

## STANDARDS & ETHICS COMMITTEE

28 MARCH 2018

Present: Richard Tebboth (Chair and Independent Member)

Councillors: Sandrey and Williams

Independent Members: James Downe and Thora Lewis

Community Councillor Thomas

### 11 : WELCOME TO NEW INDEPENDENT MEMBER

The Chair welcomed Mrs Thora Lewis as an Independent Member of the Committee appointed by Council on 25 January 2018 for a 4 year term.

Members were delighted to receive the news that Hollie-Edwards Davies had become a mother in February, and wished that their congratulations be passed to Hollie, her partner and baby daughter.

The Chair also welcomed Councillor Robson as Vice Chair of Cardiff Bus to the meeting. Sadly Councillor Stubbs the Chair of Cardiff Bus had suffered a recent double bereavement and so was unable to attend.

### 12 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cunnah and Lizz Rowe (Independent Member)

### 13 : DECLARATIONS OF INTEREST

The following declarations of Interest were received:

| Councillor                         | Item   | Interest   |
|------------------------------------|--|--|
| Councillor Sandrey                 | Item 5 – Cardiff Bus Travel Passes                             | Personal Interest as a Non-Executive Director of Cardiff Bus |
| Councillor Williams                | Item 6 – Functions in Respect of Community Councils            | Personal Interest as a Community Councillor                  |
| Community Councillor Stuart Thomas | Item 10 – Members Code of Conduct Complaints Quarter 3 2017/18 | Personal Interest in relation to a complaint.                |

### 14 : MINUTES

The minutes of the meeting 22 November 2017 were approved as a correct record subject to typographical error on Page 9.

## 15 : CARDIFF BUS TRAVEL PASSES

The Committee received a report detailing further information on the receipt of Cardiff Bus Travel Passes by Cardiff Councillors nominated by the Council as Non-Executive Directors of Cardiff Bus. In addition, the Committee was invited to hear from the Vice Chair of Cardiff Bus, Councillor Robson on the proposed Policy and set out in the report was the Monitoring Officer's advice to the Committee to enable it to consider and determine any recommendations required.

The Chair referred Members to the actions taken since the last meeting contained in the report, and referred in particular to the joint meeting held with the Chair, Deputy Chair and a non-Executive Director who are the Council's representatives on the Cardiff Bus Board. Following the Committee's enquiries about this matter a company policy setting out the terms of usage and ownership of a Cardiff Bus Pass as a non-Executive Director had been agreed with the Council representatives. Councillor Robson in his comments to the Committee on the policy guidance and principles for Elected Members, confirmed that the Cardiff Bus Board at its meeting on 26 March 2018 had approved the policy.

The Monitoring Officer confirmed that the policy as agreed and the recording of the receipt of this benefit in a public register complied with the Council's guidance on gifts and hospitality.

The Committee supported the need for clear policy guidance for Elected Members and the requirement for any benefit to be declared as a gift. The Committee was keen that this policy should be consistent with other travel benefits that might be received by Elected Members such as free parking or membership of the Next Bike scheme. The Monitoring Officer agreed to check this point.

It was noted that an estimated value of £500 had been placed on the pass but that the actual usage would be limited by the policy and the pass would not be used as the Members primary mode of transport. It was considered that it was appropriate to ask Members to estimate the value of the benefit received, but agreed that should they wish to record their usage and amend the value then that was a choice for the individual Member. The Council could not direct Cardiff Bus Board to require Board Members to record usage.

RESOLVED – That

1. The Committee welcomed the work undertaken to clarify the policy with Elected Members and the Cardiff Bus Board and introduction of a clear the policy;
2. The Committee accepted the MO's advice that the receipt of the passes complies with the Council's guidance on gifts and hospitality, and agreed that no further action was necessary.

## 16 : FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

The Committee received an update on the Committee's statutory and general functions in relation to Community Councils which principally are the same as its responsibilities and duties for the County Council.

The Monitoring Officer confirmed that the Community Councils Charter fell within the remit of the Cabinet and not this Committee. A positive meeting had taken place on 12 March 2018 between the Leader and Community Council representatives to discuss the Community Councils Charter. The Community Councillor advised that the meeting with the Leader had been a significant step forward and that in June the Clerks would be meeting with the Monitoring Officer, with quarterly meetings scheduled thereafter.

The Chair was keen to work on engagement opportunities between the Committee and the Community Councils and advised that the six-monthly Member Briefing from September 2017 had been shared with Community Councils along with the Committee's last report on the Functions in Respect of Community Council to the last Committee and the 2016/17 Standards and Ethics Committee Annual Report.

