attendance Record	22
Helpful Contacts	22

# Chair's Foreword

I am pleased to present the Committee's Annual Report, which outlines the work undertaken by the Committee in 2016-17.

The Committee has continued to make itself more visible, through attendance at Council and Committee meetings and its Member briefings. I was pleased to have the opportunity of meeting and addressing Members at the induction sessions following the last elections and to attend one of the training sessions on the Code of Conduct. Committee members played a part in designing the exit survey undertaken in February 2017 and the induction and development programme for new Members.

The exit survey findings on incidents of bullying or discriminatory behaviour raised concerns, which required addressing. The Committee welcomes moves to strengthen training on these subjects, to provide confidential counselling support to Members if required, to continue to monitor Members' perceptions, and to ensure any alleged incidents are properly dealt with.

Committee members shared widespread concern about levels of conduct in some full Council meetings - which attracted adverse comment in public media and risked affecting the overall reputation of the Council. It also undermines the great dedication that individual Councillors bring to their everyday work in their role. The new Council gives the opportunity for a fresh start in this regard.

The Committee has not been called upon at all in the past year to act in its formal adjudication role. The analysis of complaints contained in the report shows that most complaints were resolved informally or by the Monitoring Officer. Three cases referred to the Public Services Ombudsman for Wales were not proceeded with because of lack of sufficient evidence of a breach of the Code of Conduct. Three cases are still outstanding. One case outstanding from last year was dealt with by the Adjudication Panel for Wales. Of eight cases referred last year to the Ombudsman, involving Community Councillors, three were not investigated and in the remaining five, no evidence of breach of the Code was found.

The work programme reflects our intention to be more pro-active in promoting good standards of practice and seeking to resolve problems at an early stage, rather than relying on reacting to complaints once they reach a more formal level.

As ever, the Committee's work relies heavily on the support it receives from officers, particularly Davina Fiore and all her staff. I wish to record our thanks to them. I wish personally to thank my fellow Committee members, and to make particular mention of Community Councillor John Hughes, who stands down at the end of a lengthy and loyal term of office, and of independent member Hollie Edwards-Davies, who is standing down after a less lengthy but active period of service.

Richard Tebboth  
Chair of Standards and Ethics Committee  
Cardiff Council

# The Role of the Standards and Ethics Committee

## The Committee operates within a statutory framework and the following terms of reference:

- (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 Cabinet 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.

## The Committee has identified its major role as being to:

- Promote and maintain high standards of conduct by County Councillors, Community Councillors and Co-opted Members.
- Provide support advice and training for County Councillors and Community Councillors on conduct and personal interests.
- Monitor the operation of the Code of Conduct and the governance of the Council.
- Hear and determine any complaints referred by the Public Services Ombudsman for Wales.
- Provide advice and guidance on the whistleblowing procedure, constitutional, protocols and ethical issues.

The Committee operates on the clear understanding that Elected Members that sit on the Committee are independent of political allegiance and that all discussions and decisions are taken with ethical principles at the forefront. The Committee is mindful that not all political groups are represented on the Committee, but welcomes attendance by all Members at its meetings and is happy to receive contributions from those groups not so represented. The Committee wishes to do all it can to support Elected Members in their role.

DRAFT



# The Committee's Work in 2016/17

## LOCAL RESOLUTION PROTOCOL

Cardiff Council adopted a Local Resolution Protocol in May 2013, as recommended by the Ombudsman, to deal with relatively 'low-level' behavioural complaints made by Members about other Members. The aim of local resolution is to resolve matters at an early stage, so as to avoid the unnecessary escalation of a situation which may damage personal relationships within the authority and the authority's reputation.

The Committee reviewed the Protocol and observed that local resolution was generally agreed to have been helpful in resolving Member disputes within Cardiff Council. Various minor amendments to the Protocol were recommended, to ensure it remained up to date and fit for purpose.

The Committee considered whether the Protocol should be extended to officers, for low level complaints about the conduct of a Member. Whilst officer complaints are usually dealt with informally by the Monitoring Officer, it was noted that extending the Protocol to officers would allow the option of Hearings Panel proceedings if appropriate. It was agreed that local resolution of officer complaints could similarly help to avoid unnecessary escalation of a situation and damage to personal relationships within the Council and the Council's reputation; and noted that some other authorities already extend their local resolution process to officers. The Committee therefore agreed to recommend the extension of the Protocol to officer complaints, subject to agreement by the Council's Senior Management team and full Council.

The Committee also considered whether the Protocol should be made available to Community Councillors. As local resolution is a voluntary arrangement, not having any statutory basis, the Committee asked the Monitoring Officer to discuss this with the community councils. Subsequently the Ombudsman has agreed a standard local resolution protocol for community councils which they may adopt with One Voice Wales (which represents Community Councils in Wales). This has been raised with Community Councils and may be a better option for them.

The recommended changes to the Protocol have been agreed by the Council's Senior Management Team and are due to be reported to full Council for approval in September 2017.

## MEMBER BRIEFINGS

The Committee was asked to publish biannual Member Briefings on the work of the Standards and Ethics Committee as part of the Cabinet's approved Action Plan (21/03/16, Action P5a) following the Wales Audit Office Corporate Assessment Follow On Report. The aim of the Briefing is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour.

The first Member Briefing was issued in August 2016; and included information for Members on:

- the aim of the briefing;
- the Cardiff Undertaking;
- the Wales Audit Office Corporate Assessment Follow-On findings in respect of Member conduct matters;
- the work of the Standards and Ethics Committee;
- the regular meetings of the Standards and Ethics Committee with Group Leaders and Whips;
- feedback from the Committee's Independent Members' on their observations of Council and Committee meetings;
- Code of Conduct complaints;
- the Social Media Guidance for Councillors issued by the Committee;
- the work of the Committee on Members' training and development (particularly in relation to the Code of Conduct); and
- useful contact details for standards and ethics matters.

[\[Insert link to the Briefing?\]](#)

A second briefing was later issued in March 2017 in the form of a message from the Standards Committee Chair to all Councillors. In this briefing, the Chair referred to allegations of bullying behaviour towards councillors and concern about this. He confirmed that a specific question about any such concerns was included in the Members' Exit Survey undertaken in February 2017, and emphasised that all survey responses would be treated in confidence. The Chair also extended an invitation to any Members who may have experienced such issues to speak with him personally. One Member took up this offer.

