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AGENDA

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 6 MARCH 2019, 5.00 PM
Venue	COMMITTEE ROOM 2, COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Richard Tebboth (Chair) Councillors Cunnah, Sandrey and Williams. Independent Members James Downe, Holly Edwards Davies, Lizz Roe and Hugh Thomas. Community Councillor Stuart Thomas.

1 Apologies for Absence

To receive apologies for absence.

2 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 Minutes (Pages 3 - 8)

To approve as a correct record the minutes of the meeting 5 December 2018.

4 Elected Member Role Descriptions (Pages 9 - 18)

Report of the Head of Democratic Services.

5 Officers' Personal Interests (Pages 19 - 38)

Report of the Director of Governance and Legal Services and Monitoring Officer.

6 Officers' Gifts and Hospitality (Pages 39 - 52)

Report of the Director of Governance and Legal Services and Monitoring Officer.

- 7 Members' Code of Conduct Complaints - Quarter 3 of 2018/19** (Pages 53 - 56)
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 8 Observation of meetings** (Pages 57 - 62)
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 9 Work Programme 2019 - 2020** (Pages 63 - 66)
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 10 Urgent Items (if any)**
- 11 Future Meetings**

Davina Fiore
Director Governance & Legal Services
Date: Thursday, 28 February 2019
Contact: Kate Rees,
02920 872427, KRees@cardiff.gov.uk

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.

Standards and Ethics Committee Agenda - 13 June 2018

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

CYNGOR CAERDYDD CARDIFF COUNCIL



STANDARDS & ETHICS COMMITTEE:

06 MARCH 2019

REPORT OF HEAD OF DEMOCRATIC SERVICES

ELECTED MEMBER ROLE DESCRIPTIONS

Reason for this Report

1. To provide the Standards and Ethics Committee with the revised Role Descriptions for consideration and comment.

Background

2. Elected Members have a wide range of roles and responsibilities which they are expected to undertake, and Member Role Descriptions provide a framework and guidance on the responsibilities, purpose and range of activities that Members undertake.
3. Following the introduction of the Local Government (Wales) Measure 2011, the WLGA developed a set of generic role descriptions and person specifications for Elected Members. These were generic to any authority and made available as suggestions rather than prescription.
4. Cardiff Council on 19 December 2013 adopted the WLGA Framework Member Role Descriptions and Person Specifications (October 2012) without any amendments.
5. The framework was updated by the WLGA in collaboration with officers from the Member Support Officer Network (MSO) and the Scrutiny Champions Network and republished in 2015.
6. At its meeting in September 2017, the Standards and Ethics Committee considered the WLGA generic role description for a Standards Committee member and agreed it broadly reflected the role.
7. At its meeting on 01 October 2018 the Democratic Services Committee agreed to establish a working group to review the generic Role Descriptions and ensure that they reflected the roles undertaken by Elected Members in Cardiff and that they were fit for purpose.

Initial Progress

8. Democratic Services Officers reviewed the Welsh Local Government Association (WLGA) Role Descriptions and considered how the documents could be used to effectively support the roles of elected members of Cardiff

Council and those of the Independent Members, Registered Representatives and Lay Members appointed to the Council's Committees.

9. The review of role descriptions also required consultation with key officers, Committee Chairpersons and Committee Members. Initial versions of the Role Descriptions for the Standards and Ethics Committee were circulated to all committee members and the officers directly supporting the Committee following its meeting on 5 December 2018.

Feedback provided

10. A number of comments were received which included:

Chair of the Standards Committee:

- There is a mistake which has separated the following single role *“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 third bullet *'To demonstrate independence, integrity etc.'* could also be included in the member role description although this is similar to the second bullet beginning *'Participating in meetings'*.
- The last bullet regarding *community councils'* should, also be included in the member role description.
- Has the role description and the role of the committee been cross-referenced to ensure that they speak to each other. For example, the role description provides a focus on maintaining high standards of conduct of councillors and co-opted members, but the remit of the committee seems a bit wider as follows: *'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'*.
- The role descriptions do not cover the committee's responsibilities regarding whistleblowing: *'To oversee and monitor the Council's whistleblowing procedures'*, so need to consider whether to add this to the member of the Standards & Ethics Committee role description.
- Does the second bullet of *'Participating in meetings'* sufficiently cover the following remit of the committee, *“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”*

Member of the Standards and Ethics Committee

- The 'internal governance' roles listed in the Standards & Ethics Committee Members' role description seem equally relevant for inclusion in the Chair's role description.

Actions taken.

11. Both sets of role descriptions were updated to reflect the role of the Committee as stated in the Cardiff Council Constitution which then addressed the points listed above.
12. It should be noted that the content of the Chair of the Standards and Ethics Committee role description is in addition to that of the Member of that Committee therefore the repetition of roles is not required.
13. Attached as Appendix A, is the revised Chair of the Standards & Ethics Committee role description with the Draft Member of the Standards & Ethics Committee role description attached at Appendix B.
14. The Standards and Ethics Committee are requested to confirm that the attached Role Descriptions are fit for purpose.

Approval and Adoption of the Role Descriptions

15. The agreed role descriptions will be submitted to the Democratic Services Committee with a recommendation to endorse the updated role description and submit the role descriptions to Council for approval and adoption by March 2020.

Legal Implications

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

Financial Implications

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

Recommendations

29. The Committee is recommended to
 - a. Consider the revised role descriptions as set out in Appendices A and B and confirm that they are fit for purpose;
 - b. Recommend the revised Role Descriptions at Appendices A and B be submitted to the Democratic Services Committee for submission to Council for approval and adoption.

GP JONES

HEAD OF DEMOCRATIC SERVICES

08 January 2019

The following Appendices are attached:

- | | | |
|------------|---|---|
| Appendix A | - | Chair of the Standards & Ethics Committee Role Description |
| Appendix B | - | Member of the Standards & Ethics Committee Role Description |

Background Documents:

- [Welsh Local Government Association \(WLGA\) Framework Member Role Descriptions and Person Specifications 2015](#)

Chair of the Standards & Ethics Committee

Role Description

1. Accountabilities

- To Full Council
- To the Public
- To the Public Services Ombudsman for Wales
- Community Councils

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:
 - (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.
- (k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.
- To carry out such other duties and activities as may be required to further the objects of the Committee.

