

STANDARDS & ETHICS COMMITTEE

5 DECEMBER 2018

Present: Richard Tebboth (Chairperson)

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

Community Councillor Stuart Thomas

Councillors Cunnah, Sandrey and Williams

4 : APOLOGIES FOR ABSENCE

Apologies were received from Lizz Roe.

5 : COMMITTEE MEMBERSHIP

The Committee noted that Council on 21 June 2018 re-appointed Hollie Edwards Davies as Independent Member for a further term of office.

6 : DECLARATIONS OF INTEREST

No declarations of interest were received.

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7 : TERMS OF REFERENCE

The Committee noted that Council on 24 May 2018 agreed the Committee's Terms of Reference.

8 : MINUTES

The minutes of the meeting held on 28 March 2018 were approved by the Committee as a correct record and were signed by the Chairperson.

9 : 2017 MEMBER ANNUAL SURVEY

The Committee noted the results of the 2017 Member Annual Survey.

Members discussed the signposting of resilience training to Members. The Monitoring Officer advised that the matter has been discussed with Leaders and Whips and a number of suggestions were made. The Head of Democratic Services advised that a future survey will seek Members views on enhanced resilience training for Members.

A Member stated that two thirds of Councillors are men and reference has been made in responses to the 2017 survey to a 'laddish culture'. It was considered that delegating the issue to the All Parties Womens Group could potentially suggest that

the issue is a problem for women to deal with. However, it is a Council-wide issue and any response should be a Council-wide response. The Chairperson considered that the Members Survey was an exercise in evidence gathering and the referral to the Womens' Group was an extension of that evidence gathering exercise which may provide further insight and help keep the issue 'live'.

The Monitoring Officer agreed and asked Members to note that, whilst concerns remain, it appears that Members are now more willing to report these issues.

A Member stated that the annual Members Survey was not necessarily comparable with the Exit Survey, which Members completed at the end of a term in office. The Member noted the improvements that had been made since the Exit Survey, welcomed more regular monitoring and noted the survey also helped bring Standards and Ethics into the wider public consciousness.

The Chairperson considered that Members' conduct cannot be separated from their wellbeing, as additional stress may well result in inappropriate behaviour. Councillors are expected to be resilient and it was therefore important for Members to have avenues to discuss, share and address such issues. The Chairperson suggested that future Members Surveys should include a question specifically related to resilience and/or wellbeing.

RESOLVED – That the report be noted.

10 : MEMBER CODE OF CONDUCT COMPLAINTS - QUARTER 4

RESOLVED – That the report be noted.

11 : R (HARVEY) V. LEDBURY TOWN COUNCIL (2018) - CASE LAW UPDATE

RESOLVED – That the report be noted.

12 : ADJUDICATION PANEL FOR WALES - SANCTIONS GUIDANCE

The Committee received a report allowing Members to consider new Sanctions Guidance from the Adjudication Panel for Wales, which took effect on 1 September 2018. The Sanction Guidance was appended to the report.

Members were advised that the guidance aims to assist Tribunals to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to a breach of the local Code of Conduct. The Monitoring Officer stated that Committee Members would be referred to the guidance in the event of matters being referred to a hearing.

The Chairperson noted that where misconduct involves discrimination or where Members are intimidating officers, then the guidance recommends more punitive sanctions.

It was noted that the Guidance was not legally binding, that the law had not changed, and that the document constituted guidance only.

RESOLVED – That the report be noted.

13 : PUBLIC SERVICE OMBUDSMAN FOR WALES - ANNUAL LETTER 2017/18
FOR CARDIFF COUNCIL

The Committee received a report allowing Members to consider the Public Service Ombudsman for Wales Annual Letter 2017/18. The Monitoring Officer presented the report. Members were advised that the letter was positive for Cardiff, with fewer complaints being received during the year.

Members noted the low level of complaints both received and referred to the Public Service Ombudsman. Members asked whether the introduction of the local resolution protocol was having an effect. The Monitoring Officer advised that the protocol was initially introduced as a mechanism for dealing with Member on Member complaints, but it was amended last year to also include complaints from members of the public, with their agreement. Some complaints received are not code of conduct issues and do not constitute breaches of the code of conduct. Members were asked to note that complainants are able to go directly to the Public Service Ombudsman in the first instance. However, no complaints have been referred back to the Monitoring Officer from the Ombudsman. It was considered that the processes in place in Cardiff are good.

The Committee discussed the total number of complaints received in Cardiff being higher than other authorities. Members were advised that these complaints were service related and, as such, fall outside the remit of the Committee. Members agreed that the next Standard and Ethics Committee newsletter should include an article on the reducing number of complaints to the Ombudsman. The Monitoring Officer also agreed to review the guidance on the Council's website, although guidance is also contained on the Ombudsman's webpage.