## **PLANNING COMMITTEE PROTOCOL**

The Committee had previously expressed an interest in considering the openness and transparency of the Council's planning processes. However, Members noted that the Committee's terms of reference would only cover issues in relation to ethical standards, probity and Member conduct, whereas planning issues are the responsibility of the Planning Committee.

The Committee received a report on the Welsh Local Government Association (WLGA) draft Planning Committee Protocol, which had been circulated to all Welsh planning authorities for consultation. The Planning Committee had approved a response to the consultation, which was then considered by the Standards and Ethics Committee. (The Standards and Ethics Committee was not able to consider this before the consultation deadline as its May 2016 meeting was inquorate and cancelled).

The Committee observed that one aim of the Protocol was to ensure that there were no grounds for suggesting a planning decision had been biased, partial or not well-founded; and it was intended to complement any national and local codes on Councillor Conduct and general arrangements regarding the running of meetings. It also noted that the draft WLGA Protocol covered issues which are addressed in Cardiff's Members' Planning Code of Good Practice (which had been previously considered by the Standards and Ethics Committee) as well as matters addressed in the Planning Committee Procedure Rules. The Committee heard from the Operational

Manager for Strategic Planning, who provided further information and answered Members queries.

Members welcomed the Protocol's reinforcement of principles relating to Member conduct and its guidance on avoiding perceptions of bias. They recommended that the Protocol, if adopted by Cardiff, should be incorporated in Members' training and development sessions. Concerns were raised about the arrangements in relation to Community Councils, and it would have been considered helpful to make reference to the role of principal authority Councillors who were also Community Councillors. The Committee noted that the Community Councils and their representative body, One Voice Wales, had also been consulted separately and had the opportunity to directly raise any such issues of concern with the WLGA.

## **SOCIAL MEDIA GUIDANCE**

The Committee reviewed the social media guidance it had issued for Councillors in July 2014. It was content that the guidance remained relevant and useful and did not require amendment. However, it was agreed that it would be helpful to remind Members about the guidance; and that this issue should be included in the Committee's Member Briefing.

The Committee discussed its role in relation to inappropriate social media comments by Councillors and noted the Monitoring Officer's advice that the Council did not have the resources to routinely monitor Members' posts, but would consider any complaints made or issues raised. The Committee agreed it should be proactive on training and raising Members' awareness of the guidance. It was also suggested that Independent Members may find it useful to look at Members' social media posts to identify problems arising between Councillors. The Committee stressed the importance of Members making it clear when they are commenting in their personal capacity rather than in their role as elected Member, using separate accounts as appropriate, and that this was an area in which problems sometimes arose. It was agreed that Members' training should provide an opportunity for Members to discuss what is acceptable and unacceptable in their use of social media. This was included in the members' induction on the Code of Conduct.

## **WHISTLEBLOWING**

The Committee's terms of reference include responsibility for monitoring and overseeing the Council's Whistleblowing Policy and considering any ethical issues arising from complaints made under the Policy. The Monitoring Officer keeps a record of all whistleblowing reports made, and reports annually to the Standards and Ethics Committee for this purpose.

The Committee received a report on whistleblowing cases recorded during 2016. It was noted that four whistleblowing reports had been recorded during 2016. Members considered the issues raised and the outcomes in each case, on a confidential and exempt basis, so as not to disclose the identities of the individuals involved.

Overall, the Committee was content that the Policy was working effectively, although it noted there was potential for misuse of the Policy by employees involved in ongoing disputes with the Council. There were no ethical concerns arising from the cases.

Members reiterated the importance of regularly refreshing the posters, leaflets and other communications activities used to publicise the Policy, so that all staff were aware they could safely report concerns. The Monitoring Officer confirmed that a suitable communications plan was in place, and included a simple guide leaflet and briefings for managers on their responsibilities under the Policy.

## **MEMBERS' EXIT SURVEY 2017**

The Committee received and considered the anonymised findings of the Members' Exit Survey undertaken in February 2017, in respect of the issues falling within its remit.

The Exit Survey was open to all Members holding the Office of Councillor since May 2012, and made available electronically and in hard copy, with support available to complete the survey, if necessary, from the Committee and Members Services team. In total 46 responses were received.

A number of questions had been included in the survey about bullying and discriminatory behaviour, as the Committee had noted that these issues were sometimes raised during Standards and Ethics Committee Hearings. The Committee was pleased to see a reasonable number of responses from Members to those questions. However, the responses indicated that a third of respondents had witnessed some bullying behaviour, which was of concern to the Committee. The Monitoring Officer confirmed that this issue was being taken up with group leaders and whips and that she was underlining the responsibilities of Members and groups in this regard. The Committee was also glad to note that the confidential counselling service available for employees had been extended to Elected Members, and that this would be made clear to Members during the Member Induction Programme. The Code of Conduct training would also fully explain the penalties and sanctions which may be applied. The Committee stressed that any complaints about bullying behaviour would be dealt with promptly. The Monitoring Officer advised that the Democratic Services Committee had suggested a repeat of the survey at the end of the 2017 calendar year to capture the perceptions of newly elected Councillors; and the Standards and Ethics Committee agreed it would review Members' responses on this issue at that time.

## **COMMUNITY COUNCIL CHARTER**

The Charter between Cardiff Council and Community Councils in Cardiff (known as *The Charter*) was adopted by the Executive in March 2012, reflecting the model Charter issued by the Welsh Government (under section 130-133 of the Local Government (Wales) Measure 2011.) The aim of the Charter was to support structured, regular engagement and communication between the two tiers of local government. The Charter states that the Standards and Ethics Committee will review progress towards achieving the measures and actions set out in the Charter, but this is not incorporated in the Committee's terms of reference, so the Committee has no authority itself to determine or change it.

The Committee had previously reviewed the Charter in response to concerns raised by the Community Council representative about its implementation. Having consulted with all six of Cardiff's Community Councils and taken advice from officers, the Committee had recommended a number of amendments to the Charter, which were approved by Cabinet. However, the Community Councils had raised concerns with the planning section of the Charter, specifically, seeking a commitment to more consultation with community councils about the application of Section 106 funds and Community Infrastructure Levy funds arising from developments within their communities.