3. Values

To be committed to the values of the council and the following values in public office:

We are Cardiff



- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- To maintain the principles identified in [The Conduct of Members \(Principles\) \(Wales\) Order 2001 SI 2001 No.2276 \(W.166\)](#)
 - Selflessness
 - Honesty
 - Integrity and Propriety
 - Duty to Uphold the Law
 - Stewardship
 - Objectivity in Decision-making
 - Equality and Respect
 - Openness
 - Accountability
 - Leadership

Member of the Standards & Ethics Committee

Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Standards & Ethics Committee
- To the Public
- To the Public Services Ombudsman for Wales
- Community Councils

2. Role purpose and activity

- **Understanding the nature of the Standards committee and effectively fulfilling its roles and functions as listed in the Cardiff Council Constitution:**
 - (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.

(k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.

- **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
- 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.

- **Internal governance, ethical standards and relationships**

- To ensure the integrity of the committee's decision making and of their 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

- To carry out such other duties and activities as may be required to further the objects of the Committee.

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
- To maintain the principles identified in [The Conduct of Members \(Principles\) \(Wales\) Order 2001 SI 2001 No.2276 \(W.166\)](#)
 - Selflessness
 - Honesty
 - Integrity and Propriety
 - Duty to Uphold the Law

- Stewardship
- Objectivity in Decision-making
- Equality and Respect
- Openness
- Accountability
- Leadership

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

OFFICERS' PERSONAL INTERESTS

Reason for this Report

1. To enable the Committee to review the Council's arrangements for managing officers' personal interests.

Background

2. All Council employees are obliged, under the Employees' Code of Conduct, to ensure that their private interests do not conflict with their public duties, and to comply with the Council's rules on the registration and declaration of financial and non-financial interests (paragraph 8(1) of the Code).
3. The Standards and Ethics Committee has responsibility to advise the Council on this issue, pursuant to paragraph (c) of its approved terms of reference:

“(c) To advise the Council on the effective implementation of [its Ethical] Code including such matters as the training of Members and employees on the Code's application.”
4. The Council's policy on Officers' Personal Interests and Secondary Employment, adopted in February 2015, says the Monitoring Officer is responsible for reviewing the policy, in consultation with the Standards and Ethics Committee, to ensure it is effective.
5. Members of the Committee have expressed an interest in reviewing the Council's arrangements particularly to ensure that senior officers' personal interests are managed transparently.

Issues

6. The Council should not interfere unnecessarily with the private lives of its staff, but it needs to have effective arrangements in place to ensure Council staff carry out their duties in a fair and unbiased way, without being influenced by their own personal interests.

7. The Council's Policy on Officers' Personal Interests and Secondary Employment aims to provide rules and guidance to help protect the Council and its staff from criticism, misunderstanding and any allegations of impropriety; and to ensure that any conflicts of interest are managed transparently. The Policy is appended as **Appendix A** to this report.
8. The Policy sets out the obligations imposed on staff by law; explains the types of situations where a conflict of interest will arise; outlines the respective responsibilities of staff and managers; and provides a procedure for the disclosure and management of personal interests and secondary employment.
9. Members will note that the Policy applies to all Council staff, which includes employees, agency workers, interim staff etc, on the basis that the same principles of fairness, propriety and impartiality apply irrespective of employment status, and the Council has a responsibility to ensure its business is conducted properly and in accordance with principles of good governance.

Senior Officers

10. Under the Policy, senior officers (defined as Chief Officers, Assistant Directors and above, in keeping with the definition of Chief Officers under the Localism Act 2011 and reflected in the Council's Pay Policy) are subject to additional disclosure requirements in the interests of transparency and accountability. Senior Officers are required to complete a Declaration Form giving details of any outside business interests, any companies or bodies owned or controlled by their spouse, partner or children (this is an audit requirement for the Council's Annual Statement of Accounts), and any other potential conflicts of interest. This information is held by the Monitoring Officer. Senior Officers are responsible for keeping their declared interests up to date, and annual reminders are also issued by Financial Services officers in preparation for the Council's Statement of Accounts.
11. Under the Freedom of Information Act 2000, every public authority must have a Publication Scheme, setting out the types of information it will proactively publish in the interests of openness and transparency. The model Publication Scheme issued by the Information Commissioner's Office, which has been adopted by Cardiff Council, says we should publish senior officers' business interests.
12. The Senior Officers' Personal Interests Declaration Form notes that information about outside business interests is likely to be made available to the public, as part of the Council's commitment to transparency and accountability. The Council's employment lawyer has advised that there is no legal consultation requirement but officers should be informed out of courtesy and invited to raise any concerns. This issue has been discussed with the Council's Senior Management Team and officers were fully supportive of publication.
13. The Committee is invited to recommend publication of Senior Officers' Outside Business Interests on the Council's website with effect from 1st April 2019. The records for 2019/20 held currently are appended at **Appendix B**.
14. However, it is recommended that exemption should be available for 'sensitive information' in the same way as is available to Elected Members under the

Members' Code of Conduct. Under the Members' Code of Conduct, sensitive information is defined as 'information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation'. If the Monitoring Officer agrees that information is sensitive information, it does not need to be published, but is instead recorded and held by the Monitoring Officer. It is recommended that the same provision should apply to publication of senior officers' business interests.

All Other Officers (Operational Managers and below)

15. All other officers (ie. Operational Managers and below) are required to disclose to their manager any personal interest which actually or potentially conflicts with their duties to the Council (and all secondary employment). The manager must then determine, in consultation with the staff member, whether an actual conflict exists, and if so, how that conflict should be managed (which includes the re-allocation of duties, if possible). There is also an appeals procedure for any staff member who is dissatisfied with how their case has been determined. Records of any conflicts of interest and secondary employment are held within each service area, and service areas are responsible for keeping these records up to date.
16. The Council's Audit and Human Resources teams have been consulted and have confirmed that they have no concerns with the current policy or its operation.
17. The Committee is invited to consider and comment on any other changes to the Policy. Members should note that the Monitoring Officer is authorised to make minor amendments to ensure the effectiveness of the Policy (paragraph 33(ii) of the Policy; and Cabinet decision February 2015, Minute 122.2), but any substantive changes will require further consultation with staff and Trade Unions and then a report to Cabinet for approval.

Legal Implications

18. The relevant legal provisions are set out in the body of the report and in paragraphs 9 to 15 (inclusive) of the Policy appended as **Appendix A**.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

1. Agree to recommend the publication of Senior Officers' outside business interests on the Council's website, with the exception of 'sensitive information' agreed as such by the Monitoring Officer in line with paragraph 13 of the report, with effect from 1st April 2019;

2. Consider and provide comments on any other suggested amendments to the Officers' Personal Interests and Secondary Employment Policy; and
3. Note that minor amendments to the Policy may be agreed by the Monitoring Officer, but any substantive amendments will require consultation with staff and Trade Unions, and approval by Cabinet.

