

STANDARDS & ETHICS COMMITTEE

11 DECEMBER 2019

Present: Independent Members: James Downe (Chair),
Jason Bartlett, Hollie Edwards-Davies, Arthur Hallett and
Chrissie Nicholls

Councillors Sandrey and Williams

Community Councillor Stuart Thomas

47 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stephen Cunnah.

48 : DECLARATIONS OF INTEREST

The Director of Governance & Legal Services declared a potential conflict of interest in item 11.

49 : MINUTES

The minutes of the meeting held on 30 July were approved by the Committee as a correct record and signed by the Chairperson.

50 : WELCOME TO THE NEW INDEPENDENT MEMBERS

The Committee noted that Council on 28 November 2019 appointed Chrissie Nicholls, Jason Bartlett and Arthur Hallett as Independent Members of the Committee for a term of four years.

51 : OBSERVATION OF MEETINGS

The Committee considered the feedback provided by Committee Members following observation of meetings of Council and Community Councils.

The Committee discussed the benefits of name plates being available for Community Council Members to help members of the public feel more at ease and address their questions to the relevant Council Member.

The Committee noted that oral questions at Council are published in advance of the meeting and are available on the Council's website, however, believed that questions should be shown on screens to ensure context for members of the public present or watching, and if questions cannot be shown on screens, that the question be asked at the meeting before the answers are given.

RESOLVED:

- 1) To note the meetings observation feedback and responses received, as set out in appendices;

- 2) To continue to observe appropriate meetings of the Council, Committees and Community Councils and provide feedback to a future meeting of the Committee; and
- 3) Recommend to Constitution Committee that questions at full Council should be displayed on screens or read out orally at the meeting.

52 : MEMBERS' GIFTS AND HOSPITALITY REGISTER

The Committee noted the extract from the Register of Member's Hospitality, Gifts & Other Benefits for the period 17 November 2018 to 31 October 2019

The Committee noted that the value of some of the hospitality remains unquantified and discussed the need for an estimate to be provided if the precise value is unknown. The Committee discussed the means by which Members could be reminded of that; raising it with group leaders and whips and Member Briefings. The Committee did note that in respect of events attended by the Lord Mayor, it is much more difficult for an estimate to be provided.

Whilst the Committee discussed the current threshold for registration of gifts and hospitality, £25 and whether the figure should be increased, it was decided that it would not be amended.

RESOLVED: to note the information supplied in the appendices on registration of hospitality, gifts and other benefits received by Members.

53 : CODE OF CONDUCT COMPLAINTS QUARTER 4 2018/19, QUARTER 1 & QUARTER 2 2019/20

The report provided the Committee with an update on complaints made during Quarter 4 of 2018/19 and Quarters 1 & 2 of 2019/20 (the period running from 1st January 2019 to 30th September 2019) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct. Details of the complaints were set out in the report. During that period a total of ten complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.

The committee discussed the procedure for hearings arranged under the local resolution protocol and noted that Elected Members were unable to sit on such Hearings panels. A query was raised about legal advice for Elected Members, the Committee were advised that the political parties can provide support for their Members.

There was a discussion in respect of the manner in which low level complaints are dealt with, there could be discussion with Group Leaders and Party Whips.

The nature of complaints was discussed by the Committee bearing in mind the figures provided, in particular in relation to the number of Member on Member complaints.

A Member of the Committee expressed concern about having a discussion with the Party Whip, feeling that in most instances contact with the Monitoring Officer would be the best course of action.

The Committee discussed the number of complaints that arose as a result of Social Media. It was noted that the WLGA had issued updated guidance on the subject and it has been forwarded to all Elected Members.

RESOLVED: To note the content of the report.

54 : STANDARDS AND ETHICS COMMITTEE ANNUAL REPORT 2018/19

To enable the Committee to consider the content of its Annual Report 2018/19 before being presented to full Council in January.

RESOLVED:

- 1) To note the content of the Committee's Annual Report;
- 2) To delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report; and
- 3) That the Chair presents the Annual Report to Council in January 2020.

55 : FORWARD WORK PLAN 2019/20

The Committee discussed a number of items contained in the Forward Work Plan, during that discussion a number of points were raised:

- A log of Members Briefings is being maintained;
- Code of Conduct training has been provide for newly elected members;
- Refresher training will be provided if there are any changes;
- It was noted that the potential date of the Annual Meeting with Group Leaders and Whips was on a Wednesday afternoon. Wednesday is difficult for some Members of the Committee but it is hoped that all Members will be present;
- The results of the Members Survey will be provided to the Democratic Services Committee. The Committee noted that dates of the future meetings of that Committee will be provided.

RESOLVED: To note the content of the Work Plan.

56 : SENIOR OFFICERS' PERSONAL INTERESTS

The Director of Governance and Legal Services reaffirmed her conflict of interest in this item and left the meeting. The report was presented by the Deputy Monitoring Officer.

Members of the Committee previously expressed the view that Senior Officers should be subject to the same disclosure requirements that apply to elected Members, as they exercised significant decision making powers. Specifically, Senior Officers should be required to publicly disclose Trade Union membership and home addresses and this information should be published on the Council's website. The Committee were advised that Directors have indicated that they will not consent to publication of their Trade Union Membership as there are concerns that it would compromise their ability to negotiate effectively with Trade Unions on behalf of the Council. Further, in respect of home addresses, the Committee were advised that there were data protection, safety and employment law implications around the publication of home addresses and that the duty to protect employees outweighs any potential public interest arguments for the disclosure of Senior Officers' home addresses.

The Committee discussed the information provided and confirmed that they would accept the recommendation of the Deputy Monitoring Officer and take no further action, but suggested instead that the information contained in The Senior Officers' Personal Interests Declaration Form, save for information relating to a Senior Officer's Trade Union membership status and home address, be brought to the Committee annually for them to review.

The Deputy Monitoring Officer agreed to consult with the Senior Management Team (SMT) on this proposal and to bring a further report to Committee.

RESOLVED: to make no changes to the current disclosure requirements for Senior Officers' Personal Interests, and instruct the Deputy Monitoring Officer to consult with SMT on the information contained within the Senior Officers' Personal Interests Declaration Form, save for information relating to a Senior Officer's Trade Union membership status and home address, being brought to Committee on an annual basis as an exempt item.

57 : URGENT ITEMS (IF ANY)

No urgent items were tabled.

58 : DATE OF NEXT MEETING - 18 MARCH 2020

The next meeting of the Committee is scheduled for Wednesday 18 March.

The meeting terminated at 6.30 pm