The Committee sought advice from the Council's Head of Planning about these planning issues, which are not within the Committee's terms of reference. His professional advice was that the existing consultation provisions were sufficient and appropriate and that the amendments requested by the Community Councils could not be agreed. The Committee asked the Head of Planning to liaise directly with the community councils and seek to resolve their concerns. Meetings were held between the community councils and planning officers, but unfortunately, no agreement has been reached.

As planning matters are not within the remit of the Standards and Ethics Committee, the Committee is unable to progress this matter further and Community Councils have been invited to consider agreeing the charter as it stands.

## **MEMBER INDUCTION AND DEVELOPMENT**

The Standards and Ethics Committee has a role in ensuring that all Members receive appropriate training on the Code of Conduct. In recognition of the fact that the Member Induction Programme following the May 2017 elections would set the tone for the future administration, the Committee has sought to play an active role in the Induction Programme. The Committee agreed that the Chair of the Committee should address all Members following the Chief Executive's welcome to the induction sessions. The Chair took the opportunity to emphasise the importance of high ethical standards for all holders of public office and to introduce the work of the Committee.

The Committee has also supported the Monitoring Officer in making arrangements for the Code of Conduct training sessions, and identifying these as an essential training requirement for all Members. The content of the Code of Conduct training sessions has been developed to incorporate relevant issues, including Members' use of social media, behaviour which may be regarded as bullying or discriminatory, the important role of political groups in addressing conduct issues.

The Committee has agreed that, prior to sitting on a Hearings Panel to determine complaints under the Code of Conduct, Members of the Committee will receive bespoke training on hearings procedures.

The Committee has also taken a wider interest in Members' training and development, recognising that conduct issues may arise when Members have not received adequate training. It considered two reports on the Member Induction Programme developed by the Democratic Services Committee; and supported the amendment of the Cardiff Undertaking to include a commitment for all Members to attend training sessions identified as essential in order to perform their role.

## **HOSPITALITY PROVISION AND CONFERENCE ATTENDANCE**

The Council's Internal Audit team asked the Committee to review the Council's procedures governing: (i) the provision of hospitality, gifts and benefits to others; and (ii) the attendance of Members and Officers at conferences, seminars and other events. The purpose of the review was to check whether appropriate controls are in place to ensure the proper use of public funds, as required under the Members' and Officers' Codes of Conduct.

The Committee noted that these are areas of significant public interest, and the importance of checking that the Council's procedures are in line with best practice. It was acknowledged that an appropriate balance was needed to provide adequate regulation and transparency, without imposing disproportionate administrative difficulties. In considering these issues, advice has been sought from the Council's Senior Management team and the Internal Audit office; and enquiries made to ascertain the approaches of other local authorities.

A number of areas for improvement have been identified, but this work is still ongoing. The Committee will seek to agree and introduce revised procedures towards the end of 2017; and then implement a communications plan to ensure that all staff and Members understand the new rules and requirements.

## **REGISTER OF MEMBERS' GIFTS AND HOSPITALITY**

Under the Members' Code of Conduct, Members are required to register any gifts and hospitality received which exceed the threshold value set by the Council of £25. The Standards and Ethics Committee annually reviews the Council's statutory register to monitor compliance and discuss any issues of concern.

The Members' Hospitality Registers for the period from September 2015 to September 2016 were considered by the Committee at its meeting in November 2016. The Committee noted that many of the Register entries related to functions and events attended by the Lord Mayor, and that all hospitality with an estimated value over £25 must be recorded under the Council's rules. No issues of concern were identified.

## **OBSERVATIONS OF COUNCIL AND COMMITTEE MEETINGS**

Independent members of the Committee have continued to attend meetings of Full Council and its Committees as observers, and discussed their observations during each Standards and Ethics Committee meeting. It is agreed that such observation is helpful to inform the Committee's work and understand the work of the Council; and the Wales Audit Office Corporate Assessment Follow-On Report supported this view. Elected Members indicated that the presence of Standards Committee members was a helpful influence on Members' behaviour.

A standard template form has been introduced for independent members to facilitate their feedback.

Observations recorded include the following:

- Some concerns were raised about behaviour and lack of respect shown during a Full Council meeting, and a particular incident between a Councillor and a member of the public in attendance in the public gallery.
- Full Council meetings went on for too long, making it difficult for Members to stay focussed during the whole meeting, particularly Members who may have particular health issues; the break was not well-timed; the acoustics in the Council chamber were poor; Councillors were talking over each other, showing disrespect for the Chair; and many Councillors were seen leaving the meeting early.
- It was suggested that Public Questions should be read out at Full Council meetings, not just made available online and links inserted into the webcast.

The Committee asked the Monitoring Officer to feedback their observations to relevant Members and Officers.

## **ANNUAL MEETING WITH POLITICAL GROUP LEADERS AND WHIPS**

The Committee invites group leaders and whips to meet with it annually to discuss issues relating to Members' conduct and ethics. The Chair and Vice-Chair met with group leaders and whips on 30 November 2016. Issues discussed included:

- Code of Conduct & behaviour of Councillors at Council and Committee meetings;
- Local Resolution Policy;
- Council meeting day arrangements and communal room;
- Member training and Induction.

# Taking Action on Complaints

During the period from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 the Monitoring Officer was notified of a total of 18 complaints made against Members alleging breach of the Code of Conduct. The Standards and Ethics Committee receives quarterly reports from the Monitoring Officer in respect of such complaints. The table below shows an analysis of the complaints on a quarterly basis.

	<b>Q1 April, May, June 2016</b>	<b>Q2 July, August, Sept 2016</b>	<b>Q3 Oct, Nov, Dec 2016</b>	<b>Q4 Jan, Feb, Mar 2017</b>	<b>TOTAL</b>
Total	4	3	4	7	18
Member on Member	1	0	2	2	5
Public on Member	3	3	2	5	13
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0

## Quarter 1

The four complaints received in Quarter 1 of 2016/17 were as follows:

- (a) Alleged misinformation given by a Member to a member of the public. The complaint was dealt with through correspondence and no complaint was made to the Ombudsman.
- (b) Anonymous complaint of malpractice unsubstantiated by evidence. It was not possible to pursue the complaint due to anonymity and lack of detail.
- (c) Complaint from member of public about an elected Member's tone on Twitter. The complaint was resolved by correspondence.
- (d) Correspondence between Members. The complaint was resolved informally through dialogue.