Davina Fiore

Director of Governance and Legal Services & Monitoring Officer

27 February 2019

Appendices

Appendix A Officers' Personal Interests and Secondary Employment Policy

<http://vmweb22.cardiff.gov.uk/cis/documentuploads/01354/072460/28224/Officers%20Personal%20Interests%20and%20Secondary%20Employment%20Policy%20-%20May%202017.pdf>

Appendix B Register of Senior Officers' Outside Business Interests 2019/20

Background Papers

Standards and Ethics Committee report 'Officers' Personal Interests and Secondary Employment Policy', 21 October 2014

Cabinet report 'Officers' Personal Interests and Secondary Employment Policy', 19 February 2015



OFFICERS' PERSONAL INTERESTS & SECONDARY EMPLOYMENT POLICY

APPROVED BY	Cabinet
APPROVAL DATE	19/02/2015
DOCUMENT OWNER	Monitoring Officer

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INTRODUCTION

1. The public is entitled to expect the highest standards of conduct from all Council staff. In performing their duties, staff must act with integrity, honesty, impartiality and objectivity, as set out in the Nolan principles of public life.
2. The Council is committed to undertaking its work in a fair and professional way. Whilst the Council does not wish to interfere unnecessarily with its staff's private lives or activities outside of their contracted hours, it is essential that staff do not allow any private or personal interests, including interests arising from any other employment or business outside of the Council, to conflict with their duties to the Council.

Aim of this Policy

3. The aim of this Policy is to provide rules and guidance that will help to protect the Council and its staff from criticism, misunderstanding and any allegations of impropriety.
4. The Policy aims to ensure that all conflicts of interest are managed transparently, and that an officer's secondary employment does not undermine the performance of their Council duties in any way.

Scope - Who is covered by this Policy?

5. This Policy applies to all Council staff (including interim staff and school based employees other than teachers), irrespective of their employment status or grade.
6. Agency workers must comply with the requirements for disclosing conflicts of interests (paragraphs 16 to 24 of this Policy), but do not need to disclose any other work, unless that work also presents a conflict of interest.
7. The Policy is also commended to School Governing Bodies.

RULES and REQUIREMENTS

Key Requirements

8. All Council staff are required under this Policy to disclose:

- i) any personal interest which conflicts, or may conflict, with their duties to the Council;
- ii) any secondary employment; and
- iii) any financial interest in a contract with the Council.

Guidance on these requirements is set out below.

The Law

- 9. All Council employees are required to comply with the statutory Code of Conduct for Local Government Employees, which is embedded within the Council's Constitution and published on the Council's website (except teachers, who have their own Code of Conduct).
- 10. Under paragraph 8 of the Employees Code of Conduct, employees are under a duty not to allow private interests to conflict with their public duties and to comply with the Council rules on declarations and registration of interests.
- 11. The Code of Conduct is incorporated by law into the employment contracts of all Council employees, and failure to comply with the Code may result in disciplinary action.
- 12. Employees' contracts of employment also impose legal obligations in respect of any other employment (see paragraph 26 (i) and paragraph 27 below.
- 13. Council officers have a statutory duty (under the Local Government Act 1972, section 117) to give written notice of

any financial interest they may have in a Council contract (any contract which has been, or is to be, entered into by the Council). Failure to do so is a criminal offence.

14. The Council has a duty of care under the Working Time Regulations to monitor the number of hours worked by its staff.
15. Senior Officers (Chief Officers and above) are subject to additional disclosure obligations in respect of their outside business interests, to meet the legal requirements of the Council's annual Statement of Accounts (see paragraph 28 below).

Conflicts of Interest

16. You must not:
 - i) allow your private interests or beliefs to conflict with your professional duty; or
 - ii) misuse your position within the Council or information acquired in the course of your job to advance your personal interests or the interests of others.
17. In order to protect the reputation of the Council and its employees, you are required to formally disclose all potential conflicts of interest (as well as actual conflicts) – this means you must disclose any interest which may, or may be seen to, conflict with your Council duties, using **Form 1** (or for Senior Officers, Form 2). If you are unsure about a possible conflict of interest, you should seek advice from your line manager.
18. Private and personal interests include those of your close family and friends (that is, anyone with whom you have a close personal association), as well as those arising through business and financial interests and membership of clubs, societies or other organisations.
19. It is impossible to list every situation in which a conflict of interest may arise, as this will depend on the particular circumstances of each case, but guidance is given below.

20. You must formally disclose any links you may have (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner, contractor or employee) with an outside organisation which may:
- i) receive (or be applying for) grants or other benefits from the Council, IF you are involved in the grant allocation process
 - ii) work for the Council, or supply goods and services to it (or tendering for such work or preparing to do so)
 - iii) campaign, lobby or seek to influence the Council's policies
21. You must formally disclose:
- i) any regulatory applications made to the Council by yourself or any person or body with which you are associated, IF you have any connection or personal relationship with a member of staff within the relevant section dealing with the application
 - ii) any personal interest you may have in a matter being dealt with at the Council by yourself or a member of staff with whom you have any connection or personal relationship.
22. You must ensure that if you enter into a personal relationship with an Officer or a Councillor, who is able to apply influence to your benefit, you declare this to your line manager, to avoid accusations of favouritism and bias.
23. You must avoid:
- i) Involvement in any appointment decision or other decision relating to discipline, promotion, pay and conditions for any other employee (or prospective employee) to whom you are related or with whom you have a close personal relationship outside work. This includes appointments to, and employees of, Cardiff

Works. If you have any such relationship, you must disclose it to your manager and HR.

- ii) Acting as a professional representative on behalf of a friend, partner or relative in their dealings with the Council, except in relation to disciplinary or grievance proceedings so long as this does not conflict with your normal duties to the Council.

24. It is a fundamental principle that no related people should be employed in Council jobs where one is involved in the ordering of goods and services and the other passes the invoices for payment.

Private or Other Work, Business or Employment

25. You must not engage in any other work if there is a conflict of interest with the Council. Before you take up any other work, whether it is paid or unpaid, for yourself, other organisations or other parts of the Council, there are some rules which you must follow to ensure that this does not conflict with the interests of the Council or affect your ability and credibility to do your job.