RESOLVED – That:

- (1) The report be noted;
- (2) The Monitoring Officer review the 'how to complain' guidance published on the website;
- (3) The next Standard and Ethics Committee newsletter include an article on the Annual Letter 2017/18.

14 : MEMBERS' CODE OF CONDUCT COMPLAINTS - QUARTERS 1 AND 2 OF
2018/19

The Committee received an update on the number of Code of Conduct Complaints received during the period 1 April 2018 to 30 September 2018. Members were encouraged that only 1 complaint was received during the period. The Monitoring Officer advised that the investigation of this complaint was ongoing.

RESOLVED – That the report be noted.

15 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY ELECTED MEMBERS

The Committee were asked to note the register of the gifts and hospitality received by Members during the period from 1st October 2017 to 16th November 2018.

Members asked whether there has been any progress on the review of the Officers Hospitality register. The Monitoring Officer stated that this issue features on the Committee's Forward Plan. The Chairperson stated that this issue was also raised recently during at full Council. It was agreed that the Chairperson would write to the Councillor concerned to indicate that if the Councillor has any specific recommendations then he is invited to respond by writing to the Chairperson direct.

The Committee discussed the declaration of bus passes received by Members who serve as Non-Executive Directors of Cardiff Bus. The Monitoring Officer stated that those Members concerned have received clear guidance that the bus passes should only be used as a means of evaluating the bus services and should not be used as their main means of travel.

The Committee discussed the possibility of including additional information regarding the approximate value of any gifts and hospitality received within the Register. The Monitoring Officer agreed to review this issue and report back to a future meeting.

RESOLVED – That:

- (1) The report be noted;
- (2) That the Chairperson writes to Councillor Bale inviting him to clarify any specific concerns or suggestions in relation to the Council's arrangements for Officers Hospitality;
- (3) The Member Briefing to include a reminder of the duty to register gifts and hospitality received; and
- (4) The Guidance for Members Hospitality would be reviewed and reported to a future meeting.

16 : SOCIAL MEDIA GUIDANCE FOR ELECTED MEMBERS

Members were advised that the Welsh Local Government Association (WLGA) has recently issued Social Media Guidance for Councillors. Members were asked to note that the WLGA guidance was very comprehensive and well presented. It also has the advantage of being national guidance, having been produced in consultation with a wide range of bodies and individuals across Wales.

Members were asked to consider the WLGA Social Media Guidance and agree whether to circulate it to all Councillors and allow the existing guidance to lapse.

The Monitoring Officer agreed to provide further clarification of the requirement for Members to comply with the requirements of the Welsh Language Standards in terms of Councillors' social media posts.

RESOLVED – That:

- (1) the WLGA 'Social Media: A Guide for Councillors' be circulated to all Councillors and for the document to replace the Committee's existing guidance; and
- (2) the Monitoring Officer clarify the requirement of the Welsh Language Standards and the implications of the Standards for Councillors' use of Social Media.

17 : FEEDBACK FROM OBSERVATION OF COUNCIL MEETINGS

The Committee received feedback from observations at Council meetings. Community Councillor Stuart Thomas advised that he attended a Tongwynlais Community Council meeting. The proceedings were well structured and there were no concerns. The Chairperson stated that there has been a substantial improvement in the conduct at Council since the last election. The authority of the Chairman of Council is strong and good relationships are observable between members of different political parties. He encouraged Independent members to attend other Council meetings for observation.

18 : WORK PROGRAMME 2018/ 19

Members were asked to consider the Committee Work Programme 2018-19.

In terms of Member Briefings, the Committee discussed the scheduling of Member Briefings, which briefings were mandatory and engagement with independent Councillors.

The Head of Democratic Services advised that Democratic Services are currently reviewing Members Role Descriptions. The Committee requested that their views be sought informally via email and a report be brought to a future meeting once the review has been completed.

RESOLVED – That the Work Programme 2018-19 be approved.

19 : FREQUENCY AND PROGRAMMING OF FUTURE MEETINGS

Members discussed the frequency of meetings. Members agreed that there was some value in holding informal meetings, however, any informal meetings proposed also need to be purposeful.

RESOLVED – That the Committee revisit this issue at its meeting in March 2019.

20 : URGENT ITEMS (IF ANY)

No urgent items were received.

21 : DATE OF NEXT MEETING - 6 MARCH 2019 AT 5.00 PM

The next meeting of the Committee is scheduled to take place on 6 March 2019 at 5.00pm.

The meeting terminated at 7.00 pm