The Committee was also advised of the outcomes of a number of complaints recorded in Quarter 4 of 2015/16 against Community Councillors of one particular Community Council. The Ombudsman had decided not to investigate five out of the eight complaints, and the Committee was later informed that the Ombudsman had investigated the other three, but found no evidence of any breach of the Code. The Chair observed that a number of reported cases where the Ombudsman had not found in favour of the complainant had clarified the threshold of what constitutes robust political debate rather than a breach of the Code.



## **Quarter 2**

All 3 complaints in Quarter 2 were received from members of the public. Brief details of the complaints were reported as follows:

- i. Alleged failure to respond to correspondence in a timely manner. The complaint was dealt with through correspondence.
- ii. Alleged unauthorised disclosure to a third party organisation of concerns raised by an individual. The complaint was dealt with through correspondence. The Deputy MO found no evidence of a breach of the Code.
- iii. Complaint alleging that an elected Member's comments on social media (Twitter) failed to give due regard to equal opportunities and statutory equalities duties. The complaint was dealt with through correspondence.

Members observed that timeliness in dealing with Members' correspondence and the use of social media were common themes for complaints.

## **Quarter 3**

Four complaints were received during Quarter 3, two of which were from members of the public; and two were from Members. All four cases were informally resolved and closed. Brief details of the complaints were noted as follows:

- i. Alleged unacceptable comments made by a Member to another Member after a Council meeting. The allegations were disputed and the complainant agreed that no further action should be taken.
- ii. Alleged unacceptable comments made by a Member to another Member during a Committee meeting. The Member apologised and the complainant agreed that no further action was necessary.
- iii. Complaint from a member of the public alleging that an elected Member's comments on social media were unacceptable / inappropriate. The allegations were investigated, but no evidence was found to show a breach of the Code.
- iv. Complaint from a member of the public about the conduct of a Member. The complainant was asked to clarify the alleged breach of the Code and provide any supporting evidence, but had not responded. No further action was possible.

The Committee noted that the number of complaints during Quarter 4 remained relatively low, particularly in view of the fact this was the pre-election period, during which an increase in the number of complaints was to be expected.

## **Quarter 4**

A total of seven complaints were received during Quarter 4, which was higher than in previous quarters, but lower than the number received during Quarter 4 of 2015/16. Five of these complaints were made by members of the public and two were received from Members.

Brief details of the complaints are as follows:

- i. Complaint alleging that a Member had breached the duty to have regard to equal opportunities – the Ombudsman is considering whether to investigate this complaint.
- ii. Complaint from a member of the public alleging that a Member made misleading statements during a full Council meeting. The Monitoring Officer had sought clarification of the alleged breach of the Code from the complainant and confirmation that the complainant was content for the Monitoring Officer to contact the Member concerned to seek informal resolution. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
- iii. Complaint alleging unfair treatment by a Member, which was submitted to the Ombudsman. The Ombudsman decided not to investigate the complaint as there was no evidence of a breach of the Code.
- iv. A Member on Member complaint alleging slander. The Monitoring Officer sought confirmation on whether the complainant wished to seek resolution under the Local Resolution Protocol or wished to refer the matter to the Ombudsman. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
- v. Complaint alleging a Member has breached the duty to show respect and consideration for others. The Monitoring Officer was attempting to resolve this complaint by informal resolution.
- vi. Complaint alleging that a Member's conduct amounts to bullying and bringing the Council into disrepute. The Ombudsman decided not to investigate the complaint as there was insufficient evidence to show a breach of the Code.
- vii. Complaint from a member of the public about a Member's response to certain concerns raised by them. The Ombudsman decided not to investigate the complaint as there is insufficient evidence of any breach of the Code.

*[Insert Committee's comments in relation to Q4 complaints following September Committee meeting]*

The total number of complaints received during 2016/17 (18 in total) showed a significant decrease from the total for the previous year, 2015/16 (59 in total). *[Insert comments on 2016/17 year-end figures following September Committee meeting]*  
The Committee agreed that the Local Resolution procedure continued to provide a useful means to informally resolve most Member on Member complaints.

## **Standards & Ethics Committee Hearings Panels 2016/17**

The Hearings Panel is a Sub-Committee of the Standards and Ethics Committee. It has responsibility to hear and determine any complaints that a Member has breached the Code of Conduct or a report of the Monitoring Officer. Complaints may come before the Hearings Panel in one of two ways:

- a) Referral by the Public Services Ombudsman for Wales under Part 3 of the Local Government Act 2000; or
- b) Referral by the Monitoring Officer under the Local Resolution Protocol adopted by the Council to deal with relatively minor "Member on Member" complaints.

No cases were referred to the Hearings Panel during 2016/17.

### **Adjudication Panel for Wales – Decision, March 2017**

The Adjudication Panel for Wales convened a Case Tribunal for a 2 day public hearing in March 2017 to determine a complaint against a Cardiff Councillor. The complaint had been investigated by the Ombudsman, who then referred the matter to the Adjudication Panel for Wales for determination. The complaint alleged that the Councillor's conduct towards an officer of the Council following a court hearing in July 2015 had breached various provisions of the Code of Conduct.

The Committee received formal notice of the Tribunal's decision. The Tribunal found that the Councillor had breached the Code of Conduct by failing to show respect and consideration; and using bullying behaviour. However, the Councillor's behaviour had not brought the office of Councillor or the Council into disrepute. The Tribunal decided that the Councillor should be suspended from acting as a Member of the Council for a period of one month. The Councillor had a statutory right to seek the leave of the High Court to appeal against the decision. However, the Council was not notified of any appeal.

The Committee noted the Tribunal's decision, which was then reported to full Council for information.

# Future Priorities

The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2017/18.