26. You must:

- i) Formally disclose any other employment (whether inside or outside the Council) – this is a requirement of your contract of employment with the Council. You should note that the Council reserves the right to advise you that you may not carry out any additional employment, IF this may create a conflict of interest or health and safety / duty of care implications.
- ii) Ensure that any other work is done in your own time and not:
 - a) During Council time (or the contracted hours for that job)
 - b) Use Council property (including information which belongs to the Council), premises or equipment (other than for the job for which it has been supplied)

- c) When you are on sick leave (unless your manager has given written consent or you can demonstrate to the Council's satisfaction that this is reasonable)
 - d) When it may adversely affect performance of your Council duties (or your main job within the Council)
 - e) When it may be seen to be against the interests of the Council or reduce public confidence in the Council
- iii) Ensure there is no conflict of interest (please see paragraphs 16 to 24 above).
 - iv) Get formal written permission from your manager before you take up any (paid or unpaid) private work for any person or organisation that supplies, or is tendering to supply, goods or services to or from the Council or its contractors and suppliers.
 - v) Declare in writing to your manager any fees paid to you from outside bodies for any work you do in the course of your job and on behalf of the Council (for example, fees for a lecture). You should be entitled to retain any fees paid for work done during your own time.
27. Senior officers (Chief Officers, Assistant Directors and above), must obtain consent from the Council before engaging in any other business or taking up any other appointment – This requirement is imposed in their contracts of employment.
28. Senior officers (Chief Officers, Assistant Directors and above) must also disclose any companies or other bodies in which they, or a close member of their family, have control or ownership – This is an audit requirement for the Council's annual Statement of Accounts (and further advice on these audit requirements is available from the Technical Accountancy Team in Financial Services).

ROLES and RESPONSIBILITIES

29. It is important that everyone clearly understands their roles and responsibilities within this process.

Staff Responsibilities

30. All staff must:
- i) Consider whether their private and personal interests conflict, or have the potential to conflict, with their official duties; and avoid such conflicts wherever possible
 - ii) Formally disclose all actual or potential conflicts of interest
 - iii) Formally disclose all secondary employment
 - iv) Disclose any relevant changes as and when they occur.

Management Responsibilities

31. Managers must:
- i) Comply with the policy in respect of your own conflicts and potential conflicts of interest and any secondary employment.
 - ii) Facilitate compliance by your staff by being aware of the risks inherent in the type of work they do and monitoring the work of staff and the risks to which they are exposed.
 - iii) Forward any Form 1 completed by staff to your Operational Manager
 - iv) Report breaches of this Policy to your Operational Manager or next level of management (if appropriate), HR People Services and external agencies where appropriate.

32. Operational Managers and above – You must:
- a) Consider, determine and manage conflicts of interest and secondary employment of your staff
 - b) Ensure that records of disclosures under this Policy are kept, regularly reviewed and kept up to date.

Monitoring Officer Responsibilities

33. The Monitoring Officer will:
- i) Establish a system for managing conflicts of interest in the form of a clear policy for all staff to follow
 - ii) Review the Policy, in consultation with the Standards and Ethics Committee, and have authority to make any minor amendments, to ensure that it is effective
 - iii) Advise on any specific queries regarding the implementation of the Policy, as necessary
 - iv) Maintain a register of personal interests disclosed by Senior Officers.

HR People Services Responsibilities

34. HR People Services will advise on any employment or staffing issues arising from the operation of this Policy, for example, disciplinary action in the event of a breach.

PROCEDURE

What do I need to do?

35. You must complete Form 1* to disclose:

- (i) Any actual or potential conflict of interest – please note, you only need to disclose a personal interest if it conflicts, or may conflict, with your duties to the Council;
- (ii) any secondary employment – all secondary employment must be disclosed, inside or outside of the Council; and
- (iii) any changes in the above information, which must be notified within 28 days of the change.

You do not need to complete Form 1 in any other case.

[*Senior Officers, that is, Assistant Directors and above, must complete Form 2.]

36. The Operational Manager (or next level of management, where appropriate), in consultation with the staff member, will determine whether:

- i) a personal interest exists; and
- ii) the personal interest (if one exists) is such that there is a conflict with the staff member's duties,

And will notify the staff member of their decision within 10 working days from receipt of the Form ("the Decision Notification").

37. If it is determined that a conflict does exist, the Operational Manager (or next level of management, where appropriate) will need to assess whether there can be an adjustment of duties, or any other action should be taken, to avoid the conflict.

38. If it is not possible for management to readjust work duties or take other precautions to avoid the conflict, the staff member

will be notified within 10 working days from the Decision Notification (“the Conflict Notification”) and given the opportunity to appeal against this decision – see paragraphs 40 to 46, ‘Appeal Rights’ below.

39. Where a staff member declines to cease the activity pending the appeal, the Manager shall consider whether it is possible to agree a temporary reallocation of tasks to remove the conflict, failing which, the Manager may instigate a disciplinary investigation in accordance with the Council’s Disciplinary Policy, and will consider whether the staff member should be suspended from duty.

APPEALS

40. Where the Operational Manager (or next level of management, where appropriate) has confirmed that there is a conflict, the staff member shall have a right of appeal.
41. The staff member must indicate the grounds for their appeal e.g. that there is no personal interest or there is no conflict, and explain the reasons for their view.
42. The appeal must be submitted within 10 working days from the Conflict Notification (see paragraph 38 above).
43. The appeal will be considered by the next level of management within the Directorate, or by another Director, as appropriate.
44. The staff member will be contacted with the outcome of the appeal within 10 working days from submission.
45. If the appeal is not upheld and the conflict is still considered to exist, then the staff member will have the option of immediate cessation of the activity or resignation from their post within the Council.
46. If the staff member chooses to remain employed by the Council and it is found that the activity has not ceased then a Disciplinary Investigation will be instigated in accordance with the Council’s Disciplinary procedure.