It was also important for Committee Members to have a better understanding of the work of Community Councils by attending meetings and providing feedback to the Committee using the standard proforma. Contact details and dates of future meetings of each of the Community Councils was attached to the report. It was recommended that Members advise the relevant Clerk to the Community Council if they were attending a meeting as a matter of courtesy and in case a meeting changes for any reason. Clarification was requested on whether Community Council Clerks had seen the proforma. It was also recommended that Committee Members avoid attending Annual Meetings.

RESOLVED – That

1. The clarification of the functions and responsibilities in respect of the Council for Community Councils was noted and welcomed;
2. Committee Members liaise on attendances at forthcoming meetings of the Community Councils.
3. The Committee Observation Feedback form be circulated to all Community Clerks for their information.

## 17 : SOCIAL MEDIA GUIDANCE FOR MEMBERS

The Committee at its meeting in November agreed to review the Social Media Guidance for Members to check that it remained up to date and fit for purpose.

It was noted that the WLGA was preparing updated guidance to its 2013 Guidance and had also produced a draft guidance note for Councillors on 'Handling on-line Abuse' which had been circulated for information.

The Committee discussed the Committee's previous recommendation for Councillors to have two accounts to make clear when they are acting in a personal capacity or in the role of Councillor. Some concerns were raised that the distinction was not always clear and that the use of two separate accounts did not help Councillors to remember that they are bound by certain Code of Conduct rules at all times (even when acting in a personal Capacity). Also that some Councillors felt it was important to 'be human' to connect with the public personally.

RESOLVED – That

1. The recommendation in the guidance regarding the use of separate personal accounts should be changed to an option.
2. Any further comments on the Social Media Guidance for Members be provided By Committee Members to the Legal Officer by 16 April 2018.
3. To delegate authority to the MO in consultation with the Chair to finalise the guidance, having regard to comments from Committee members, and issue it to all Members.

#### 18 : WHISTLEBLOWING REPORTS 2017

The Committee, in accordance with its terms of reference, has responsibility to oversee and monitor the Council's Whistleblowing Policy and procedures and to consider ethical issues arising.

The Committee was advised of three whistleblowing reports notified to the Monitoring Officer in accordance with the policy during 2017. The Committee considered any matters relating to the process and governance or ethical issues arising from these reports. It was noted that one of the cases was ongoing.

The Committee noted the work with Senior Management teams on raising awareness of the procedure and the information available to employees.

The Committee also noted that a review of the Whistleblowing Policy was being scheduled and would be programmed into the Work Plan for 2018/19.

RESOLVED – That

1. The content of the report was noted;
2. It was noted that the Review of the Whistleblowing Policy would be programmed for a future meeting of the Committee in the 2018/19 Work Plan.

#### 19 : MEMBER BRIEFING

The Committee considered the topics and proposed content of the forthcoming Member Brief which would be issued to all Council Members and Community Councils.

The Independent Member who also sits as the Vice Chair of Audit Committee, provided feedback from discussions at the last Audit Committee on the Annual Governance Statement and what the Council does to support and enforce with Councillors the principles set out in the Cardiff Undertaking. The Monitoring Officer confirmed that each Member is required to reaffirm their commitment to the Cardiff Undertaking at the Annual Council Meeting and this includes all Councillors signing the Cardiff Undertaking.

It was suggested that the introduction to the new Members of the Committee be one of the first items on the Member Brief.

RESOLVED – That

1. The proposed topics and content of the Member Briefing were approved and comments of the Committee were noted;
2. The Monitoring Officer be given delegated authority in consultation with the Chair to finalise the brief for circulation to all Councillors and the six Community Councils.

#### 20 : MEMBERS CODE OF CONDUCT COMPLAINTS - QUARTER 3 OF 2017/18

The Committee received an update on complaints made during Quarter 3 from 1<sup>st</sup> October 2017 to 31<sup>st</sup> December 2017 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct. The Committee noted that there was one complaint made in the period.

It was noted that since the Local Election in May 2017 complaints about Members' conduct had significantly reduced with minor incidents being dealt with at the time to avoid any escalation and to ensure appropriate behaviours are maintained. This had been with the support of Leaders, Whips and the three new Councillors on this Committee who champion ethical standards; and the roll-out of a successful Member Induction Programme.

RESOLVED – That the contents of the report be noted.

#### 21 : WORK PLAN

The Committee received the revised Work Plan for 2018 and Members were invited to make comments and suggestions on the Work Plan.

The Committee was advised that the Standards Annual Wales Conference was scheduled for 14 September in Aberystwyth. Local Authorities would be invited to send two representatives.

It was noted that the Leaders and Whips had been invited to meet with the Committee for 30 minutes prior to the start of the next Committee.

RESOLVED – That the Work Plan 2018 was noted.

#### 22 : DATE OF NEXT MEETING.

The next programmed meeting was Wednesday 13 June 2018 at 5.00pm

The meeting terminated at 6.20 pm