- **Code of Conduct, Member Training and Development** – the Committee has agreed that Code of Conduct training sessions should be repeated as necessary to reinforce the importance of the Code and promote good understanding of the principles and rules governing Members' conduct. It will oversee the delivery of learning and development update sessions for Members on the Code of Conduct during 2017/18, and monitor attendance.
- **Promoting High Standards of Conduct in Community Councils** – the Committee to consider ways of interacting with Community Councils.
- **Observation of Council and Committee Meetings** – the Committee will continue to observe proceedings at Council and Committee meetings to give feedback on observations and inform its work priorities.
- **Provision of Hospitality; and Attendance at Conferences** – the Committee will complete its review of the Council's procedures to ensure they demonstrate appropriate levels of probity and transparency.
- **Member Briefings** To continue to publish biannual Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and Member conduct and behaviour.
- **Annual Meeting with Group Leaders and Whips** - To facilitate ongoing engagement with representatives from all political groups.
- **Role Descriptions for Standards and Ethics Committee Members** - To review the WLGA roles and responsibilities of Members of the Standards and Ethics Committee
- **Appointment of Community Council Member and Independent Member** – to select and appoint a new Community Council member of the Committee and an Independent Member
- **Code of Conduct Complaints** - To receive quarterly reports on complaints made against Members of the Council alleging breaches of the Code of Conduct.
- **Member Survey** - To receive feedback on questions relating to the remit of the Committee
- **Whistleblowing Policy** - To monitor and review the operation of the Council's whistleblowing arrangements; to receive information on reports made under the Whistleblowing Policy and consider any ethical issues arising.
- **Officers' Personal Interests Policy** - To monitor and review the implementation of the Policy.

# Committee Membership 2016/17

## INDEPENDENT MEMBERS



**Richard Tebboth  
(Chair)**

Richard Tebboth was born and brought up on the Essex edge of London – with a Welsh grandmother living nearby. He was educated at Sir George Monoux Grammar School, Walthamstow, and Christ’s College, Cambridge. After professional social work training he entered the Probation Service, working as practitioner and manager in South Yorkshire, Buckinghamshire and the West Midlands. In 1997, he joined the Social Services Inspectorate for Wales, becoming Deputy Chief Inspector and Acting Chief Inspector. He transferred into the senior civil service, in the Welsh Government’s Department for Public Service Improvement, until retirement in 2010. Richard lives in Llandaff, where he is Secretary of his local Residents’ Association. He was appointed as an Independent Member of the Standards and Ethics Committee in September 2011; and reappointed for a second term by Full Council on 23 July 2015 for a further four years with effect from 23 September 2015. Richard has been the Committee’s elected Chairperson since 21 October 2014.



**Prof. James Downe  
(Vice-Chair)**

James is a Professor in Public Management and Director of the Centre for Local & Regional Government Research at Cardiff Business School. He has more than fifteen years’ experience of managing large-scale evaluations of public policy. His current research interests are in local government performance regimes, political accountability, public trust and the ethical behaviour of local politicians. He was a member of the UK Government’s Expert Panel on local governance and currently sits on the Welsh Government’s Public Service Scrutiny Reference Group. He became an Independent Member of the Standards and Ethics Committee in November 2013 and was appointed Vice-Chair on 21 October 2014



**Hollie Edwards-  
Davies**

Hollie Edwards-Davies was brought up in Rhyl, North Wales and has lived in Riverside, Cardiff for 12 years. She studied for a LLB honours degree in Law with Legal Studies in Europe at the University of Reading, including a year in Germany at *Universität Trier*. She subsequently completed a degree in Applied Accounting by distance learning with Oxford Brookes University and continued her studies to become a member of the Association of Chartered Certified Accountants (ACCA) in 2010. Hollie served as Chair of the ACCA South Wales Members Network Panel between 2013 and 2015, and is still an active member of the network. Following a variety of roles in the private sector and some voluntary work, Hollie worked at the Welsh Government for ten years and departed in 2015 to pursue a career change. She joined the Standards and Ethics Committee in July 2014.



**Lizz Roe**

Lizz Roe has worked in the third sector/education sector for the last 20 years. She has lived and worked all over the UK and moved to Cardiff in 2012 to marry her partner and stop commuting to Birmingham. She was previously a commissioner for the Women's National Commission and a trustee for the YWCA of GB and NI. She is a Quaker and has been very active in issues to do with environmental sustainability and equality, as well as having held various roles within the Quaker community nationally and locally. She is an independent member of the Standards and Ethics Committee and began her first term of office on 28 July 2014. She brings a commitment to the Nolan principles of public life in her work on the committee as well as in her personal and professional life.



**Hugh Thomas**

Hugh Thomas, a retired Solicitor, pursued a Local Government career for forty years culminating in his being Chief Executive of Mid Glamorgan County Council (the largest local authority in Wales) for fifteen years. During this time he served as Clerk to the South Wales Police Authority and Honorary Secretary of the Assembly of Welsh Counties. He retired in 1995. He has since chaired a number of public bodies and national voluntary organisations including those in the health and higher education sectors. He was Vice Chairman and Chair of the Audit Committee of the Wales Centre for Health. He was also a non-Executive Director of Welsh Water. Currently, he is Chair of the Regulatory Board for Wales and one of fifteen trustees of The National Library of Wales. He is an independent member of the Standards and Ethics Committee and began his first term of office on 28 July 2014.

**COMMUNITY COUNCILLOR MEMBER**



**Community Councillor  
John Hughes**

John Hughes – a North Walian educated at Mold Alun Grammar School and, after developing his Insurance career in Chester and West Yorkshire, moved to Cardiff in 1972. John has practised in the Insurance industry for over 50 years, running his own Brokerage for 22 years. He has served St Fagans Community Council for over 23 years and was a former Chair of St Fagans Church in Wales Junior School. He was a Parochial Church Councillor and Organist of St Fagans Church for many years. He also represents Community Councils in Cardiff on the National Executive Council of One Voice Wales.

John was appointed as the Community Councillor representative to the Standards & Ethics Committee in 2008 and served until May 2017. He is currently involved in charitable organisations, a keen golfer and gardener.