OTHER GENERAL PROVISIONS

Data Protection

47. Information held in relation to this Policy will be managed in accordance with data protection law.

RELATED DOCUMENTS

Form 1 Declaration of Personal Interests and Secondary Employment
Form 2 Senior Officers' Personal Interests Declaration Form

Employee Code of Conduct

Code of Guidance Working Time Regulations

Disciplinary Policy

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**SENIOR OFFICERS’
REGISTER OF OUTSIDE BUSINESS INTERESTS 2019/20**

POSITION	NAME	OUTSIDE BUSINESS INTERESTS
Chief Executive	Paul Orders	<ul style="list-style-type: none"> • Millennium Stadium Plc, Director, appointed by Cardiff Council • Ysgol Gymraeg Bro Morgannwg, Governor • Cardiff University, Honorary Visiting Professor • Atebion Solutions Ltd, Director, appointed by Cardiff Council
Corporate Director, People & Communities	Sarah McGill	None
Director, City Operations	Andrew Gregory	None
Director, Economic Development	Neil Hanratty	None
Director, Education & Lifelong Learning	Nicholas Batchelar	SEWCTET, Board Member, in capacity as Director of Education of Cardiff Council
Director, Social Services	Claire Marchant	None
Director, Governance & Legal Services	Davina Fiore	None
Director, National Adoption Service for Wales	Suzanne Griffiths	None
Assistant Director, Housing & Communities	Jane Thomas	None
Assistant Director, Education & Lifelong Learning	Jacqueline Turner	None
Assistant Director, Street Scene	Matthew Wakelam	None
Assistant Director, Adult Services	Louise Barry	None
Interim Assistant Director, Childrens’ Services	Deborah Driffield	<ul style="list-style-type: none"> • Back Bone and Heart Consulting Ltd, Director • Driftwood Daze Ltd, Director
Head of Finance	Ian Allwood	Atebion Solutions Ltd, Company Secretary & Non-Executive Director, appointed by Cardiff Council
Chief HR Officer	Philip Lenz	None
Chief Digital Officer	Isabelle Bignall	None

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CYNGOR CAERDYDD CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

6 MARCH 2019

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

OFFICERS' GIFTS AND HOSPITALITY

Reason for this Report

1. To enable the Committee to consider the Council's rules and guidance in relation to gifts and hospitality received by officers.

Background

2. The Standards and Ethics Committee's terms of reference include the following:
 - a. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services.
 - b. To report to the Council on any matters of concern. 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.
3. The Employees' Code of Conduct, paragraph 8(2) states that:

"[Employees must comply with] any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying¹ employees must not accept benefits from a third party unless authorised to do so by their relevant authority."
4. The Committee reviews the Members' Hospitality Register on an annual basis; and has indicated that it would like to review the Council's arrangements for senior officers.

Issues

¹ 'Qualifying employees' is defined to mean all Council employees, except for teachers and firefighters, who are not statutorily bound by the provisions of the Employees' Code of Conduct, although the Code may be applied through their contracts of employment.

5. The Council has issued 'Guidance on Hospitality, Gifts and Other Benefits Received by Officers', which is attached as **Appendix A**.
6. The Guidance makes clear that any gift, hospitality or other benefit, which may place an officer under an improper obligation, or reasonably appear to do so, should always be refused. The guidance goes on to give examples of some scenarios where an improper obligation may arise (please see paragraph 6 of the guidance) and so should be refused.
7. Officers must obtain authorisation before accepting any gift, hospitality or other benefit from a third party organisation. The guidance grants a blanket authorisation for modest gifts and hospitality (please see paragraph 14 of the guidance). In all other cases, express authorisation must be sought from a Director (or above).
8. Any gift, hospitality or other benefit received which has an estimated value in excess of £25 must be registered. The £25 threshold reflects the threshold applied for registration of Members' gifts and hospitality. This threshold value was set on the recommendation of the Standards and Ethics Committee in October 2007, in line with the threshold set at that time for Members' gifts and hospitality by the Standards Board for England. The register is held by Democratic Services on behalf of the Monitoring Officer. The guidance states that the register will be made available for public inspection.
9. The Register of Officers' Gifts and Hospitality held by Democratic Services on behalf of the Monitoring Officer for 2018/19 is attached as **Appendix B**.
10. Under the Freedom of Information Act 2000, every public authority must have a Publication Scheme, setting out the types of information it will proactively publish in the interests of openness and transparency. The model Publication Scheme issued by the Information Commissioner's Office, which has been adopted by Cardiff Council, says we should publish the gifts and hospitality register.
11. The proactive publication of the register for senior officers' gifts and hospitality has been discussed with the Council's Senior Management Team, and officers fully supported this. It is recommended that 'senior officers' for this purpose should be defined to cover Chief Officers, Assistant Directors and above, in line with the rules on personal interests (please see Agenda item 4). The Council's employment lawyer has advised that there is no requirement for legal consultation in relation to publishing this information, provided the officers involved have been informed and given the opportunity to raise any concerns.
12. The Committee is invited to recommend publication of the Register of Senior Officers' Gifts and Hospitality on the Council's website, commencing with publication of the Register for 2018/19 and subsequent years with effect from 1st April 2019.
13. For non-senior officers, that is, Operational Managers and below, it is suggested that the registers should remain available for public inspection, but not proactively published. These officers do not have such significant decision making powers and would not reasonably expect the same degree of public scrutiny and accountability as senior officers. It is suggested that making their

registered entries available for public inspection is sufficient to demonstrate probity and accountability.

14. The Committee is invited to consider and comment on any other changes to the Council's guidance. Members should note that any substantive changes may require consultation with staff and Trade Unions.
15. Members may also wish to note that rules and guidance on the provision of hospitality to third parties is being developed by the Monitoring Officer's staff, in consultation with colleagues in Internal Audit; and a further report on this will be presented to Committee in due course.

Legal Implications

16. Under the Bribery Act 2010 there are a number of offences in relation to offering and accepting bribes intended to induce improper conduct. The Council's guidance aims to protect officers against any such allegations and provide public assurance of probity and propriety in the conduct of Council business.
17. Other relevant legal implications are set out in the body of the report.

Financial Implications

18. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

1. Agree to recommend the publication of the Register of Senior Officers' Gifts and Hospitality for 2018/19 and subsequent years on the Council's website with effect from 1st April 2019; and
2. Consider and provide comments on any other suggested amendments to the Council's guidance on officers' gifts and hospitality.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

27 February 2019

APPENDICES

Appendix A Guidance on Hospitality, Gifts and Other Benefits Received by Officers (with Officers' Registration Form)
http://vmweb22.cardiff.gov.uk/cis/documentsearch.php?search_text=&service_id=0&document_type=ALL&searchmode=EXECUTE&search_ref=1.cm.070

Appendix B Register of Officers' Hospitality, Gifts & Other Benefits 2018/19

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GUIDANCE ON HOSPITALITY, GIFTS AND OTHER BENEFITS RECEIVED BY OFFICERS FROM EXTERNAL ORGANISATIONS, BUSINESSES OR INDIVIDUALS

Introduction

1. This guidance is issued in accordance with the statutory Code of Conduct for Employees and is therefore relevant to Council officers to whom the Code of Conduct relates, including school based non-teaching staff. It sets out the threshold or minimum value level determined by the Council, which is **£25**.
2. **All hospitality, gifts and other benefits received by officers, which are estimated to exceed this value, must be notified to, and registered by, the Council's County Clerk and Monitoring Officer via Democratic Services.**

Definitions

3.