## COUNTY COUNCILLOR REPRESENTATIVES

 <p><b>Councillor Georgina Phillips</b></p>	<p>Councillor Georgina Phillips was born and bred in Cardiff and has lived in the Old St Mellons area of the city for over 20 years. She was re-elected as a Labour County Councillor for Pontprennau and Old St Mellons in May 2012, having previously represented the ward for nine years from 1999 to 2008. Cllr Phillips was appointed as a County Councillor representative to the Standards and Ethics Committee in May 2012. In 2016/17 Councillor Phillips was Deputy Lord Mayor of the City &amp; County Of Cardiff.</p> <p>Councillor Phillips has served on the Council's Planning Committee and Economy &amp; Culture Scrutiny Committee. She is an appointed Council representative to the Willie Seager Memorial Homes Trust and, in turn, represents that body in a personal capacity on the South Wales Merchant Navy Welfare Board.</p>
 <p><b>Councillor Jayne Cowan</b></p>	<p>Councillor Jayne Cowan was born and educated in Cardiff and has been a Councillor for Cardiff for the Ward of Rhiwbina for 17 years. She was Deputy Lord Mayor in 2011–12; and chaired the Democratic Services Committee from 2012–2015 in her capacity as an Independent Councillor. Councillor Cowan re-joined the Conservative Party in July 2015.</p> <p>Councillor Cowan sits on the very interesting Glamorgan Archives Joint Committee and has been a Member of the Policy Review and Performance and Constitution Committees; has actively been involved in the Diversity in democracy Welsh Government project to encourage and Mentor prospective candidates. As a Ward Councillor she is an active patron of the Chrysanthemum &amp; Dahlia Society; Ambassador for Autism Puzzle and Rhiwbina RATS; an ambassador for Girl-guiding in Cardiff; the President of the St John Wales – Rhiwbina and Llanishen Division; and a Member of the Rhiwbina Festival Committee.</p>
 <p><b>Councillor Margaret Jones</b></p>	<p>Councillor Margaret Jones was born in Neath West Glamorgan and except for a short period in Lancashire has lived in Cardiff since 1974. IN 2004 after a long career in the Health Service she was elected to serve as a Liberal Democrat in the Grangetown Ward. In 2008 until present she was elected to the Cyncoed Ward. She served as Lord Mayor 2014-2015. Margaret as an Executive Member for Environment in the last Administration. She has also served on Children and Young People, Adult Social Care and Environment Scrutiny Committees in the past and has also sat on Planning and Licensing Committees. Councillor Jones was appointed to the Standards and Ethics Committee in 2015 and was also a member of the Constitution Committee. She has also been a Governor at Cardiff High School.</p> <p>Councillor Jones retired from Cardiff Council on 31 December 2016.</p>

# Attendance Record

The Committee meets quarterly, with additional ad hoc meetings held as required. During 2016/17, the Standards and Ethics Committee met on the following dates:

- 20 July 2016
- 30 November 2016
- 22 March 2017

The scheduled meeting in May 2016 was cancelled (as it would be inquorate); and there was insufficient business for the February 2017 meeting to proceed.

COMMITTEE MEMBER	ATTENDANCE	
	POSSIBLE	ACTUAL
Richard Tebboth (current Chair)	3	3
Dr James Downe (Vice-Chair)	3	3
Hollie Edwards-Davies	3	3
Lizz Roe	3	2
Hugh Thomas	3	2
Community Councillor John Hughes	3	3
Councillor Jayne Cowan	3	3
Councillor Margaret Jones	3	3
Councillor Georgina Phillips	3	3

## Helpful Contacts

**Chair of Standards & Ethics Committee – Mr Richard Tebboth**

**Contact: Committee & Members Services**

**Tel:** (029) 2087 2020

**Email:** [membersservices@cardiff.gov.uk](mailto:membersservices@cardiff.gov.uk)

**Director of Governance & Legal Services and Monitoring Officer – Davina Fiore**

**Tel:** (029) 2087 3860

**Email:** [Davina.Fiore@cardiff.gov.uk](mailto:Davina.Fiore@cardiff.gov.uk)

**Public Services Ombudsman for Wales – Mr Nick Bennett**

**Tel:** 0300 790 0203

**Webpage:** <http://www.ombudsman-wales.org.uk/en.aspx>



# CYNGOR CAERDYDD CARDIFF COUNCIL



**STANDARDS AND ETHICS COMMITTEE:**

**4 SEPTEMBER 2017**

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

### **WORK PLAN**

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

1. To consider the Committee's Draft Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2017/18.

#### **Background**

2. The Standards and Ethics Committee's Terms of Reference, as detailed on the agenda for this meeting, sets out the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct; matters of governance and probity; and compliance of Members in completing Essential training
3. To enable the Committee to fulfil its role an annual work plan is developed to reflect the Council's Annual Governance Statement; give consideration to standard monitoring reports; and any issues arising from the Committee's work in promoting high standards of conduct and managing complaints. The views of this Committee assist in the development of an ongoing work plan.

#### **Issues**

4. Attached as Appendix A is the outline Draft Work Plan for 2017/18 that reflects on the Future Priorities that are detailed in the Committee's Annual Report, and includes standard items and frequency of reporting. The Committee are invited to consider the plan and, taking into account available resources, to add or remove items and agree the frequency of reporting.

#### **Legal Implications**

5. 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.*

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).

### **Financial Implications**

7. There are no direct financial implications arising from this report provided the work plan can be delivered within existing resources. If additional resources are needed a request will have to be made for consideration within the budget process for 18/19 and the work may not be able to be delivered until resources are available.

### **RECOMMENDATION**

The Committee is recommended to consider the Draft Work Plan as set out in Appendix A, and, taking into account its terms of reference and available resources, to agree with the Director of Governance and Legal Services and Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
**29 August 2017**

#### Appendix

Appendix A                      Draft Work Plan 2017/18

Background Papers

Item 8 - Standards & Ethics Committee Annual Report 2016/17.