Term	Definition
Hospitality received	Any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to employees representing the Council in an official capacity or in the course of their duties as an officer of the Council. Hospitality received can include (but not exclusively) meals, travel opportunities, hotel accommodation, invitations to events, sport and theatre tickets.
Gift	Any tangible item given to an officer arising out of their official duties and position within the Council.
Other benefits	Any other benefit offered to an officer in the course of, or arising from, their official duties and position within the Council, not covered by the definitions listed above.

Statutory and Council Framework

4. Paragraph 8(2) – Personal Interests – of the statutory Code of Conduct for Employees (which is contained within Part 5 of the Council's Constitution) states that:

“[Employees must comply with] any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.”

Acceptance and Refusal

5. Whatever the value of the hospitality, gift or other benefit offered to an employee/officer, if its acceptance may place you under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused.
6. It is not possible to describe all the situations where an improper obligation may arise. However, these are some examples of circumstances in which offers to officers are likely to be seen as suspect:
 - The offer of hospitality, gifts or other benefits which do not appear to have any proper purpose connected with the Council (e.g. the offer of private holidays or the use of holiday accommodation; personal gifts of substantial value or other benefits offered to officers at substantially below the price they would normally be offered to the public);
 - Hospitality, gifts or other benefits offered to officers who are closely involved in discussions, or who will make recommendations or participate in decision making, relating to an external organisation, business or individual seeking to do business with the Council and, for example, is involved in negotiating a contract or the sale or acquisition of a property, or who has submitted a tender for a Council project;
 - Regular and repeated hospitality, gifts or other benefits which are offered or received from the same external organisation, business or individual;
 - Hospitality, gifts or other benefits offered where the officer would be the sole guest on an essentially private occasion;
 - Hospitality, gifts or other benefits offered for purely sporting or social occasions away from the Council's administrative area, where there would be no general expectation that the Council should be represented, nor any clear connection with Council business or functions.

It should be stressed that the above are examples only, and are not exhaustive. Each offer and its appropriateness should be considered on its merits and it will be necessary for officers to take a personal view

as to whether it is appropriate to accept it, subject to authorisation, as well as the need to avoid the appearance of any improper obligations to the external organisation, business or individual.

7. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered by an external organisation, business or individual, it is appropriate to accept unless there are circumstances which clearly suggest that an improper obligation may be seen to arise.
8. If, for example, the external organisation, business or individual offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many parts of the Council, all invitations during negotiations should be refused.
9. If, however, the issue is relatively minor and confined to one service area or a small group of individual officers, it may be appropriate for those officers not involved directly or unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council business or functions.
10. The offer of hospitality from other public bodies or organisations (e.g. UK Government, National Assembly for Wales, Welsh Government, Local Health Boards and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those officers who are offered hospitality, gifts or other benefits from such organisations would still need to consider whether acceptance is appropriate and likely to further the Council's interests. In addition, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting any hospitality, gifts or other benefits.
11. Officers may be offered gifts in the form of bequests by local residents, as a result of their undertaking official duties. This most often happens in the case of home care or residential care staff. Such offers of bequests should be discouraged wherever possible in order to avoid officers being subject to any accusations of impropriety and undue influence or persuasion having been brought to bear on the testator. However, if a bequest is made, then the acceptance of small bequests by officers, which represent only a minor proportion of the estate in each individual case, will generally be considered as acceptable, subject to appropriate authorisation by a senior manager.

Authorisation

12. Under the Code of Conduct for Employees, officers should seek authorisation before accepting any hospitality, gift(s) or other benefit(s).
13. It is the responsibility of the employee to register any hospitality, gifts or other benefits and to ensure that their line manager and/or senior manager are aware of this. Even if authorisation is given, employees remain under a duty to consider whether acceptance of the hospitality, gift(s) or other benefit(s) would place him/her under an improper obligation or be reasonably regarded as such, and whether they need to register its receipt.
14. Subject to paragraph 12 above, this guidance gives general authorisation for employees to accept the following hospitality, gifts or other benefits from third party external organisations, businesses or individuals without authorisation:
- Promotional or advertising items including pens, calendars, note pads, diaries, etc;
 - Small token gifts given to all or most participants at the end of an official visit by or to the Council or a properly authorised conference;
 - Modest gifts given by individuals to express gratitude for help given in the proper performance of official duties, where refusal would needlessly offend (e.g. bunch of flowers, box of chocolates, single bottle of inexpensive wine etc.), but repeated or costly gifts of this nature should be politely refused;
 - Hospitality offered as part of a conference or training event at which attendance has been authorised through the normal procedures;
 - Hospitality by way of meals offered at business meetings where it is necessary due to diary commitments or other pressing circumstances for the meeting to cover a normal mealtime. In such cases, the hospitality accepted should be of an appropriately modest scale below an estimated value of £25.
15. For all other occasions, the authorisation should be provided by an appropriate senior manager before employees accept the hospitality, gift(s) or other benefit(s) as set out below:

Employee	Authorised by:
Chief Executive	Corporate Director Resources <u>or</u> County Clerk & Monitoring Officer
Corporate Director Director	Chief Executive <u>or</u> Corporate Director

Employee	Authorised by:
Assistant Director <u>or</u> Chief Officer	Corporate Director <u>or</u> Director
Any other officer	Corporate Director <u>or</u> Director

Registration

16. Officers are required to register the acceptance and receipt of any hospitality, gifts or other benefits exceeding an estimated value of £25 for each occasion, item or payment.
17. If there is any doubt about whether the item exceeds the threshold value, you are advised to register its receipt. However, for the avoidance of any doubt, items below the threshold values do not need to be registered by officers. The threshold value will be reviewed by the Council as necessary and appropriate, in consultation with the Standards and Ethics Committee.
18. Employees should use the applicable Officer Registration Form ([4.C.034](#)), which must be completed and returned to the Democratic Services Manager for registration purposes. The register will be made available for public inspection.

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OFFICER HOSPITALITY DECLARATIONS

APRIL 2018 TO MARCH 2019

Date Form Received	Officer	Job Title	Provider of Hospitality/Gift	Nature/Purpose of Hospitality	Reason for Attendance	Authorising Officer
03/05/18	Paul Orders	Chief Executive	Rightacres	Property Awards	One Central Square project was shortlisted for an award	Christine Salter
03/05/18	Paul Orders	Chief Executive	Welsh Government	Dinner to celebrate launch of Qatar Airways flights from Cardiff to Doha	Council participation was requested by Welsh Government to mark the inaugural flight and to explore links between Cardiff and Doha	Christine Salter
06/06/18	Paul Orders	Chief Executive	Qatar Airways	Gala to celebrate launch of Qatar Airways at Cardiff Airport	Civic/senior officer representation required to strengthen links between Cardiff and a high profile Qatari delegation / business event	Christine Salter
11/06/18	Paul Orders	Chief Executive	No Fit State Circus	Welsh premiere of 'Lexicon' as part of Volvo Ocean Race stopover	Civic representation to mark No Fit State's contribution to Volvo Ocean Race	Christine Salter
14/06/18	Paul Orders	Chief Executive	Volvo Ocean Race	Celebration of achievement of sailors following Leg 9 to Cardiff	Opportunity to discuss with organisers views on the event and also future event possibilities	Christine Salter
05/10/18	Ken Poole	OM1	Arup Engineers	Networking lunch	Partnership working	Neil Hanratty
31/10/18	Victoria Rogers	Museum Manager	Community Foundation in Wales	Attendance at Wales v Scotland Rugby Match 3 rd November 2018	To meet potential donors and philanthropists, and to encourage support of major fundraising appeal	Kathryn Richards
10/11/18	Paul Orders	Chief Executive	Sam Warburton Testimonial Team	Sam Warburton Testimonial Dinner	Attendance was required in recognition of the Council's hosting of the event	Paul Orders
10/11/18	Paul Orders	Chief Executive	WRU	Wales v Australia (2 x tickets and pre-match reception)	Attended game in capacity as a director of Millennium Stadium Plc	Christine Salter

OFFICER HOSPITALITY DECLARATIONS APRIL 2018 TO MARCH 2019

Date Form Received	Officer	Job Title	Provider of Hospitality/Gift	Nature/Purpose of Hospitality	Reason for Attendance	Authorising Officer
11/11/18	Paul Orders	Chief Executive	Welsh Government	Lunch and Service for Remembrance Day	CEX representation was expected at this civic occasion	Christine Salter
10/12/18	Andrew Williamson	Contract Manager Prosiect Gwyrdd	Viridor Waste Management Ltd	Attendance at CIWM (Chartered Institute of Waste Management) Christmas Event	Networking event with other waste management professionals	Matthew Wakelam
10/12/18	Anna Rees	Contract Officer Prosiect Gwyrdd	Viridor Waste Management Ltd	Attendance at CIWM (Chartered Institute of Waste Management) Christmas Event	Networking event with other waste management professionals	Matthew Wakelam
15/01/19	Stephen Gerrard	Network Operations Team Leader	Smart Parking Ltd	Friday 9 th March 2019 – Train Tickets and Ticket for British Parking Association Annual Awards Dinner	Attending British Parking Association annual awards that Cardiff Council have been nominated for an award	Matthew Wakelam
15/01/19	Matthew Harrison	Civil Parking Project Officer	Smart Parking Ltd	Friday 9 th March 2019 – Train Tickets and Ticket for British Parking Association Annual Awards Dinner	Attending British Parking Association annual awards that Cardiff Council have been nominated for an award	Matthew Wakelam
16/01/19	Sarah McGill	Corporate Director People and Communities	Lightfoot Solutions	Business Dinner	Partnership working	Paul Orders
18/01/19	Paul Orders	Chief Executive	Lightfoot Solutions	Business Dinner	Partnership working	Christine Salter
13/02/19	Paul Orders	Chief Executive	Celtic Manor Hotel	Round table discussion and dinner	Discussion focusing on visitor economy moving forward with business tourism	Christine Salter
13/02/19	Paul Orders	Chief Executive	GMB	Retirement dinner for Ken Daniels after 50 year's service	Acknowledgement of contribution of a longstanding Trade Union Branch Secretary	Christine Salter

OFFICER HOSPITALITY DECLARATIONS
APRIL 2018 TO MARCH 2019

Date Form Received	Officer	Job Title	Provider of Hospitality/Gift	Nature/Purpose of Hospitality	Reason for Attendance	Authorising Officer
14/02/19	Christine Salter	Corporate Director Resources	GMB	Retirement dinner for Ken Daniels after 50 year's service	Acknowledgement of contribution of a longstanding Trade Union Branch Secretary	Paul Orders
14/02/19	Kay Hatton	Senior Civil Enforcement Officer	Chipside Ltd	Friday 9 th March 2019 – British Parking Association Annual Awards Dinner	Member of Chipside Moving Parking and Transport Group – to attend the awards ceremony that is being sponsored by Chipside and to support an award that Cardiff Council have been nominated for	Matthew Wakelam
14/02/19	Helen Jenkins	Section Leader Civil Parking	Chipside Ltd	Friday 9 th March 2019 – British Parking Association Annual Awards Dinner	Member of Chipside Moving Parking and Transport Group – to attend the awards ceremony that is being sponsored by Chipside and to support an award that Cardiff Council have been nominated for	Matthew Wakelam

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**STANDARDS AND ETHICS
COMMITTEE**

6 MARCH 2019

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 3 OF
2018/19**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 3 of 2018/19 (the period running from 1st October 2018 to 31st December 2018) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) 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;
 - 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; and
 - iii. 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',

(paragraphs (a), (c) and (g) respectively, of the Committee's terms of reference).

3. 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.
4. Complaints received during Quarters 1 and 2 of 2018/19 were reported to the Committee's last meeting, on 5th December 2018.

Issues

5. In Quarter 3, six complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer covering the period running from 1st October 2018 to 31st December 2018.
6. The table below shows the type of complaints received in Quarter 3 of this year and provides comparative figures for the previous 4 quarters.