## **STANDARDS AND ETHICS COMMITTEE – DRAFT WORK PLAN 2017/18**

## **APPENDIX A**

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:

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>REVIEW DATE</b>
(1) S&E Committee Annual Report	Prepare Annual Report	Committee Chair / Monitoring Officer	<b>AMBER</b>	<b>September 2017</b>
(2) Role Descriptions for Standards and Ethics Committee Members	To review the WLGA roles and responsibilities of Members of the Standards and Ethics Committee.	Monitoring Officer	<b>GREEN</b>	<b>September 2017</b>
(3) Appointment of Community Council Member and Independent Member	Report on the process and delegation to MO	Monitoring Officer	<b>GREEN</b>	<b>September 2017</b>
(4) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	<b>GREEN</b>	<b>November 2017</b>
(5) Gifts and Hospitality <i>Frequency of monitoring twice a year</i>	(1) To monitor and review the acceptance of gifts and hospitality by Members; and  (2) To consider standards and ethics issues 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).	Monitoring Officer	<b>AMBER</b>	(1) <b>November 2017</b>  (2) <b>March 2018</b>

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	REVIEW DATE
(6) Code of Conduct Complaints  <i>Frequency of reporting – quarterly</i>	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct.	Monitoring Officer	<b>GREEN</b>	<b>September 2017 November 2017 March 2018 June 2018</b>
(7) Promoting high standards of conduct in Community Councils	For Committee to consider ways of communicating with Community Councils	Chair/ Monitoring Officer	<b>GREEN</b>	<b>November 2017</b>
(8) Member Briefings  <i>Frequency of briefing twice a year</i>	To publish biannual Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and member conduct and behaviour (WAO Action Point P5a).	Chair / Monitoring Officer	<b>AMBER</b>	<b>September 2017  March 2018</b>
(9) Training  <i>Frequency of monitoring twice a year</i>	To monitor Members compliance and attendance at Essential Code of Conduct sessions including Induction and refresher sessions	Monitoring Officer	<b>GREEN</b>	<b>September 2017</b>
(10) Member Survey  <i>Frequency of monitoring - annually</i>	To receive feedback on the key questions relating to the remit of the Committee as agreed in March 2017	Monitoring Officer	<b>AMBER</b>	<b>March 2018</b>
(11) Observation of Committee meetings	Independent Members to attend other Committee meetings to become more acquainted with the work of different committees.	Independent Members of the Committee	<b>AMBER</b>	<b>Ongoing</b>
(12) Whistleblowing Policy	To monitor and review the operation of	Monitoring Officer	<b>GREEN</b>	<b>November 2017</b>

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	REVIEW DATE
<i>Frequency of monitoring twice a year. Last reviewed March 2017</i>	the Council's whistleblowing arrangements; to receive information on reports made under the Whistleblowing Policy and consider any ethical issues arising.			<b>June 2018</b>
(13) Officers' Personal Interests Policy  <i>Last reviewed October 2014</i>	To monitor and review the implementation of the new Policy.	Monitoring Officer	<b>AMBER</b>	<b>November 2017</b>

Mae'r dudalen hon yn wag yn fwriadol

**CYNGOR CAERDYDD  
CARDIFF COUNCIL****STANDARDS & ETHICS COMMITTEE: 4<sup>th</sup> SEPTEMBER 2017**

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

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**MEMBER BRIEFING – SEPTEMBER 2017****Reason for this Report**

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

**Background**

2. In response to the Wales Audit Office Corporate Assessment Follow-On Report, the Cabinet decided that the Standards and Ethics Committee should be asked to publish a biannual Member Briefing on the work of the Committee (Action reference P5a, approved by Cabinet in March 2016). The aim of the Briefings is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour, and provide relevant guidance as necessary.
3. The Committee's first Briefing was issued in August 2016 and was well-received by Members. A short second briefing was later issued by the Chair in March 2017 drawing attention to certain allegations of bullying behaviour and inviting any Members who may have experienced such issues to speak personally with him.

**Issues**

4. The Committee is invited to consider and provide comments on the contents of its next Member Briefing, which is recommended to be issued to all Members in September 2017, when Members return after the summer recess.
5. A draft Briefing for discussion is attached as **Appendix A**.

## **Legal Implications**

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

## **Financial Implications**

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

## **RECOMMENDATION**

The Committee is recommended to:

- 1) provide comments on the draft Member Briefing attached as **Appendix A**; and
- 2) delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the Briefing, having regard to comments provided by Members of the Committee; and
- 3) instruct the Monitoring Officer to issue the finalised Member Briefing to all Members in September 2017.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

18 August 2017

## **APPENDICES**

Appendix A - Draft Member Briefing, Issue No. 3, September 2017

### Background papers

Standards and Ethics Committee report, 'Biannual Member Briefing', 20 July 2016

Standards and Ethics Committee Member Briefing, Edition 1 - Summer 2016

Members' Weekly Brief and Message from the Chair of the Standards and Ethics Committee, 20/03/17



STANDARDS & ETHICS COMMITTEE  
DRAFT MEMBER BRIEFING  
Edition 3 September 2017

Welcome!

It was a pleasure to meet so many of you at the Member Induction Sessions in May, to introduce myself, as Chair of the Council's Standards and Ethics Committee. Now that you've all had the chance to settle into your new roles and are back from the summer recess, I'd like to welcome you to the third edition of the Standards and Ethics Committee's Member Briefing.

The aim of this Briefing is to update you on the work of our Committee and current relevant issues. Some of the information in this Briefing is aimed at newly elected Members, who may not be familiar with the ethical standards framework operated in Cardiff. Nevertheless, we hope it will be a useful reminder for our experienced Members too, and that there will be helpful information for all Members, to guide and support you to uphold the high standards of conduct and behaviour expected of you.

'The Cardiff Undertaking'

The [Cardiff Undertaking](#) sets out the standards of conduct and behaviour expected of all Cardiff Councillors. It reiterates the principles of public life, with reference to the statutory [Members' Code of Conduct](#), and is revised by the Council from time to time, to ensure it remains relevant and up to date. In March this year, the Cardiff Undertaking was amended to include a commitment for all Members to undertake the training identified as essential for them to properly discharge their roles.

A commitment to the Cardiff Undertaking is publicly re-affirmed by all Cardiff Members at the Annual meeting of Council every year, in recognition of the fundamental importance of Members' standards of conduct, as a foundation for good public service delivery.