	Q3 Oct, Nov, Dec 2017	Q4 Jan, Feb, Mar 2018	Q1 Apr, May, Jun 2018	Q2 Jul, Aug Sept 2018	Q3 Oct, Nov, Dec 2018
Total	1	2	1	2	6
Member on Member	0	0	0	2	3
Public on Member	1	1	1	0	0
Officer on Member	0	1	0	0	3
Community Councillors	1	0	0	0	0

7. Four out of the six complaints received during Quarter 3 related to one Member's activities in connection with a particular organisation:
 - (i) Two of these complaints were made by officers and submitted directly to the Ombudsman. The complaints alleged that the Member's activities breached a number of duties imposed under the Code of Conduct, including a failure to show respect and consideration for others, breach of equal opportunities, compromising the impartiality of Council staff, conduct which could reasonably be regarded as bringing the office of Member and or the Authority into disrepute, and improper use of the Member's position and Council resources. The Ombudsman decided not to investigate the complaints because he considered that the Member's activities amounted to a legitimate expression of views, protected as freedom of expression under the Human

Rights Act 1998; and therefore an investigation was not appropriate. The Ombudsman also found that the use of Council resources was unlikely to constitute a breach of the Code, or if it did, it was unlikely to warrant a sanction.

- (ii) The other two complaints were resolved informally by the Monitoring Officer. One was submitted by an officer and resolved by way of an explanation offered by the Member. The officer agreed no further action was necessary. The other complaint was submitted by a Member and alleged misuse of Council resources. This complaint was resolved by the Member offering an immediate apology and repayment of printing costs.

8. Details of the other two complaints received in Quarter 3 are as follows:

- (i) A complaint received from a member of the public alleging that a Member had been using a mobile telephone whilst driving, thereby committing a criminal offence. The complainant considered this to be a breach of the Member's duty to uphold the law; and to not bring the office of Member into disrepute. The complainant decided to refer the complaint to the Ombudsman. The Ombudsman found there was insufficient evidence of a breach of the Code.
- (ii) A complaint received from a Member regarding another Member's social media comments. The Monitoring Officer found that the comments were factual and based on information in the public domain; and therefore did not constitute a breach of the Code.

9. The single complaint received in Quarter 1 (made by a member of the public alleging intimidating and bullying behaviour by a Member) is still open. The Ombudsman's decision is awaited.

Legal Implications

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

Financial Implications

11. 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

26 February 2019

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarters 1 & 2 of 2018/19', 5th December 2018.

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**



STANDARDS AND ETHICS COMMITTEE:

6 MARCH 2019

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

**OBSERVATION OF COUNCIL, COMMITTEE AND COMMUNITY COUNCIL
MEETINGS**

Reason for this Report

1. To invite the Committee to consider the opportunities in 2019 for Members of the Standards and Ethics Committee to observe meetings of the Council, its Committees and the six Community Councils in Cardiff.

Background

2. The Committee has agreed that observation of Council, Committee and Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Committee of any issues relating to standards and conduct.
3. On 30 November 2016 the Committee considered and approved a feedback proforma for use by the Members of the Committee when observing meetings of Cardiff Council, its Committees and Community Councils. Members were asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.

Issues

4. All forthcoming Council and Committee meetings are listed in the calendar of meetings, which is regularly circulated to Standards and Ethics Committee members and is published on the Council's website, here <http://cardiff.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1&LLL=0>

5. Details of forthcoming Community Council meetings, as published on their websites, are as follows:

Community Council	Dates and Venue	Contact Details Community Council Clerk
Lisvane	To be confirmed	Haydn Davies clerk.lisvanec@btinternet.com
Old St Mellons	14 March (tbc), 7pm, Village Hall Second Thursday of every month	Neried Evelyn-Gauci clerk@oldstmellonscommunitycouncil.org.uk
Pentyrch	18 March, 7pm, Village Hall	Helena Fox clerk@pentyrch.cc
Radyr and Morganstown	21 March, 7pm, Old Church Rooms	Lynne Thomas clerk@radyr.wales
St Fagans	1 April , 7pm, Village Hall 2 May, 7pm, Village Hall	Andy Gowman stfaganscc@btinternet.com
Tongwynlais	To be confirmed	Nadine Dunseith clerk@tongwynlais.org

Before attending a Community Council meeting, Members are advised to contact the Clerk to confirm the meeting is going ahead and, as a courtesy, to inform the Clerk they will be attending.

6. The Feedback Proforma to record Members' feedback is attached as **Appendix A**.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to note the information in this report and agree to observe appropriate meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

25 February 2019

Appendix

Appendix A

Feedback Proforma

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	
Date:	

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	
Name plates/ identification of Committee; Witnesses and Officers:	
Ability to hear proceedings:	
Agenda and reports availability:	
Management of meeting:	
Clarity of decision making:	

Possible Code of Conduct/ Standards and Ethics Issues:

I agree that my feedback can be shared with the Council and/ or the Community Council (if applicable).

Name:	
Date:	

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CYNGOR CAERDYDD CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

6 MARCH 2019

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

WORK PROGRAMME 2019 - 2020

Reason for this Report

1. To consider the Committee's Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2019/20.

Background

2. The Standards and Ethics Committee's Terms of Reference set 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 the essential Code of Conduct session.
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 Work Plan for 2019/20 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and 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.

RECOMMENDATION

The Committee is recommended to consider the 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

25 February 2019

Appendix

Appendix A Work Programme V1.2 February 2019

Background Papers
Standards & Ethics Committee Annual Report 2017/18.

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2018/19

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Gifts and Hospitality <i>Frequency of reporting – annual</i>	(1) To monitor and review the acceptance of gifts and hospitality by Members; and (2) To consider the Council's procedures for the provision of gifts and hospitality by Officers.	Monitoring Officer	Medium	(1) Scheduled	(1) November (2) Next meeting
(2) 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	Medium	Ongoing	Quarterly
(3) Member Briefings <i>Frequency of briefing - twice a year</i>	To publish biannual Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Ongoing	Spring 2019
(4) Training <i>Frequency of monitoring - twice a year</i>	To consider refresher training on the Members' Code of Conduct	Monitoring Officer	High	Ongoing	As necessary.

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(5) Feedback from Observation of Council & Committee meetings	Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee	Independent Members of the Committee	Medium	Ongoing	On agenda
(6) Whistleblowing Policy <i>Frequency of monitoring – annual</i>	To monitor and review the operation of the Council's whistleblowing arrangements; and consider any ethical issues arising.	Monitoring Officer	Medium	Scheduled	Next meeting
(7) Officers Personal Interests	To review the Councils procedures for managing officers personal interests	Monitoring Officer / HR	Medium	Scheduled	On agenda
(8) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	Medium	To be scheduled	June 2019
(9) Annual Report	Prepare Annual Report	Committee Chair/ Monitoring Officer	Medium	Scheduled	June 2019
(10) Register of Members' Interests	Review of Form to consider including a section for registration of interests of close family members	Monitoring Officer	Medium	Scheduled	Spring 2019