Work of the Standards and Ethics Committee

Our Committee has a statutory role to promote and maintain high standards of conduct by County Council and Community Council Members in Cardiff. It is non-political and a majority of our members, including the Chair and Vice-Chair, are independent (appointed from outside of the Council). We welcome attendance by all Members at our Committee meetings, particularly from any groups not represented on the Committee.

We aim to fulfil our role in a positive and proactive way, working in partnership with Members and officers to promote high standards of conduct; and when complaints about Members' conduct are referred to us for determination, we endeavour to discharge our role fairly and scrupulously. We meet regularly with group leaders and whips to share views, and routinely attend Council and Committee meetings to observe standards of conduct and behaviour. The Committee is currently finalising its Annual Report 2016/17 outlining the work carried out over the last year and our future priorities, which will be presented to full Council in September 2017.

STANDARDS & ETHICS COMMITTEE  
DRAFT MEMBER BRIEFING  
Edition 3 September 2017

Local Resolution Protocol

Cardiff has a [Local Resolution Protocol \[Link Required\]](#) to deal with relatively 'low-level' behavioural complaints made by Members about other Members alleging a breach of the Code of Conduct (typically including complaints about a failure to show respect and consideration for others). Local resolution aims to resolve matters at an early stage and avoid unnecessary escalation of a situation and damage to personal relationships within the Council and its reputation.

Under the Protocol, the Monitoring Officer first determines whether a complaint is suitable for local resolution, and if so, tries to informally resolve the problem, through discussion or correspondence. If informal resolution is not possible, the complaint is referred to a specially convened sub-committee of the Standards and Ethics Committee, 'a Hearings Panel', which holds a hearing to allow the Members concerned an opportunity to make representations and provide relevant evidence. The Panel follows an agreed procedure in each case; and has power to impose various sanctions, including a public warning or censure. More serious cases may be referred to the Ombudsman.

The Committee has recently reviewed the Protocol and found that the local resolution process is generally agreed to have been helpful in resolving Member disputes within the Council (further information on complaints is set out in the section below.) A few recommended changes to the Protocol are currently under consideration and are due to be reported to full Council in September.

Member Conduct Complaints

The Committee receives quarterly reports from the Monitoring Officer on complaints made against Members for alleged breaches of the Code of Conduct. Complaints may be dealt with under Cardiff's Local Resolution Protocol or referred to the Ombudsman. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.

The total number of complaints received during 2016/17 was 18 in total. The Committee is pleased to note that this figure represents a significant decrease from the total for the previous year (2015/16, in which there were a total of 59 reported complaints). 14 cases were resolved informally; and no cases were referred to the Hearings Panel. 4 cases were referred to the Ombudsman, and in 3 of these the Ombudsman decided not to investigate as there was insufficient evidence of a breach of the Code of Conduct. 1 case is awaiting the decision of the Ombudsman. More information about Member conduct complaints is set out in the Committee's Annual Report 2016/17.

Members Exit Survey

In March 2017 the Committee considered the findings of the Member Exit Survey (carried out in February 2017) falling within the remit of the Committee. The Exit Survey had been open to all Members who held the Office of Councillor since May 2012. A total 46 responses were received by the closing date.

STANDARDS & ETHICS COMMITTEE  
DRAFT MEMBER BRIEFING  
Edition 3 September 2017

The Committee had liaised with the Democratic Services Committee to include in the Survey several questions in relation to unacceptable and discriminatory behaviour, as these are the issues generally raised before the Standards and Ethics Committee; and was pleased to see there had been a good number of responses to those questions. However, the Committee was concerned to note that a third of respondents had witnessed some bullying behaviour. The Chair highlighted the Committee's concerns in a Member Briefing (edition number 2) issued in March 2017; and invited any Members who may have experienced such issues to speak with him personally. The Monitoring Officer has also taken up this issue with group leaders and whips, underlining the responsibilities of Members and groups in this regard. The Committee was pleased to note that the confidential counselling service available for employees has been extended to Elected Members, and referred to during the Member Induction Programme. *The Committee wishes to make clear that any complaints about bullying behaviour will be dealt with promptly, and appropriate sanctions imposed. It will review this issue when the Member Survey is repeated at the end of the year.*

#### Members' Training and Development

The Committee has statutory responsibility for advising the Council and training Members on Member conduct related matters. Training on the Member's Code of Conduct was identified as essential training for all Members and provided as part of the Member Induction Programme 2017 following the May elections. *[insert information about attendance / completion of this training]*. Refresher sessions will be offered in due course.

As a commitment to participating in all appropriate training is essential for Members to effectively and responsibly carry out their roles, and this is incorporated in the Cardiff Undertaking, the Committee strongly encourages all Members to attend all appropriate training. Members should note that attendance at relevant training is monitored.

#### Social Media Guidance for Councillors

The Committee has issued Social Media Guidance for Councillors, to:

- Introduce various forms of social media;
- Highlight sections of the Members' Code of Conduct that are particularly relevant for the use of social media; and
- Provide rules and guidance on the use of social media by councillors and highlight some of the pitfalls to be aware of.

All Members are encouraged to read the Social Media Guidance, [\[Link Required\]](#) whether you are habitual or occasional users of social media or otherwise, to familiarise yourself with both the opportunities and the pitfalls which are specifically relevant for elected Members.

STANDARDS & ETHICS COMMITTEE  
DRAFT MEMBER BRIEFING

Edition 3 September 2017

Meeting with Leaders and Whips

The Committee holds regular meetings with group leaders and whips to discuss conduct issues in the spirit of a positive and proactive partnership approach to promoting high standards of conduct. The next meeting with group leaders and whips is scheduled to take place on 22 November 2017. Please contact us or your leader or whip if there are any particular issues you wish to raise here.

Advice

If you need advice on any conduct issue, please contact the Monitoring Officer, Davina Fiore on x73860 or her Deputy, David Marr on x72497

Feedback or Further information

We would welcome your feedback. We want to know if:

- there is anything you think works well in promoting high standards of conduct
- you can suggest anything which could be improved
- you have any concerns or
- you would like more information about the Committee.

Please contact: Richard Tebboth (Standards and Ethics Committee Chair) or Dr James Downe (Standards and Ethics Committee Vice-Chair), c/o Committee Services on 02920 87 2427.